CENTER FOR PEACE STUDIES

CHALLENGES IN CONFLICT RESOLUTION: CASE OF THE JUBA PEACE TALKS IN UGANDA (2006 – 2008)

by

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DEDICATION

To all the people who have dedicated tireless efforts to ending the war in northern Uganda.

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I thank God for enabling me to see this work through.

MAP OF UGANDA

Map No. 3862 Rev. 4   UNITED NATIONS
May 2003

Department of Public Information
Cartographic Section

* Gulu district was divided into Gulu and Amuru districts in 2006.

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LIST OF ABBREVIATIONS AND ACRONYMS

AFLI	Africa Leadership Institute
ARLPI	Acholi Religious Leaders Peace Initiative
AU	African Union
CECORE	Center for Conflict Resolution
CHMT	Secession of Hostilities Monitoring Team
CPA	Comprehensive Peace Agreement
CPEs	Complex Political Emergencies
CSOPNU	Civil Society Organizations for Peace in Northern Uganda
DDR	Disarmament, Demobilization and Reintegration
ECOWAS	Economic Community of West African States
ECF	Equatoria Civic Fund
EPRDF	Ethiopian People's Revolutionary Democratic Front
GoSS	Government of Southern Sudan
GoU	Government of Uganda
HSM	Holy Spirit Movement
ICC	International Criminal Court
IGAD	Inter-Governmental Authority on Development
IMF	International Monetary Fund
IDPCs	Internally Displace Peoples Camps
ISIS WICCE	Isis Women's International Cross Cultural Exchange
JPT	Juba Peace Talks
LRA/M	Lords Resistance Army/Movement
NAI	Nordic Africa Institute
NRM/A	National Resistance Movement/Army
NGO	Non-governmental Organization
NUPI	Northern Uganda Peace Initiative
RENAMO	Mozambican National Resistance
RUF	Revolutionary United Front
SADC	Southern African Development Community
SPLM/A	Sudan People's Liberation Movement/Army
UJCC	Uganda Joint Christian Council
UN	United Nations
UNITA	National Union for the Total Independence of Angola
UNLA	Uganda National Liberation Army
UPDA/M	Uganda People's Democratic Army/Movement
UPDF	Uganda People's Defense Forces
USA	United States of America

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ABSTRACT

The research investigated the reasons for the failed Juba peace talks between the Government of Uganda and the Lord's Resistance Army/Movement, mediated by the Government of Southern Sudan. Specifically the challenges faced by the different parties to the negotiations, the impact of the local, regional and international environment on the outcome of the peace process and the perspectives for a peaceful resolution of the conflict according to the three major actors

As noted, there have been varying views as to why the Juba peace talks failed. Previous studies have tended to be one-sided, focusing on the views of just one party to the conflict. No comprehensive study has been carried out - one that takes into consideration the views of the key players to the talks. The study was guided by the theory of Complex Political Emergencies (CPEs), and how the characteristics of CPE's present challenges when it comes to resolution of conflicts.

The field research focused on the two districts of Kampala and Gulu. The research was based on qualitative data collection, a case study approach which included; the purposive selection of respondents, in-depth interviews, audio-visual data, media monitoring and documentation. Data was solicited from 25 participants in the talks; 10 from the GoU, and another 10 from the LRA, and 5 members of the monitoring team.

Findings established that there were a number of challenges to the talks, challenges that were not met with strategies. The talks were also not located within the broader regional and international arena, and the study concludes by observing that more time should have been dedicated to the preparation for the talks. Sensitivity should have been given to the unique nature of the conflict, and this should have guided the best mode to tackle resolution of the conflict. The study concludes by recommending a more broadened approach to the resolution of the northern Uganda conflict - one that first addresses the security needs of the affected communities, as well as the reintegration of the rebels back into the communities, and a strategy that addresses spoilers to the peace talks, and children abducted by the rebels.

CHAPTER ONE

1.0   Introduction

Prevalent violent conflict on the African continent has been addressed by numerous scholars, advancing various reasons to explain the continuous conflicts on the continent. The scholars agree in their description of Africa as the least developed continent economically, yet the most conflict-prone politically (e.g. Adedeji 1999; Jackson 2000, 2002; Khadiagala 2006; Okoth & Ogot 2000; Taisier & Mathews 1999). What has been the main focus of these scholars is the shift in Africa's conflicts, from conflicts between states to conflicts within states – internal conflicts, civil wars, intra-state conflicts, or new wars (Kaldor, 1999).

In the post-independence period, statehood in Africa has been characterized by internal wars. "Every region has experienced armed conflict at some time since the early 1960's" (Busumtwi, 1999:259). Writing in 2002, Jackson observes how in the last 20 years internal conflict has occurred in half of Africa's states. "In mid-2001 serious internal conflict continued in Algeria, Western Sahara, Chad, Somalia, Sierra Leone, Senegal, Guinea, Liberia, Congo Brazzaville, Democratic Republic of Congo, Rwanda, Burundi, Uganda, Angola and the Comoros" (Jackson, 2002:30). This trend of events continues to-date and Africa has arguably had the most significant share of these conflicts (Souaré, 2009:369).

Conflict starts within the boundaries of a single state but fighting spills over into neighboring states; they are protracted over many years, involve multiple actors – from government armed forces, insurgents, militias, warlords and criminal gangs presenting a multitude of challenges and demanding different responses from the International community. Africa's conflicts have ranged from ideological conflicts, governance, to racial conflicts, identity conflicts, religious conflicts, and environmental conflicts. Also noted, is the employment of extreme means of pursuing conflict goals, such as extreme forms of violence. Violence is deliberately targeted at civilians, and at entire groups rather than individuals, and they present a complete blurring of the lines between war, organized crime, and large-scale human rights violations (Kaldor, 1999).

Internal conflicts in Africa have led to various outcomes; some have resulted in total state collapse as in Somalia or semi state collapse as in the Democratic Republic of Congo, others have led to secession (Eritrea). There have been civil wars where regimes have changed as in Liberia, warlord cases have been seen in Sierra Leone, and others have been temporary ceasefires as in Angola and Chad. Important to note however, is the forcible recruitment of children into these rebel armies. Examples of the *Interahamwe* in Rwanda, the LRA in northern Uganda, the National Union for the Total Independence of Angola (UNITA), RENAMO in Mozambique, and the Revolutionary United Front (RUF) in Sierra Leone demonstrate that children have increasingly become prey for rebel groups.

Perhaps the Great Lakes Region of Africa mirrors the complexity of internal wars, as wars in one country often spill into neighboring countries giving conflict a regional dimension. Conflicts in Burundi, Rwanda, Democratic Republic of Congo and Uganda have not only resulted in the death and suffering of millions, but have been transformed into regional conflicts – mostly through massive population displacement. In some cases rebels under the guise of refugees have used the country of asylum as their base, to regroup and mount attacks on governments in their country of origin. Conflicts in the region have also been characteristic of external support to various sides of the conflict; from neighboring countries, states within the region, former colonial powers, and super powers. Support has ranged from the harboring of rebel groups, to humanitarian assistance to victims, the provision of military, logistical and political support.

"Virtually every state in the Great Lakes Region has at one time supported rebels elsewhere and/or confronted movements with varying degrees of support from across the border" (Cliffe and Luckham, 1999:32). What merits mention is the role of neighboring states in the Democratic Republic of Congo. In August 1998 Rwanda and Uganda backed rebels against President Laurent Kabila, who in turn was defeated by troops from Angola, Zimbabwe, Namibia, Chad and Sudan. It has been noted that at the height of the war in the Democratic Republic of Congo, 7 national armies and over 20 fighting groups were operating inside the country. (Adelman and Rao, 2004:60).

Like other countries in the region, Uganda has for years been wrought with violent internal conflict. From when it gained independence from the British in 1962, Uganda's politics have been marked by civil unrest. "Uganda has experienced a long history of political upheavals, with military coups in 1971, 1979 and 1985, war in neighboring Tanzania in 1978-79, and civil war in 1981-85" (Nsubuga, 1999:15). Since the National Resistance Movement/Army (NRM/A) seized power in January 1986, there have been various insurgencies. It has been noted that within two years of Museveni's takeover, 27 different rebel groups were resisting the new government (Bond and Vincent 2002:354).

The northern Uganda based LRA has been fighting the NRM/A for twenty-two years, qualifying it as the longest rebel movement since the latter took power. Deviation from their earlier goal of representing the north against the NRM/A, turned the conflict into a brutal war in which civilians have been victimized. Atrocities committed by the rebels have been indiscriminate; as civilians have been assaulted, mutilated and murdered in the most atrocious ways. The violence used by the rebels makes it hard to decipher what the aims for the fighting by the LRA today are. As such, many analysts have ended up referring to the rebel leader Joseph Kony as a crazed lunatic. "Sometimes the nature of the Northern Uganda conflict is chalked up to the madness of its leader. However, the reported insanity of Kony is most notable because it demonstrated just how little understanding of the conflict there really is…even by academic analysts" (Vinci; 2005:361).

Military and peaceful attempts have, over time been made to try and resolve the conflict by a multitude of actors. The most recent efforts were initiated by the new Government of Southern Sudan as the mediator between the Government of Uganda and the LRA. The Juba Peace Talks started on 14[th July] 2006 in Juba, southern Sudan with the Vice-President of the Government of Southern Sudan – Dr. Riek Machar as the chief mediator. For the first time, direct talks between the government and an official LRA/M delegation were being held outside Uganda, and mediated by an outsider. The talks also managed to secure support from governments within the region as well as the international community, with the involvement of a number of stakeholders.

