

## CHAPTER 6

# BEYOND CONFLICT

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The northern conflict is now nearly 18 years old and during that time has extended its reach. Although the LRA may be weakened by the Sudanese peace process, there is no guarantee that a successful conclusion to the war in Sudan in itself will end the Ugandan conflict. Indeed, Kony has proved his ability to survive in the most hostile of environments, and could well continue to dispense his own particular brand of terror across northern and eastern Uganda indefinitely. While many informants believe that cutting off Kony's supply of arms from Sudan will help, this will not necessarily prevent him from continuing to wage war using less sophisticated weapons: "They don't need anybody's support to exist. They don't need guns to kill or terrorise people. They can kill or displace thousands with machetes, which they can steal from the same people."<sup>260</sup> Whether new peace initiatives will bear fruit largely depends on understanding and assimilating the successes and failures of previous efforts to end the war.

### **The limited success of previous initiatives**

Both military means and dialogue have been used by the government on different occasions to try to end the LRA conflict.<sup>261</sup> While some of these initiatives have achieved a measure of success, they have not ended the war. Many of those caught up within the conflict have therefore become despondent about reaching a peaceful resolution. While this does not mean that there is no hope for peace, it indicates that the government will need to work hard to gain public support for any kind of initiative to end the conflict – whether it be peaceful dialogue or military measures. One informant summarised a commonly expressed sentiment: "Military and peaceful means have been tried, and none have succeeded. One emphasises one, the other the other. The rebels are confused, the government is confused, and the Acholi people are confused."<sup>262</sup>

Dialogue initiatives were seen to have ultimately failed in ending the conflict primarily because of contradictory messages being sent by both the government and the LRA. The following comment exemplifies this widely held view:

The leaders establish contact and something was going on, then someone in government says, these are bandits! Get out in two weeks! These things are said in the press, on the radio, and it defeats the purposes of the effort ... If you tell your children to go and collect honey, you don't throw stones into the hive. That's what's happening. It cost the life of a very respected elder here.<sup>263</sup>

Although the government is frequently held responsible for the failure of dialogue among informants in northern Uganda, many people in the conflict zone acknowledged that Kony was also to blame: "Sometimes Kony calls for a cease-fire, and then he massacres many people. So people should be honest and know that it is not only Museveni who does not respect cease-fires."<sup>264</sup>

Previous peace talks have, however, yielded some positive results – achievements that can be built on in future initiatives. For instance the negotiations held by Betty Bigombe in 1994 were often referred to as having been the best opportunity for peace. As one religious leader said, "Betty – that one was almost through, but according to rebel commanders here, the problem was the Acholi people in government, people who didn't want Bigombe to get that credit, gave the wrong information to government."<sup>265</sup> As analyst Barney Afako points out, then minister Bigombe's involvement of community leaders in the north was crucial to gaining support among their constituencies for the peace process.<sup>266</sup> However, the eventual failure of the Bigombe talks is attributed to both the government's lack of firm political will behind a negotiation strategy and the LRA's recourse to Sudan for arms resupply. Furthermore, the talks at Awoo Nyim in 2001 highlighted that limited demilitarised zones and cooperation on the halting of looting could be achieved with the LRA through negotiations.<sup>267</sup>

At the same time, despite several military campaigns, the war persists. Operation North in 1991–1992, the government's first major military initiative in the northern conflict, neither defeated the LRA nor brought them out of the bush. Indeed, the operation caused a significant increase in civilian casualties as a result of both the NRA's "brutality and heavy-handedness"<sup>268</sup> and the LRA's retaliation against government-sponsored civilian militias. Although the campaign reportedly had "considerable impact on the LRA"<sup>269</sup> by weakening its command structure and operational ability, Operation North was profoundly unpopular among northerners following the arrest of 18 prominent local leaders (who were subsequently released without charge). Such lack of support reveals the importance of government gaining the backing of the population in any initiatives to end the conflict.