Unlike other past initiatives, the five agenda items agreed upon by both parties unveiled the core issues to the conflict. The agenda items were:

> 1) Cessation of hostilities
>
> 2) Comprehensive solutions
>
> 3) Accountability and reconciliation
>
> 4) Formal cease-fire
>
> 5) Disarmament, Demobilization and Reintegration.

The signing of the above agreements culminated into the Final Peace Agreement, which was to be signed by delegates from both sides. However the rebel leader Joseph Kony did not sign the agreement as planned. Numerous efforts to get him to sign the agreement have also proved fruitless.

My research deals with the reasons for the failure of the talks from the different perspectives of the three major actors in the negotiations: the GoU, the LRA/M and the GoSS. The study employed a holistic approach, one that integrates the views of all the key players into what could have gone wrong.

1.2 Objective

The objective of the study is to investigate the reasons for the failure of the Juba Peace Talks between the Government of Uganda and the Lord's Resistance Army, and to evaluate the possibilities for a peaceful resolution of the LRA conflict as a means of restoring peace in Uganda and region.

1.3 Research questions

a) What challenges did the parties to the negotiation process encounter?

b) What characterized the local, regional and international environment under which the peace talks took place, and how did it impact the outcome of the peace process?

c) What are the perspectives for a peaceful resolution of the conflict according to the three major actors?

1.4   Significance of the Research

In seeking to establish the reasons for the failed talks, the study sought to situate the treaty within the Great Lakes Region and global arena, analyzing the interests of the different parties to the talks and how this impacted on the outcome. The failed talks left a lot of unanswered questions for me, as well as for many Ugandans, regional and international observers, questions this study sought to answer. While there have been varying views as to why the talks failed, there has not been an integrated study – one that takes into consideration the views of the key players to the talks.

Conclusively, it is expected that this study will form the basis of empirical research and act as a guide for policy makers in the betterment of current and further efforts to resolve complex conflicts in Uganda, the region and African continent.

The study employed the qualitative method of case study. It was adopted because it is a useful mechanism to get an in-depth examination of a research problem, which included in-depth interviews, audio-visual data and media monitoring. This was to involve a segment of the general population, since the research sought for specific information about the failed peace negotiations.

This work is divided into six chapters. Chapter 1 is the general introduction; Chapter 2 is the Background: Chapter 3 is the Theoretical Framework, Chapter 4 is about Methodology; Chapter 5 is the Presentation and analysis of empirical findings and Chapter 6 is the Conclusion.

I am a Ugandan, born in Mpigi district; one of the central districts in the south of the country. I was raised, as well as received all my education in the capital of the country, Kampala. In August 2008 I travelled to Tromsø/Norway to pursue a Masters in Peace and Conflict transformation. This thesis is one of the requirements for the fulfillment of the degree.

CHAPTER TWO

2.0   Background

In 1907, Winston Churchill, who later became the Prime Minister of Britain christened Uganda the Pearl of Africa, after being fascinated by the beauty of the country. Though the name is still used today, Uganda's beauty and image have been tarnished by continued civil strife along ethnic, tribal, religious and regional divisions. It is a landlocked country located in East Africa with an area total of 91,136 square miles and a population of about 33 million people. Since it gained independence from Britain in 1962, Uganda's political arena has had a strong military character and armed rebellion has been the dominant way of settling political disputes.

Milton Obote, former Prime Minister and the first elected president of the country in 1962 was overthrown by his army commander Idi Amin, after a coup in 1971. Amin's eight year reign (1971-1979) saw the peak of violent politics in Uganda and could be summed up as a 'reign of terror'. In April 1979 Tanzanian forces joined with Ugandan rebels and drove Amin from the country. There after three provincial presidents – Yusuf Lule, Godfrey Lukonga Binaisa and Paulo Muwanga served before elections were held in December 1980. The elections saw Obote's return to power, however dissatisfaction following reports of electoral malpractice, and the marginalization of the *Acholi* led to a coup in 1985 and Museveni and the NRM/A took over the country in January 1986.

Among the different insurgencies that rose to fight Museveni and the NRM/A was the Lord's Resistance Army in northern Uganda. The LRA was not a sudden rebel group; instead it was a continuation of previous resistance groups such as the Uganda People's Democratic Army (UPDA), and the Holy Spirit Movement (HSM). Understanding the reasons for the failed 2006-2008 Juba peace talks between the Government of Uganda and the LRA therefore requires one to have background knowledge about the causes of the LRA conflict, the numerous past efforts to resolve the conflict, why these efforts have failed to end the conflict and why the conflict has gone on for over two decades.

2.1 The northern Uganda conflict

The rebellion started after Museveni took power in 1986. The power shift from Tito Okello (a northerner) to Museveni (from the southwest) was not taken well by the *Acholi*[1] who had dominated the civil service and national army, the Uganda National Liberation Army (UNLA) since 1962. Okello's expelled UNLA troops organized themselves into what they called the Uganda People's Democratic Army in southern Sudan, with the ultimate goal of defeating the NRA/M. They received support from the local population who feared that the shift in power would not spare them. "The Acholi feared that they would be marginalized by the NRA/M government which they perceived to be dominated by western Ugandans" (Otunnu, 2002:12). The UPDA rebellion was brought to an end through a combination of military pressure, amnesty and peace talks which led to the signing of the Gulu Peace Accord on 3rd June 1988.

Thereafter, another rebellion started under the leadership of Alice Abongowat Auma Lakwena, who considered herself a spiritual messenger with mystical powers. It has been asserted that entry of the HSM led by Lakwena into the conflict marked a fundamental transformation of the crisis from a conventional armed conflict to an insurgency rooted in spiritual concepts (Allen, 2006:28). The movement also received support from the northerners, but was defeated by the NRA/M in November 1987. Thereafter, Lakwena's father Severino Lukoya tried to rejuvenate the movement but his rebellion failed to gain support of the population and quickly dissolved. Elements of both the UPDA and HSM who failed to accept the HSM defeat turned to Joseph Kony, who consolidated them into what he called the Uganda People's Democratic Christian Army, changed to the Uganda Christian Democratic Army in July 1990 and to the Lord's Resistance Army in 1993.

Vinci (2007) argues that officers from the previous regime were attracted to Kony's movement to avoid accountability for atrocities they had committed as part of the government army and then as anti-NRM insurgents. Which would explain why in the beginning the LRA only targeted government fighters, but failure to gain support from the wider *Acholi* community forced them to turn against civilians in the north. Kony

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[1] The Acholi are an ethnic group from the districts of Gulu, Kitgum and Pader of northern Uganda, as well as Southern Sudan. The area occupied by the Acholi is commonly referred to as Acholiland.

complained about being betrayed by the *Acholi*, who he claimed had sent him out to fight, and instead deserted him. He then resorted to forced recruitment of young people, and those who resisted abduction were brutally killed. He also spread the LRA operation from the districts of Gulu, Kitgum and Pader (to which it had been limited), to the east of the country, in the eastern districts of Lira, Apac, Kaberamaido, Katakwi and Soroti in search for logistics (refer to map on page IV).

With increased pressure from the Ugandan defense forces in 1992, the rebels were forced to move their base into southern Sudan. And after the Nairobi agreement of 2002 the UPDF were allowed to pursue the LRA into southern Sudan, consequently forcing the rebels out of southern Sudan. In 1996, the government attempted to isolate the rebels by moving people into camps. The Internally Displaced People's Camps (IDPCs) were criticized by analysts who described them as a nightmare, due to the lack of basic services; they further generated intense opposition to the government among the northern population, who saw it as a move by the GoU to wipe out the *Acholi* community. Other consequences of the war have been; death, gross human rights violations, destruction of the culture and social fabric of the *Acholi* society, destruction of infrastructure, paralysis in economic activity, and a general socio-cultural breakdown.

Today northern Uganda is the least developed region within Uganda, with an estimated 63% of the population living below the poverty line in 2003 (Nannyonjo, 2005:474). Towards the end of 2004, the government referred the conflict to the International Criminal Court (ICC), and in 2005 the ICC issued arrest warrants for the five top commanders of the LRA. This coincided with the signing of the Sudanese Comprehensive Peace Agreement between the Khartoum government and southern Sudan in 2005, forcing the rebels to relocate from Sudan to the Garamba National Park in northeastern Democratic Republic of Congo and becoming part of a more complex and intertwined regional conflict.

2.2   Causes of the Conflict

The LRA rebel onslaught has been preceded by a long period of violent politics in Uganda. Analysts have demonstrated the crucial way in which Uganda's violent history

is linked to the insurgency. The causes of conflict will therefore be looked at along with an analysis of what has sustained the conflict over the years.

Since post-colonial rule, militarism has been the dominant trend in Ugandan politics, characterized by in-fighting and factionalism among the country's political elite which undermined the country's fragile social fabric. As successor governments sought revenge on soldiers and civilian populations associated with ousted regimes, the aggrieved, who did not have channels to express their grievances resorted to armed rebellion as the only way to address dissatisfaction. The rebellion in the north was seen as a part of the normal course and continuation of political business. Museveni's seizure of power in January 1986 ousted General Tito Okello an ethnic *Acholi* from the north, something that was taken hard by the northerners.

The conflict is a continuation of the regional divide between the north and the south of the country. The north-south divide is traced back to pre-colonials structures, and the divide and rule policy employed by the British only made it worse. In a bid to govern and effectively exploit their colony, the British sought out partners from among the local ethnic groups, and in elevating one group above the others created bounded groups that fostered regional divisions. They pursued a policy of recruiting the armed and security services (including the police) largely from northern Uganda and north-eastern Uganda while administrative cadres were mainly drawn from southern Uganda. The rebellion is therefore a continuation of the ethnic competition between the northerners and the southerners. Old struggles have only changed leadership over the years, and as old grievances have taken on new ones the divide has only gotten more pronounced.

For twenty-two years (1962-1986) since the country gained independence, power had been in the hands of the 'northerners' (Kasaija, 2006:183). The NRM seizure of power in 1986 meant that for the first time power (economic, political and military) was shifted to the South. "With the final defeat of the UNLA forces in March 1986, the Acholi for the first time were completely divorced from state power" (Doom and Vlassenroot 1999:13). Therefore the ultimate reason for the start of the insurgency and all the previous

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insurgencies in northern Uganda was the desire for the northerners to capture power from the NRM/A (southern government) that they lost in January 1986.

Regionally, the Khartoum government of Omar al-Bashir has been a key player in the conflict, throughout the 1990s, as the rebels benefited from the bad relations between the Sudan and Uganda government. Support from the Khartoum government to the rebels ranged from arms supplies, communication equipment, training, intelligence on Ugandan military activities and assistance in setting up bases in southern Sudan. In exchange, Khartoum used the LRA to destabilize its southern region and fight the SPLA, and in return the Uganda government funded as well as supported the SPLA. "The SPLA/M has received military support from the Uganda government in the form of military training; logistical support, military hardware and Ugandan combat troops" (Nyeko & Lucima, 2002:23). The 1999 Nairobi agreement between Sudan and Uganda was supposed to have ended these proxy relations, but the Khartoum government is rumored to still be supporting the LRA to-date.

The northern conflict, even though fought locally has had international dimensions. "Worldwide flows of imagery, weaponry and humanitarian aid have become entangled with local socio-political realities" (Finnström, 2006:12). The military support received from the USA by the Uganda government as well as the SPLA has been noted as a crucial factor in the continuation of the war. "Both the Uganda government and the SPLA received military and political support from the USA, a move that was used to in part to check the influence of the Islamic government in Khartoum…"(Otunnu, 2002:13).

2.3   Past Peace Initiatives

There have been several attempts to end the LRA rebellion. While some of these measures have achieved varying measures of success; they have not succeeded in ending the war. The first commendable effort was undertaken by Betty Bigombe in late 1993 and early 1994. Bigombe was serving as Minister for Northern Uganda then, and managed to initiate direct talks with the LRA, what has been referred to as the Pagik initiative. "The first face-to-face negotiations between the LRA and government representatives took place on 25th November 1993 at Pagik, in the Aswa region of Gulu" (O'Kadameri,

2002:37). However, efforts ended abruptly when the president issued a seven day ultimatum for the LRA to surrender.

Other efforts have been undertaken by *Acholi* elders who attempted to restart the talks. "On 10 March 1996, the Rwot Achana led a delegation of forty people, twenty rwodi (hereditary chiefs) and twenty elders to meet President Museveni at his home in western Uganda asking that he accept 'that we continue to talk to them (i.e. the LRA) for peace" (O'Kadameri, 2002:41). These efforts ended disastrously with the death of some elders at the hands of the LRA. The first international peace efforts in 1996-1998 were undertaken by *Acholi* in the diaspora, who convened a "Kacoke Madit' (a big meeting of the *Acholi*) in London. This effort involved representatives from the civil society, the government as well as the LRA to discuss the conflict and its consequences. These efforts were launched at the same time with efforts by the Community Sant'Egidio of Rome headed by Professor Fabio Riccardo, as well as the NGO Equatoria Civic Fund (ECF) headed by a Sudanese *Acholi* and Kenya-based University lecturer. These efforts also collapsed due to difficulties within the LRA/M (Obita, 2002).

The Carter Center used a regional approach that aimed to restore relations between Uganda and Sudan, this approach sought to include both the LRA and the SPLA. "The Carter Center's goal was to restore bilateral relations by holding talks between the four warring parties…Therefore Bashir, Museveni, Garang and Kony would all need to be involved" (Neu, 2002:48). These efforts were frustrated by Kony's lack of confidence and trust in the process and within the mediation team, forcing them to end abruptly. Also noted has been the role of religious leaders, Women's organizations and other civil society organizations in the fight to end the war in northern Uganda.

In late 1999 the Ugandan parliament passed a blanket amnesty in an effort to end the war. The Amnesty Act of 2000 therefore serves to grant amnesty to all individuals who took up arms against the government. The Act enables those who have been previously involved in rebellion renounce their involvement and return to live among the communities. "Combatants throughout Uganda have used the Amnesty Act, and under its

provisions around 14,000 have disarmed, including approximately 8000 from the LRA"
(Otim & Wierda, 2008:22).

2.4   The Juba Peace Talks

In 2006 the Government of Southern Sudan offered to mediate peace talks between the
LRA rebels and the Uganda government. The talks were referred to as the Juba Peace
Talks, mediated by the Vice President Dr. Riek Machar. The venue for the talks was the
Juba town of southern Sudan. The talks were being supported by the United Nations
(UN) and the African Union (AU), thereby underscoring the international significance of
the process. Indeed, the UN Secretary General appointed HE Joachim Chissano, former
President of Mozambique, as Special Envoy to the peace talks. Also involved in the talks
were a team of envoys from five African countries – Kenya, Tanzania, Mozambique,
South Africa and the Democratic Republic of Congo.

Despite their abrupt and bumpy start, the negotiations gradually matured into a formal,
structured process which saw the signing of the five agenda items:

I   - Cessation of Hostilities Agreement (26th August 2006)

II - Comprehensive Solutions (2nd May 2007)

III – Accountability and Reconciliation (29th June 2007)

IV – Permanent Ceasefire (23rd February 2008)

V – Disarmament, Demobilization and Reintegration (29th February 2008)

The talks were concluded with the drawing up of a final agreement in April 2008, which
was to be signed by the leaders of the negotiating sides. The LRA leader Joseph Kony on
two occasions failed to appear for the signing of the final peace agreement in April and
May 2008. In December 2008 the governments of Uganda, DR Congo and Southern
Sudan with the backing of the USA undertook a military operation against the LRA.
Operation Lighting Thunder as it was called was poorly planned and failed to surprise the
rebels who responded by ordering massive attacks on civilians in DR Congo. In March
2009, the Ugandan Army ended the offensive after failing to capture the top LRA
commanders who continue to wreck havoc on communities in the region.

CHAPTER THREE

3.0   Terms and Concepts

The following terms and concepts are used across the whole thesis:

Conflict: conflict is a struggle, between individuals or collectivities, or even values or claims to status, power and scarce resources in which the aims of the conflicting parties are to assert their values over those of others" (Goodhand and Hulme, 1999:14).

Negotiation: is the process whereby parties within the conflict seek to settle or resolve their conflicts; it is a voluntary process in which the parties retain control over the outcome, although it may include positive and negative inducements (Ramsbotham et al, 2005:21-22).

Mediation: is the intervention into a dispute by an acceptable, impartial and neutral third party who has no authoritative decision making power to assist the disputing parties in voluntarily reaching their own mutual settlement (Moore, 2003). Mediation is intended to help the adversaries to negotiate an agreement themselves, but not to impose an agreement on them.

According to Carnevale (1986), there are four fundamental strategies available to a mediator: integration which involves efforts to find a solution within the region of common ground; pressing which involves efforts to reduce the set of non-agreement alternatives; compensation which involves efforts to enhance the set of agreement alternatives; and inaction which involves letting the disputants handle the controversy by themselves.

Kriesberg (2007) focuses on the different activities that can be undertaken by a mediator, the mediator is the soul behind the negotiation process. Besides providing an avenue through which parties to a conflict can communicate, they should take on the role of ensuring that the negotiations bring about a sustainable resolution of the conflict.

Peace: Peace here is understood in its negative sense as the absence of war. In the Uganda and LRA particular context, peace is understood as the settlement of the protracted conflict through mutual consensus and end of the persistent feeling of enmity by using third parties.

Peace building: refers to action to identify and support structures which will tend to strengthen and solidify peace, in order to avoid a relapse to conflict (Ghali, 1994)

Peace process: refers to the mediation efforts conducted to end the LRA conflict. Special focus is on the Juba peace talks.

Reconciliation: refers to the process of ending disagreement and the start of a good relationship again.

Resolution: is a social situation where the armed conflicting parties in a (voluntary) agreement resolve to peacefully live with and/or resolve their basis incompatibilities and hence force cease to use arms against one another" (Wallensteen, 2002)

3.1   Theoretical Framework

The current post cold-war context has seen an increase in internal conflicts, or civil wars. These conflicts are usually confined within nation-state boundaries, have multiple causes, are of longstanding duration, with serious humanitarian implications and are hard to resolve. Pankhurst reiterates this by observing that "the multi casual nature of internal conflicts tends to create exceptional difficulties in reaching a peace settlement at all, but it also makes agreeing to the terms of a truth process highly problematic" (Pankhurst, 1999: 244). Therefore, if a sustainable resolution is to be reached, policy makers must give attention to the nature of the conflict, its context, causes, actors, effects, as well as which method of conflict resolution is most likely to be successful in their resolution.