Most recently, the appalling increase in displacement and human suffering following Operation Iron Fist has heightened perceptions on the ground that the UPDF is incapable of defeating the LRA militarily. As one NGO worker summarised,

2002 was a disaster, with LRA attacks increasing vastly. It is true that there have been fewer attacks this year [in 2003], but 2003 was much worse last year in terms of the humanitarian situation. IDPs have gone up by 40%, many of whom are in new districts, malnutrition rates are higher, and thievery in the camps has gone up.<sup>270</sup>

Informants gave a number of reasons for these developments, some of which relate to perceptions of the UPDF discussed in Section 4. First, because the LRA is comprised overwhelmingly of abducted children, many believe that a military solution has not and will not be feasible because it would mean killing children en masse. As one IDP woman said, “When the planes [UPDF helicopter gunships] come, the rebels change uniforms, and give them to the children, and force the new abductees to put on the uniforms. So the planes bomb the children.”<sup>271</sup> Kony has created a war in which he has surrounded himself with abducted children, thus ensuring that conventional warfare military responses are closer to a massacre than a counter-insurgency campaign. Second, there is a widely held belief among people on the ground that certain elements within the UPDF are actively working against a resolution of the war as they are benefiting financially, as discussed above. Third, the “Sudan factor” was frequently cited as a major reason for the war continuing: the ease with which Kony is seen to obtain arms from within Sudan is viewed as a major obstacle to ending the war.

In sum, both negotiation and military initiatives to date have succeeded to a limited degree but have not yielded an end to the northern conflict. Indeed, in some instances initiatives have made the situation worse by angering Kony and fuelling his justification for using violence against the civilian population. New approaches are thus imperative, both in terms of putting full political backing behind dialogue initiatives, and in improving and focusing security strategies.

## **The challenge of leadership**

Leaders in the north have also made significant progress in trying to extract the population they represent out of conflict. The Acholi Religious Leaders Peace Initiative (ARLPI), for example, was founded in 1998 as a consortium of

Catholic, Anglican, Muslim and other religious leaders to engage Acholi society and the Ugandan body politic in finding a peaceful solution to the war. ARLPI's accomplishments include leading the fight for the passage of the Amnesty Act in 1999, training hundreds of local leaders in peace-building and conflict resolution, and "creating confidence and opening avenues of negotiations"<sup>272</sup> by acting as "Track 2" interlocutors between the conflicting parties. Other prominent northerners have also attempted to play a specific leadership role, particularly in ending the conflict. For example, the Acholi traditional chiefs (Rwodi) were formally reinstated in 2000 in an effort to further contribute to the peace process. The peace-building organisation ACORD has also been engaged in a traditional leadership revitalisation programme, and helped create two new structures to assist the peace process – the Council of Elders Peace Committee, headed by Okot Omony, and the Council of Chiefs, chaired by Rwot Acana.

Civil society groups have increased their activism, with 43 local and international NGOs working in the region forming a lobby organisation in 2001, the Civil Society Organisations for Peace in Northern Uganda (CSOPNU). Thus far, CSOPNU has issued a series of advocacy reports on the conflict, analysing the economic impact of the war and urging for increased dialogue and a variety of measures for greater national reconciliation.<sup>273</sup> In addition, politicians from Gulu, Kitgum and Pader have also become more visible in recent years on the subject to the conflict. For example, MPs Norbert Mao and Ronald Reagan Okumu are members of the government's Presidential Peace Team and have spoken out on numerous occasions, giving ideas for ending the war.<sup>274</sup>

However, in Gulu, Kitgum and Pader, interviews suggested that there was also dissatisfaction with the political leadership among much of the population for what they see as the use of public offices and positions for self-aggrandisement rather than working in the service of the electorate. According to an interviewee in Kitgum, "Our leaders have failed us. They don't understand the essence of leadership as a service to the people, but as an opportunity to enrich themselves and remain in power. That is why they don't support anybody's effort unless they are given credit for it".<sup>275</sup> As one international official with long experience with the conflict revealed, "The prospects for peace in the north are diminished because the political leadership is very weak in Acholiland. They are totally divided, which undermines progress in the peace process, and many of them aren't wanted by Kony [as part of the peace team]."<sup>276</sup>

In addition, there appears to be a lack of clarity in leadership roles on the ground, something that was alluded to in several of the interviews. Although

we were unable to gain the insight needed to fully analyse this issue, it is important to emphasise the need to address any underlying tensions that may exist, as a lack of clear leadership structures can too easily be translated into a lack of roles in any peace process. Indeed, the issue of leadership is clearly an area that needs further research.