This chapter presents the background and major characteristics of the concept of Complex Political Emergencies (CPEs). Understanding the concept of CPEs is a necessary prerequisite as it can be used to determine the best mode of settling a given

conflict, as a step towards sustainable peace especially after large scale violent conflict. I present the theoretical concept of CPEs according to the five major characteristics identified by scholars; conflicts within and across state boundaries; political origins, protracted duration, use of violence and social cleavages. I have chosen CPEs as my analytical tool because it addresses the very features of the LRA conflict; more so how these features have been stumbling blocks to the resolution of the conflict. However, there are other relevant features which the theory does not address at all, features which could become major challenges during negotiations to resolve conflict.

Therefore, in the analysis of my first research question (1.3a) I shall supply the theoretical framework with other insights to include the use of child soldiers in civil wars, and the involvement of many actors – especially spoiler problems during conflict resolution efforts and the dynamics of these changes. In the analysis of my second research question (1.3b) I shall use the theoretical insights addressing regional and international dynamics in which the conflict is set, as presented in section 3.3.8. Each section will end with an assumption related to the LRA conflict, which will be used in the presentation and analysis of findings.

3.2   Complex Political Emergencies (CPEs)

The term CPEs is ambiguous and scholars have debated on the differentiating factors between complex political emergencies, complex emergencies and complex humanitarian emergencies. The above terms are sometimes used as different concepts, while at other times they are used synonymously. Thus, in its failure to attain a proper definition, various approaches have been used in the understanding of CPEs - Goodhand and Hulme note that "there are a variety of different analytical approaches towards understanding CPEs and no single explanatory model is capable of capturing the complex reality of their 'rich and unruly experience" (Goodhand and Hulme, 1999:15).

The United Nations Office for the Coordination of Humanitarian Affairs defines CPEs as "…a humanitarian crisis in a country, region or society where there is total or considerable breakdown of authority resulting from internal or external conflict which requires an international response that goes beyond the mandate or capacity of any single

agency and/or the ongoing United Nations country program" (Keen, 2008:2). The term is relatively new and was first used in reference to civil wars in the twentieth century. "The term was coined as a 'neutral' metaphor to civil wars, used originally to describe the situation in Mozambique and Sudan, its usage mushroomed with the massive expansion of internal conflicts in the 1990's" (Duffield, 1994: 79).

CPEs began as functions of the cold war, and the end of the Cold War in 1990 brought about a change in these conflicts, especially in their motivation. Over the years, motivation in CPEs has varied from ideology, liberation struggles, to war-lord insurgencies among others. Some scholars focus on two categorizations: ideological wars and private wars - "…ideological, state-centered wars such as in Eritrea and Nicaragua and privatized, resource conflicts which are extractive and exploitative in nature, such as the Democratic Republic of Congo" (London School of Hygiene and Tropical Medicine, 2002). I consider this categorization not as mutually exclusive. Southern Sudan's 21 year civil war shows that fragmentation can occur in a war that is driven by ideology. Suffice to say, the term has since been used to refer to conflicts that follow a certain trend and posses all or many of the characteristics presented below.

3.3   Characteristics of CPEs

3.3.1   Conflict within and across state boundaries
CPEs often occur within state boundaries as opposed to wars between states. "CPEs are a hybrid form of conflict which is neither purely inter-state conflict, nor confined within the normal institutionalized rules and procedures of domestic conflict management" (Goodhand and Hulme, 1999:16). CPEs start within a single state, but draw in neighboring states through refugee flows, border clashes and the illegal trade in arms among others. "Civil wars disrupt regional stability through spillover effects such as refugee flows, environmental degradation, and heightened ethnic tensions" (Khadiagala, 2007:10).

Bøas et al takes the argument further by observing that these conflicts are a reflection of the inability of governments to resolve them. "These conflicts begin locally, they increasingly spread nationally, thus multiplying their direct and secondary effects and

exposing the limitations of national governments and the international community in mitigating or resolving them" (Bøas et al, 2006:70).

As the scholar Jackson points out, "internally based conflicts are difficult enough to resolve, but when these conflicts draw in surrounding states and spill across national boundaries, the task becomes all the more problematic" (2002:31). Rebel groups seeking sanctuary in neighboring states often launch attacks from across borders widening the scale of the conflict; and populations across borders that share ethnic or other identities have fuelled the situation by taking up arms against a regime. Difficulties in resolving CPEs have been seen in Angola, Liberia, Mozambique, Sierra Leone, Somalia and Sudan.

My assumption is that once the LRA conflict spilled over into southern Sudan and the Democratic Republic of Congo, it became a regional conflict, affecting not just Uganda, but Uganda's neighboring countries. For this reason I assume that the effects of the conflict on southern Sudan was what drove the government to mediate between the GoU and LRA to end the suffering of its own people, but without the capacity to mediate an end to the conflict.

3.3.2 Political Origins

The causes of CPEs are often linked to the existing political circumstances within a state; in some instances CPEs signify collapse of the state and state structures. Scholars (e.g. Cliffe and Luckham, 1999 and Jackson, 2000, 2002) argue that understanding CPEs cannot be done without looking at the nature of the state in which conflict occurs, that CPEs are linked to the failure of the state, or a state's limited capacity to ensure law and order. Accordingly, CPEs "are often rooted in prior state collapse… a fractured, ineffective or non-existent state; part of post-conflict recovery will involve reconstructing the state" (Cliffe and Luckham, 1999:27).

I consider this a viable argument which is supported by a number of cases of CPEs where state structures have collapsed as in Somalia and the Democratic Republic of Congo. However it falls short in explaining CPEs in situations where the state has remained

functional, for example in Sri Lanka. In some instances politics and the competition for power could be the original motivation for fighting, but it is usually compounded by other factors such as the feasibility and financial aspects of the conflict – specifically "the means whereby fighting forces are maintained and supplied are essential to understanding how wars are fought" (de Waal, 1996:6).

Therefore, the role of the economic motivations of war should not be ignored – what has been termed as 'war economies'. "All the economic activities (legal and illegal) during a war. Profits may arise of pillage, protection money and ransoms, controlling trade, exploiting labor, gaining access to land or appropriating aid. Salaries and corrupt benefits accruing to military personnel may also be important" (Keen, 2008:26). In numerous studies by economists Collier, 2000; De Soysa, 2000; 2002, and Ross, 2004 the role that resources have played, and continue to play in internal conflicts has been well documented. They argue that resources do not only cause conflict, but act as a catalyst for violence and promote greed among the different parties; resources provide the incentive for sustaining conflicts. "Natural resource exploitation can provide combatants with the incentives and ability to sustain conflict, even if economic factors were not determinative to the conflict's outbreak" (Collier, 2000:98).

I contend that internal conflicts often have political origins, in most cases conflict stems from structural inequality forcing aggrieved parties to take up arms. However, in the case of the LRA conflict, I would assume that what sustained the conflict for long would be economic motives. It could be some form of exploitation that allowed the LRA rebels to continue fighting for over twenty years. It could be that while some parties were negatively affected by the conflict, others benefited from it and had interests in sustaining the conflict.

3.3.3 Protracted duration

CPEs are usually prolonged and fighting goes on for many years. "They are seldom temporary crises after which society returns to 'normal' levels of physical violence (as the previous generation of development theorists and practitioners often assumed)" (Goodhand and Hulme, 1999:16). The protraction of these conflicts forces them to take

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on new dynamics, conflict resolution efforts therefore need to take into consideration the complex shifting relations inherent in conflict. Väyrynen notes how issues, actors and interests change over time as a consequence of the social, economic and political dynamics of societies. "Even if we deal with non-structural aspects of conflicts, such as actor preferences, the assumption of stability usually made in the game theoretic approach to conflict studies, is unwarranted" (Väyrynen, 1991:4).

In agreement with the above, Ramsbotham et al (2005), focus on five different elements in which conflict could get transformed, these are – context, structural, actor, issue and personal and group transformation. For example, conflict is usually situated within a given context; the local contexts as well as regional and international specifics. Changes in the context will most likely influence the conflict "It is essential to recognize the uniqueness of individual conflicts and the variety of local actors and cultural settings that shape them" (Berdal, 1996:9). Parties to a conflict could also abandon old issues and take on new ones as the conflict progresses. It could that the conflict takes on other parties, or the already existing parties change their perspectives and take on new issues. "Changes in the circumstances and interests of the constituency a party represents also transform conflicts, even in such changes in the constituency take place gradually and out of view" (Ramsbotham et al, 2005:163).

Once a conflict has gone through various levels of transformation, custodians of peace need to be vigilant about the changing dynamics of the conflict. Conflict resolution should be geared towards addressing the root causes of the conflict, with sensitivity to how these issues have changed over the duration of the conflict. This should be supported with the necessary institutions to see this through and guided by inclusiveness of all the parties to the conflict at the national, regional and global contexts. Most importantly conflict resolution should be designed on the basis of what is the best means is to settle the conflict, is it a power-sharing agreement, is there need for a truth and reconciliation commission, or security sector reforms?

Since the LRA conflict has gone on for twenty-two years, I assume that the conflict has undergone transformation in some of the aspects pointed to above; actors, goals, context and structure. Once conflict resolution is not tuned to the changes the conflict has undergone, I will probably observe several difficulties in resolving the conflict.

3.3.4 Use of Violence

CPEs are characteristic of the use of extreme forms of violence against civilians. Jackson observes how violence is deliberately targeted at civilians rather than armed groups, and at entire groups rather than individuals. "Mutilation, torture of women and children, violent rituals and the forcible involvement of relatives, children and spouses in killing and rape are used as a means of waging war primarily by militia groups and by some state proxies" (Adedeji, 1999:143). State or government forces, as well insurgent groups use violence in civil wars for various reasons; to increase their power and fear in their victims, or to obtain compliance.

Violence is sometimes used symbolically, to communicate a message during conflict. Violence used symbolically cannot be analyzed in isolation; it should be placed in the social context in which it has occurred. Rape for example is usually traced back to the gender roles within society. Other forms of violence include ordinary people getting their body parts chopped off with machetes; the mutilation of women's sexual organs; the rape of helpless women and girls; setting whole villages on fire and being disabled or amputated by landmines.

All the above point to the fact that the violence employed in CPEs is a complete violation of the Universal Declaration of Human Rights, and some of the violent tactics employed by the warring factions live one long after the last shot has been fired. Rape for example affects society long after fighting has ceased through effects such as early pregnancies, the spread of sexually transmitted diseases and infections and psychological trauma. "The memories of atrocities, suffering and injustice live on and unless they are specifically addressed through healing and reconciliation processes, their re-emergence can undermine the reconciliation process" (Graca, 2001:179).

Ending the fighting is only the beginning part in the transition from war to peace. Thereafter follows the more challenging aspects of peace building that will need to be married with other programmes such as human rights training, reconciliation and justice programmes, sustainable development programmes and other social and economic activities. The challenge therefore is how to bring all those responsible for human rights violations to justice, without promoting the culture of impunity which has come to characterize many internal conflicts.

The LRA conflict in northern Uganda has involved large scale human rights violations. I expect this to present challenges for resolution as the need to balance justice and peace is often hard to strike, questions of what should come first, an end to the conflict before justice is administered or vice versa are hard to contend with.

3.3.5 Social Cleavages

CPEs are expressions of social, political, economic and cultural structures within society, divisions along characteristics such as occupation, status, religion or ethnicity. They involve every dimension of society and the lives of the people who are part of them. The origins of many CPEs lie in identity relation issues which are often compounded with the state's inability to address such differences. "Many modern internal conflicts are a prolonged and often violent struggle by communal groups for such basic needs as security, recognition and acceptance, fair access to political institutions and economic participation" (Ramsbotham & Woodhouse, 1996:76).

Indeed an analysis of roots of many civil wars will point to issues of identity, ethnicity, religion, legitimacy and reactions to states that fail to provide rights, security and prosperity. Many of Africa's civil wars for example result from fault lines of ethnicity, religion and inequality. Khadiagala (2007:2) observes that they are products of inequalities in political and economic resources; these wars are compounded by the ability of elites and political entrepreneurs to mobilize ethnic differences and historical grievances. For this reason identity instruments such as language, race, gender, religion, and ethnicity have played central aspects in civil wars in an attempt to recruit followers, and to rally people for a common goal.

While some conflicts have had political, economic or other grievances, these have been articulated through religion and ethnicity. Darby & McGinty (2003) argue that ethnicity has the psychological properties and discursive resources which have the potential to decant into violence. "No other form of social identity has comparable power, save for closely related forms of collective affiliation, race and religion" (Darby and McGinty, 2003:9). The reason for this could be that these attributes are at the very core of one's identity, some of them are acquired at birth – meaning that they are beyond the person's ability to change. Fox & Sandler (2006:2-3), for example point to the different ways in which religion could be related to conflict: religion can be among the bases for identity; religion includes a belief system which influences behavior, religious doctrine or theology can often influence behavior, religion is a source of legitimacy and finally, religion is associated with religious institutions.

Any efforts to resolve conflicts within states therefore need to look at the original and root causes of the conflict, as well as the instrumentality in the conflict. The LRA conflict in northern Uganda is grounded in the regional divisions between the north and the south of the country. I postulate that attempts to resolve the LRA conflict would need to be done along the same lines of division, both regionally and ethnically. Otherwise, conflict resolution that fails to address the cleavages that lie at the root of the conflict, will most likely fail to bring about sustainable resolution.

3.3.6   Use of Child Soldiers

Although not identified by scholars as a major characteristic of CPEs, the recruitment of children into armed groups and civil militia in Africa and other parts of the world warrants mentioning. While some children will voluntarily join armed forces due to poverty, discrimination and loss of parents, many of them are targeted because they are vulnerable and can be easily exploited. "Children enlist as do many adults, in the hope of escaping poverty and the object of social conditions in which they live, viewing the army as the only viable means of survival" (McIntyre, 2007:16). The conscription of children into rebel groups is compounded by the availability of light automatic weapons that can be carried by young children, increasing the usefulness and demand of children.

Internal conflicts in different parts of the world have illustrated the exploitation of young children as well as the capacity of young children; both boys and girls to engage in violent acts. The effects of conflict on children are two-fold, not only are they targeted for forceful conscription into rebel groups, but children have also been identified as one of the parties most affected by conflict. Regardless of what setting they are in, children are forced to deal with the horrors they have witnessed, or taken part in. "War undermines the very foundations of children's lives, destroying their homes, splintering their communities and shattering their trust in adults" (Graca, 2001:80).

Major challenges are left to custodians of peace who face the contradiction of dealing with child soldiers as victims and as killers who have to be brought to justice for atrocities committed. Baines explores the challenges of the above and observes how this group of perpetrators cannot be defined solely by acts of violence. Rather acts of violence are a means of restraining power. Without a specific strategy to address this unique status, cycles of 'othering' and exclusion continue (Baines, 2009:186). For a sustainable resolution of the LRA conflict, there would need to be a strategy to address the challenges presented by children as victims of conflict and perpetrators at the same time. While these children could have taken part in violent acts, the circumstances that forced them to commit these atrocities cannot be ignored.

3.3.7 Multiple actors

CPEs are known to involve many actors. Even though there are usually two visible actors, other less visible actors are often involved - such as Non-governmental organizations, multi-lateral organizations, churches, neighboring states, donor governments and the international community. Having many invisible parties to a conflict becomes challenging at the negotiation process especially since not all the parties involved are victims. There are beneficiaries who gain from conflicts, and work tirelessly to see the continuation of armed strife, what Stedman has called spoilers. Spoilers are leaders and parties who believe that peace emerging from negotiations threaten their power, worldview, and interests, and use violence to undermine attempts to achieve it (Stedman, 1997:5).

Spoilers could also be peaceful resisters to the peace process, and depending on the position, number and type of spoiler, custodians of peace would need to device the most effective strategy to manage them – for their success would have devastating effects. "Spoilers have the capacity to undermine or slow down a peace process by their ability to pressure the custodians on their side" (Wallensteen, 2002:50). Spoilers could vary from third parties, to international donors, to diaspora groups and so forth. "Ethnic or national diaspora groups, states, political allies, multinational cooperation's, or any others who might benefit from violent conflict, or holding out" (Newman and Richmond, 2006:4).

Spoilers have been noted to act in two ways; the first is to enter into negotiations and renege on the promises they make – what could be termed as insider spoilers. The second option is to totally refuse to enter into negotiations – outside spoilers. In their analysis of the different reasons for which parties could want a given conflict prolonged Ramsbotham et al, 2005 point to leaders who have become closely identified with pursuing the conflict and may risk prosecution, overthrow or even death once the war is over. "Local regional party officials or military officers who have made their careers in the conflict may develop a state in its continuation" (Ramsbotham et al, 2005:161).

My expectation is that the LRA conflict is more than just about the Uganda government and the LRA. I suspect that there were parties who did not want to see an end to the conflict. If not met with any spoiler-management strategy, they could have succeeded in spoiling the peace talks.

3.2.8 Regional and International Dynamics

Events within state boundaries that lead to conflict and conflict sustainability are not isolated. They are a part of the regional and international forces, in some cases reflecting the foreign polices of neighboring states or states within the international system. "Ethnic conflicts and the peace processes that attempt to end them always occur within specific geopolitical or regional contexts and can be fully understood only by being situated within these contexts" (Loughlin, 2003:38).

In most instances, events within the state lead some groups to take up arms against the governments in power, especially the failure of governance by local elite compounded with other forces outside the country or within the region. Taisier and Mathews (1999) note that both domestic social forces, as well as from forces, events and activities originating outside the country, from the surrounding region or world at large work together to result into civil wars. The need to situate a given conflict in its local, regional and international context is therefore an important consideration during conflict resolution. "Internal' conflicts cannot be entirely isolated in terms of their origins, progress or resolution from other states and political forces in the immediate sub region or internationally" (Cliffe and Luckham, 1999:41). Efforts to resolve these conflicts would therefore need to be applied on a wider scale, custodians of peace need to look beyond the geographical boundaries of the victim states, for only then will peace be sustainable.