## The Amnesty Act

A great many of those living in northern Uganda often cited the Amnesty Act<sup>277</sup> as the most positive development towards resolution of the conflict. In particular, it is seen to be compatible with Acholi dispute resolution mechanisms: “Culturally, people’s ideas of forgiveness are entrenched. They don’t kill people; they believe the bitterness of revenge does not solve the problem. So it was easy for people to accept the idea of amnesty. The culture is for compensation.”<sup>278</sup> As a religious leader said,

I’m very proud of the amnesty. Some people say you can’t give in to Kony. But when you look at the Acholi people, they believe in *mato oput*, which is a reconciliation ceremony here. In Acholi culture there is no death sentence, because they know that the death sentence increases violence. They practice that in their culture, so why not in this?<sup>279</sup>

Thus, there was a clear feeling that the amnesty is based on values that are seen as compatible with the context in which it is being applied.

However, the implementation of the Amnesty has been problematic for three main reasons. First, many abductees said they had no access to radios when they were with the LRA, and therefore did not know about the Amnesty. Others spoke of how Kony had told them that the Amnesty was a lie, and that they would be killed if they handed themselves in. Second, there was concern that the government was not doing enough to support the Amnesty. Public statements made by government advocating a military end to the war were seen to contradict the concept of amnesty. For instance, while President Museveni has repeatedly stated that the Amnesty does not extend to senior commanders of the LRA and that it will not be extended past April 2004,<sup>280</sup> there appears to be strong support within the commission itself for its extension.<sup>281</sup> As one informant asked, “Museveni has agreed for the Amnesty, but then he starts to talk of killing the rebels, of wiping them out. How can Kony know which one is true?”<sup>282</sup> Although public pronouncements have no legal

significance, they add to the suspicion with which the Amnesty is viewed – particularly among LRA fighters – and have created a lack of clarity among the LRA as to the scope and duration of the Amnesty.

Third, some informants expressed confusion about how the Amnesty Act relates to the Anti-Terrorism Act:<sup>283</sup> there is concern that the latter might somehow be in conflict with the former. The Amnesty Act was written to “pardon, forgive, exempt or discharge from criminal prosecution or any other form of punishment by the State.”<sup>284</sup> What this means is that a person who is “engaged in or engaging in war, or armed rebellion” for the purposes of influencing the government or the public for whatever reasons – political, religious or economic – would fall under the Amnesty Act. However, the Anti-Terrorism Act states that “a person who commits an act of terrorism ... for purposes of influencing the government or intimidating the public ... for a political, religious, social or economic aim” is criminally liable for those acts.<sup>285</sup> The dilemma here is to know which acts of war or rebellion are not affected by the provisions of the Amnesty Act. Bombs and weapons are clearly used in war for purposes of influencing the government and the public. So which actions or omissions of war or rebellion do not constitute terrorist acts? The key phrase in the Anti-Terrorism Act that reveals the differences between the two Acts is violence used “indiscriminately without due regard to the safety of others or property.”<sup>286</sup> On the face of it, there appears to be no substantive disagreement between the two. However, critically examined, persons engaged in war or rebellion against the government would be charged with crimes under the Anti-Terrorism Act. It will then be a question of evidence as to intention. Therefore, it appears that, legally speaking, the Anti-Terrorism Act limits the Amnesty Act because of the kinds of violence that it prohibits. Given the apparent contradictions between the two Acts, Ugandan civil society groups should seek statutory interpretation from the Courts of Law in Uganda for a full analysis.