My assumption is that the LRA conflict resolution was handled as one that is just between the Uganda government and the LRA, without placing it in the broader picture. Issues within the Ugandan nation, the region and international dynamics that have been factors in the continuation of the conflict needed to be used in the resolution of the conflict.

CHAPTER FOUR

4.0   Methodology

For this study I opted for the qualitative methodological approach as the most suitable method to answer my research questions: What challenges did the parties to the negotiation process encounter? What characterized the local, regional and international environment under which the peace talks took place, how did it impact the outcome of the peace process? What are the perspectives for a peaceful resolution of the conflict according to the three major actors?

A case study was deemed most suitable due to the need for specific, elaborate and detailed accounts of the views of those who were key players in the talks, with special focus on a representative sample of people. I was allowed the opportunity to pursue issues to a greater depth. "Case studies enhance the investigation of subjects in real situations where interaction is of paramount interest and they encourage greater depth of study of chains of events…case studies tend to allow one to answer 'why' and 'how' questions more thoroughly…" (Black, 1999:48). The qualitative research methodology further allowed me to intimate with my respondents for their own meanings, interpretations and understanding of my topic.

Due to the nature of my study and choice of topic, respondents were selected with purpose. "The purposive sampling technique is a type of non-probability sampling that is most effective when one needs to study a certain cultural domain with knowledgeable experts within" (Tongco, 2007:147). With special focus on what role they played, only people of interest were included and those who did not suit the purpose of the study were excluded. The choice of technique employed therefore reflected the unique qualities of the people or events chosen and the relevance to the topic of the investigation. My research relied on both the primary and secondary data collection techniques; my primary sources were open-ended interviews, audio-visual data, media monitoring as well as notes captured in my research journal. The secondary sources of my research were mainly from documented literature; books, journals, materials related to my topic and accessed from libraries as well as the internet.

4.1   Data collection techniques

4.1.1   Interviews

I was able to interview twenty people that negotiated on each side; ten people from the GoU side, and another ten from the LRA. I further interviewed five people from the Cessation of Hostilities Monitoring Team (CHMT), who worked with the chief mediator. My interviews were conducted in English, a mode of communication that was preferred as well as understood by both me and the respondents. All the twenty five interviews were audio taped and backed by written field notes. I opted to use both methods to capture my data because I did not want to take chances as audio equipment has been known to malfunction, the other advantage of audio recordings is that they offer a permanent record and one that is fairly complete in terms of speech that occurs (Denscombe, 1998:195).

However, my choice to use audio taping was not without the knowledge that the technique has both advantages and disadvantages. One disadvantage is that people might restrict what they say once they know that they are being taped or the reverse. "The interview is an artificial situation where people are speaking for the record and on the record, and this can be daunting for certain people" (Denscombe, 1998:203). The other, is that audio recording only captures speech missing the other non-verbal communication that can lend great insight to the research. To counter these short-comings, I resorted to corroborating my interview data with data from other sources.

Each of my respondents was asked if it was alright to tape the interview? And even though none of my respondents openly objected to my taping the interviews, I observed that some of them were more hesitant than others to the prospect of having their voices recorded. In instances where the respondent was hesitant, I dedicated the first few minutes of the interviews to reassuring the respondent that the study was strictly for academic purposes and that no personal information would be used in the reports. The interviews were open-ended ranging from one and half to three hours. They were none structured, allowing the respondents to tell it in their own words. The choice of open-

ended questions was because the study focused on a relatively small sample of people, with the goal to focus on specific individuals who were role players in the peace process.

I also had informal one-on-one conversations with twenty randomly chosen victims of the war that I came in contact with in Gulu district. These conversations were not taped, but were captured through notes in my fieldwork journal. During my visit to some NGO offices; Africa Leadership Institute (AFLI), the Center for Conflict Resolution (CECORE), Isis Women's International Cross-Cultural Exchange (ISIS WICCE), Civil Society Organizations for Peace in Northern Uganda (CSOPNU), and Uganda Joint Christian Council (UJCC). I spoke to people that I did not register, nor did I tape record the conversations or take notes since I was at the NGO offices to use their libraries and resource centers, but would end up having discussions with the people employed, I would later make notes in my journal; to record what had transpired.

4.1.2 Audio-visual data

Another major item which informed my proceedings of the talks was a video recording of the peace talks from the AFLI, a neutral observer to the peace talks. The video recording had been transcribed and translated into English by AFLI staff, along with other taped radio broadcasts-covering numerous occasions such as meetings between the LRA and the *Acholi* religious leaders. I felt that my findings would be stronger if supported with visual documentation. In addition to the video recording, there were pictures taken to document a whole range of activities and ceremonies related to the talks.

4.1.3 Media monitoring

Newspapers were a constant feature of the talks; for the duration of the talks and thereafter (July 2006 – Dec 2008). "The 'press' provides a potentially valuable source of information for research purposes. One reason for this is that newspapers and magazines can supply good, up-to-date information" (Denscombe, 1998:228). The New Vision and The Daily Monitor were regular sources of news, and did provide record of events as they occurred. I had intended to review both newspapers as one is government owned and the other is privately owned, which I had hoped would serve to show the inconsistency in their reporting. Unfortunately I was not able to access archives from the Daily Monitor

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and had to limit my analysis to the government owned New Vision. Quotations from newspaper articles as reference for particular events will be used during the analysis to show the extent to which the newspaper contributed to the dynamics of the peace talks.

4.1.4   Review of documents

I started by utilizing the Tromsø University Library; through the BIBSYS library data base and managed to locate studies concerning contemporary conflict and contemporary conflict resolution. I also reviewed reference lists from online journals and articles related to my topic. Search engines such as Google scholar, JSTOR, Blackwell Synergy, resulted in my discovery of numerous articles and books of relevance to my topic; however my selection of materials was limited to those with direct relevance to CPEs, conflict transformation and conflict resolution. My discovery was that not many scholars have written specifically about the LRA conflict as a CPE, and why it has eluded resolution for many years. Instead much focus has been given to the atrocities committed in northern Uganda and the abduction of children. Looking at different sources allowed me to come up with a suitable approach to the challenges of conflict resolution in Uganda.

The East Africa Journal for Human Rights was a valuable source of information, publications by the International Crisis Group, the Northern Uganda Peace Initiative (NUPI), Acholi Religious Leaders Peace Initiative (ARLPI), and the Refugee Law project were all valuable sources of information, and very helpful in supplementing findings of the study.

Last but not least was my visit to the Nordic Africa Institute (Nordiska Afrikainstitutet)) in Uppsala after being granted a one-month study scholarship. The center for research and documentation on Africa allowed me an opportunity to interact with well-known researchers on Africa, Uganda and the LRA conflict in particular. I was also graced with the opportunity to access their well stocked library on contemporary issues on Africa. Through the NAI library I was also able to access electronic journals and documents from other libraries in Sweden and other Nordic countries.

The data bases; Africa-wide, AfricaBib, Africa Studies Abstracts Online, African Studies Companion, African Writers Series, Connecting Africa among others, provided literature on Africa, combining databases from Arica, Europe and the USA. Africa-wide for example allowed me access to information on all aspects of Africa from the 19th century to the present, sources included book, periodicals and magazine articles, radio and television broadcasts, newspapers, pamphlets, maps, reports, theses and music recordings. With a range of topics including politics, history, economics, business, mining, natural sciences, environment, development, social issues, anthropology, literature, language, law, music and much more.

4.2   Survey Area

In order to examine why the Juba peace talks between the GoU and the LRA failed, I conducted fieldwork in Uganda over a period of ten weeks in May, June and July 2009. Although I had earlier planned to visit Juba, Southern Sudan – where the talks were taking place, this was not realized due to the deteriorating security situation in southern Sudan, as well as financial constraints. The study was therefore restricted to Kampala, the capital city of Uganda, and Gulu, a provincial district in northern Uganda as well as the historical homeland for the *Acholi* ethnic group. Gulu was the location for much of the insurgent fighting by the Lord's Resistance Army.

Kampala is important because it is the largest city and capital of Uganda. Most importantly however is that the city is found in the southern part of the county, and the LRA conflict never directly affected the south of the country but was confined to the north. As such thousands of people were driven from the north by the conflict and forced to seek refuge in the south – Kampala. Kampala also hosts the administrative headquarters of the central government and most of the government ministries. People formerly linked to the LRA rebel group, have been granted amnesty and reside in Kampala; even those who negotiated for the rebel group are running businesses and residing in Kampala, while prior to the Juba talks some of them had lived in exile in Canada, Europe, Germany, and Nairobi. Finally the ten people who served as negotiators for the government of Uganda have employment and reside in Kampala.

Gulu district is one of the three districts forming the historical homeland of the *Acholi* ethnic group, and has often been referred to as the economic capital of northern Uganda. It was the location of much of the fighting as well as the birthplace of Joseph Kony (leader and chief in command of the LRA). The district had the largest number of Internally Displaced Peoples Camps (IDPCs) as a result of the war. Gulu also hosts many of the former child soldiers, as well as *Acholi* religious leaders, and elders that have worked tirelessly to end the war in northern Uganda. Therefore it became an ideal area for my field research. I visited several elders, religious leaders, cultural and tribal chiefs, some of whom were considered the master minders of the Juba peace talks.

4.3   Challenges during fieldwork

During the process of data collection, a number of problems were encountered, which presented some difficulty.

Even though the security situation in Gulu has improved tremendously over the last three years, the setting created high levels of suspicion for my respondents, as well as me as an obvious visitor to the region. While asking questions about the LRA rebels in northern Ugandan one has to be very careful as they could be under suspicion for being a rebel sympathizer. It has been documented in the past that any attempt to talk with the LRA, or show interest in them could be viewed as collaboration (Dolan, 2005). Therefore the sense of being observed was sometimes acute, followed by the fear of putting my respondents at risk from being seen talking to me. This which created serious concerns about confidentiality, venues for meetings and security of data collected.

The above problem was compounded after I heard rumors that the hotel I was staying at in Gulu was suspected to be owned by Joseph Kony. My suspicions then started drifting back to why some of the elders and religious leaders had constantly declined meeting me at the hotel. I immediately had to find another hotel to stay, one that was away from the center of town where my comings and goings would not be monitored like before. This led me to a kind of self-censorship on places I went, phone calls I made and in discussing what was happening and most importantly on the venues for interview with respondents.

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Time was a problem since respondents; especially from the Government of Uganda negotiating team could hardly find time for an interview due to their busy schedules. The challenge was one I had anticipated before going out to the field and had thought that by sending out communication to the respondents as early as a month, it would be overcome. Once in the field however, several respondents kept on re-scheduling their interviews, some respondents rescheduled to as many as three times. But with persistence and patience I managed to contact the same respondents over and over again until I was able to secure time for an interview. Some of my respondents preferred for the interviews to be carried out in their offices, however constant interruptions from other staff, and phone calls were a big problem. The down side of this was those interviews sessions scheduled to last one and a half hours ended up in three hours. But for as long as this did not bother the respondents, it was alright with me.

Another problem encountered during the study in Gulu (only in Gulu) was expectation by some respondents that I would offer some kind of payment in exchange for information, a problem I would attribute to the massive NGO presence and research focus of Gulu and other northern districts. Others thought that I was to make money as a result of conducting the study, so they were hesitant to take part in the study, but extensive explanation on the purpose of the research, supported by the introductory letter from the University of Tromsø were able to set the record straight. There were constant questions (especially from the elderly) on how the research would contribute to a restart of the peace talks and help to end the war once and for all. My response was that documentation of what could have frustrated the talks, one that combined the views of all the parties, was vital in laying a foundation for any prospects at resolving the conflict. Once stakeholders knew what went wrong, they would be informed about how to go about future efforts in resolving the conflict.

Some government officials interviewed voiced concern about not being at liberty to disclose government security matters (as the Juba talks were considered to be); they were therefore very clear and adamant on the issue of confidentiality. In my very first interview with an official from the GoU side, the respondent produced a confidentially

form which he requested me to sign and went into detail about any disclosure of my data (which involved government internal security matters) amounted to treason and would have consequences for him, as well as myself. Again, reassuring the respondent that my research was strictly for academic purposes was very useful.

Therefore, confidentiality was my paramount ethical consideration and any personal information of my respondents would not be used. Their identities will not simply be withheld in published accounts of the thesis, but will be deliberately disguised. For this reason I decided to assign my respondents false names, which I used in the field notes, as well as in the analysis and discussion of findings. This also allowed me to refer to respondents with specificity, as well as the ability to refer to the same respondent (under a false name), in different sections of the thesis with simplicity, and without using many words to explain that it was the same individual quoted earlier.

I also encountered shortages in funds; I had earlier planned to carry out my research in Uganda, as well as Juba – southern Sudan. The plan was to first concentrate on Uganda (Kampala and Gulu) where majority of my respondents were, and I would in the final phase of my research travel to Juba to talk to the chief mediator – Vise President of Southern Sudan and some of the people who served on his team. However, I discovered that I did not have the funds to sustain a trip to southern Sudan, coupled with the deteriorating security situation in the area, for these two reasons I was forced to limit my research to Uganda. However, I was able to communicate with the Chief Mediator electronically and managed to get other publications by the GoSS on the Juba talks to compliment my findings.

Another challenge during field work, one that continued throughout writing my thesis has been the role of both insider and outsider. As a Ugandan, I am familiar with the LRA war and the different efforts to resolve the conflict; this was an advantage because I did not start my fieldwork from scratch. Familiarity with the environment meant that I was able to identify potential respondents easily. However, difficulty was encountered when I was required to present my findings objectively even though my personal opinion was not in

line with my findings. Being completely objective about events that have happened within my country, and taking on the role of an outsider has been a constant challenge. However this experience has not had a significant effect on the overall data collection and analysis because I have been very conscious of it, and have only managed to reflect upon it and learn from the experience of being both an insider and an outsider.

4.4   Ethical considerations

A researcher needs to reflect upon the possible harm the research could pose for his/her participants, 'the basis rule for doing research is 'do no harm'…we must constantly remind ourselves of the obligation to protect our informants. The same obligation to protect exists with regard to field assistants and other people who provide service or assistance' (Bøas et al, 2006:75-76). I did not wish to make decisions which put either me or my respondents at risk of trouble from the authorities or other bodies, nor did I wish to put people at risk by association with the project.

Voluntary and informed consent was sought with each respondent. Accurate information about the research, aims and methods to be used was availed at the beginning of each interview. My starting point of an interview session was to make sure that the respondent was comfortable – which did not require that much effort since majority of the interviews were held in the respondent's offices. Thereafter I went ahead to present my credentials which included a letter requesting permission for research that was obtained from the University of Tromsø. Permission was sought from the respondents on whether they were comfortable with me recording the interview or taking notes, and if I could quote them.

To a large extent, I feel that my respondents answered my questions honestly. Though the general feeling from my respondents was that they all needed to be protected; especially since the conflict has not been fully resolved, personal identification information is not to be used in the research. Analysis and discussion of findings will rely on the use of pseudonyms. Lastly, my respondents requested that a copy of my thesis be shared with them once completed, upon which I promised to share my thesis with them.

CHAPTER FIVE

5.0 Presentation and Analysis of empirical findings

This Chapter is the presentation and analysis of the research findings, based on data collected during fieldwork in Uganda. The findings presented here are the different views and perceptions of the key plays in the Juba peace talks. Findings look into what my respondent's perceptions were on why the peace talks failed, to specifically answer the three research questions:

a) What challenges did the parties to the negotiation process encounter?

b) What characterized the local, regional and international environment under which the peace talks took place, how did it impact the outcome of the peace process?

c) What are the perspectives for a peaceful resolution of the conflict according to the three major actors?

The chapter is structured in the same way as the theoretical framework chapter. The analysis and discussion of research findings is built around the assumptions made in the theoretical chapter. The assumptions are revisited, and under each assumption I endeavor to show what the study set out to investigate, whether or not findings are in conformity with the theory presented or otherwise. Findings are supported with quotations from the respondents, and further strengthened by supporting evidence from documented materials and media reports, which is intended to corroborate the findings. Each section ends with a conclusive remark stating how close the findings are to the assumptions made.

Discussions with 20 delegates to the peace negotiations, as well as 5 members from the Cessation of Hostilities Monitoring Team (CHMT) yielded a wide range of views and concerns on the question of what led to the failure of the Juba peace talks. Key players in the negotiations were found to hold differing views as a result of the party they represented to the talks. Finger-pointing was common, as each side pointed to the lack of will exhibit by the other. The mediation and venue of the talks was also pointed out as having presented a host of problems, and finally respondents named various spoilers to the negotiations - spoilers who were unfortunately not met with any form of spoiler-management strategies.

5.1 Conflict within and across state boundaries

My assumption was that once the LRA conflict spilled over into southern Sudan and the DRC, it became a regional conflict affecting not just Uganda, but Uganda's neighboring countries. For this reason I assumed that the effects of the conflict on southern Sudan was what drove the government to mediate between the GoU and LRA, to end the suffering of its own people but without the capacity to mediate an end to the conflict.

According to the theory, CPEs are a hybrid form of conflict which is neither purely inter-state conflict, nor confined within the normal institutionalized rules and procedures of domestic conflict management. The LRA conflict started in northern Uganda spilled into southern Sudan and later into the Democratic Republic of Congo. Today LRA rebels are holed up in the Central African Republic confirming that CPEs are never confined within one state but often draw in neighboring states. CPEs start within a single state, but draw in neighboring states through refugee flows, border clashes and the illegal trade in arms among others.
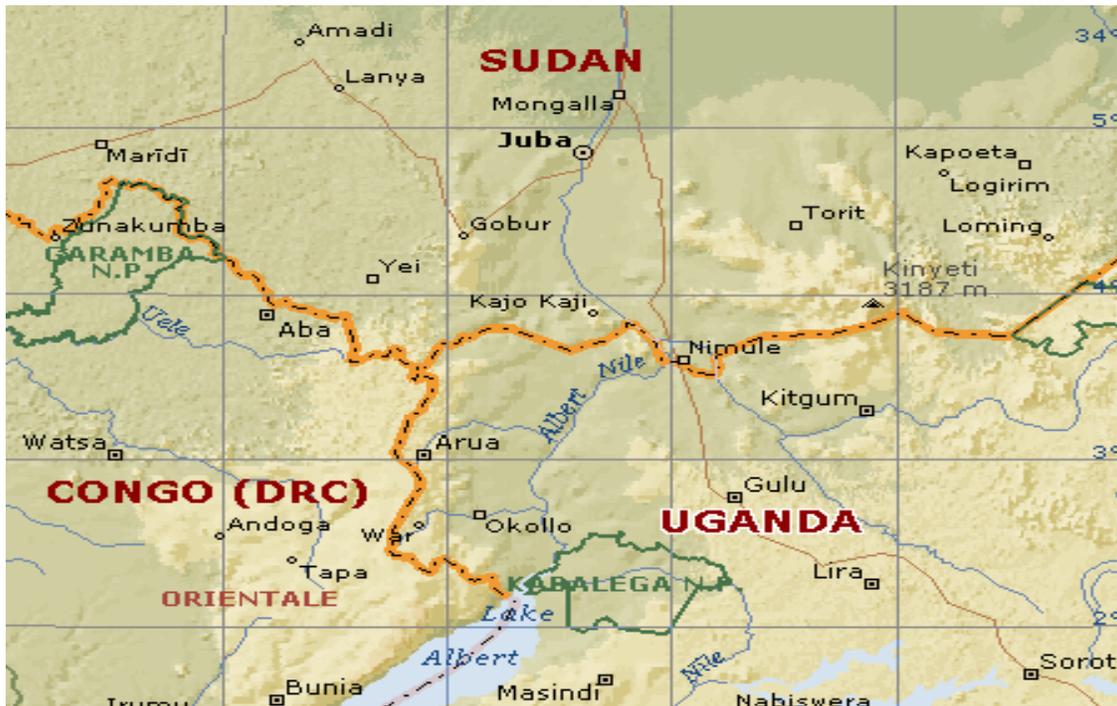

Figure 1 Map showing LRA war theatre

Notable spillover effects have involved; the movement of refugees, the harboring of rebels, logistical support to warring factions, arms flows and ethnic tensions. These factors have forced states in the region to become a party to the conflict, as well as have reason to pursue its resolution. As civil wars increasingly draw in neighboring states, the stakes of regional states in these conflicts inevitably rise, forcing competitive mediation bids by actors who may be unprepared for these roles (Khadiagala, 2007).

Bøas et al (2006), is right on track when he observes that as these conflicts spread they are multiplying their direct and secondary effects and exposing the limitations of national governments and their international community in resolving them. Thus the Juba talks were undertaken with one of the parties (the LRA) outside their country of origin, and therefore out of the jurisdiction of the Ugandan state. Respondents pointed to the challenge of negotiating a peace agreement with the LRA out of their country of origin, accordingly this left little room for enforcement, in case the LRA violated any of the agreed protocols as was the case in regards to the Cessation of hostilities agreement.

Respondents argued that in the two decades that the conflict has raged on, the LRA have moved further away from Uganda, becoming completely alienated from society. Fred[2] felt that by staying away from Uganda, the rebels were not facing up to their actions, especially the large-scale suffering that they have brought to the people of northern Uganda. To him, the first step towards peace building should have been to negotiate a return of the rebels to Uganda and deal with their actions square on. This would have boosted the talks and given them talks a firm ground. "The immediate focus of the Juba talks should have been to bring the LRA leaders out of the bush and end the conflict, leaving broader political discussions for the more inclusive second phase (International Crisis Group, 2006).

Reintegrating the rebels first, before any settlement was reached seemed most realistic; because today the LRA top commanders are more concerned about their security than anything else; two is because many of the LRA fighters has been abducted and forced to

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[2] LRA delegate Interviewee in Gulu, 3/6/2009

take part in crimes, many abducted children are afraid to return home for fear that society will shun them. The challenge is to help them find their way back into society, for communities to forgive them, and help them forget the plight they have suffered. According to an interview conducted by the New Vision, "Kony will never surrender, not even through negotiations. He fears for his life, because he has made people die in his name, they will never forgive him" (The New Vision newspaper, 17 May 2006).

The theory also states that rebel groups seeking sanctuary in neighboring states often launch attacks from across borders widening the scale of the conflict; and populations across borders that share ethnic or other identities have fuelled the situation by taking up arms against a regime. The *Acholi* live on both sides of the Uganda/Sudan border; therefore the LRA has for years used southern Sudan as their base as they mounted attacks on communities in northern Uganda. Respondents pointed to Khartoum's support to the LRA over the years, as a major problem. Peter[3] noted that for as long as Khartoum was still supporting the LRA, the peace talks were bound to fail, since support from Khartoum to the LRA is what has sustained the conflict among other factors.

Collier's theory on the economies of war points to the importance of both the financial and military feasibility in civil wars. (Collier et al, 2008). The reasons for the start of conflict might be grievance based, but before parties chose to fight they have to deem it feasible, as well as have the ability to sustain the conflict. In which case support from Khartoum is what has sustained the LRA conflict. Paul[4] used a proverb to explain the LRA-Khartoum relationship. '*When we see a little bird dancing in the middle of the pathway we must know that its drummer is in the near-by bush'*. The LRA's drummer and praise singer was none other than the Khartoum government. The mediator should have first explored the possibility of severing ties between the two. Ending military and logistical support to the LRA would have denied them the ability to continue the war. On whether Khartoum was still supporting the LRA, respondents had differing views. While some reported that support from Khartoum had ceased when the LRA crossed into

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[3] GoU delegate interviewee in Kampala, 15/07/2009.
[4] LRA delegate interviewee in Gulu, 6/06/2009

Garamba National Park in Congo, others voiced suspicion that Khartoum was still supporting the LRA. Regardless of whether or not the Khartoum government was still supporting the LRA, respondents felt that Sudan's central government should have been made a part of the Juba peace talks.

Sam[5] expressed regret at the failure to fully involve the Khartoum government in the peace talks; this would have served to confirm that the latter was no longer supporting the rebels. I agreed with his observation, and felt that in its role as mediator the Southern Sudan government should have worked more with the Khartoum government. Failure to fully bring Khartoum on board of the talks left a gap and unanswered questions as to whether Khartoum still supported the LRA. Instead, Khartoum was accused of frustrating the talks, by diverting the southern government from implementing the newly signed agreement between Khartoum and southern Sudan. "The Juba talks are being used by Khartoum to divert GoSS from pursuing the right path of ensuring the implementation of the CPA" (New Vision newspaper, 9 October 2006).

At the Africa Leadership Institute, discussions were not limited to criticizing the mediator for not involving Khartoum in the talks, but for the failure to robustly include other countries within the region. Internally based conflicts are difficult enough to resolve, but when these conflicts draw in surrounding states and spill across national boundaries, the task becomes all the more problematic (Jackson, 2002). Resolution necessitated the involvement of other affected countries, especially since the LRA were in the Congo at the start of the talks. Instead, the mediator treated the talks as a Uganda/Sudan affair failing to realize that other states; Congo and Central Africa Republic had been pulled into the conflict.

Sudan has been a key stakeholder in the LRA conflict; therefore the Southern Sudan government was arguably more than just a mediator, especially since southern Sudan has been tremendously affected by the conflict. While in Gulu, I came across an *Acholi* woman (originally from Sudan, but had settled in northern Uganda), I shall call her Angela. She noted how communities in southern Sudan had suffered at the hands of the

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[5] GoU delegate interviewee in Kampala, 10/07/2009

rebels; communities mostly in the eastern equatorial had been displaced as well suffered atrocities at the hands of the LRA. Angela[6] noted that the *Acholi* in Eastern Equatorial may bear a grudge against the rebels because people in this region especially areas around Torit and Magwi had it very rough from the rebels.

Given their stake in the conflict, it can be argued that the southern Sudan government chose to mediate between the LRA and the Uganda government out of necessity, but without the ability and expertise to build confidence in the negotiating teams. The President of Southern Sudan is quoted to have clearly articulated the reasons why they chose to mediate talks between the GoU and the LRA. "We took this decision because the people who they kill are southern Sudanese, the women they rape are southern Sudanese women and girls, and the boys they abduct are southern Sudanese" (The New Vision newspaper, 8 June 2006). The need to protect their own from the suffering inflicted by the rebels was the reason why the Southern Sudan government initiated the talks, a role they undertook without enough preparation.

Mediation involves providing information, helping adversaries to enter negotiations, help stop deterioration, save face, change procedures, help invent new options, represent persons not represented in the negotiations, construct deals, add resources, rally support for an agreement and generate pressure for an agreement (Kriesberg, 2007). The Government of Southern Sudan provided a link between the warring factions, and pressured the LRA to start negotiations, but it failed to bargain with the disputants, it did not offer any guarantees, or suggest compromises which in the end led to a failed peace negotiation. Their mediation between the rebels and the Uganda government qualifies them as meddlers instead of mediators. "Escalating civil wars have propelled neighbors to assume responsibility for mediation in the absence of meaningful power and leverages…African interveners have contributed to the widespread perception of being meddlers rather than mediators". (Khadiagala, 2007:6).

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[6] Informal interview in Gulu, 8/06/2009.

Bob[7] was very thorough in noting that the GoSS is a young autonomous government emerging from its two-decade civil war, a war which has left the region devastated economically and socially. The new government was challenged with finding a balance between mediating the Juba talks and implementing its own newly signed agreement. The strenuous financial implications for the government as mediator were alluded to by respondents from both negotiating teams, as the new government had to bear the logistical costs of the talks and on numerous occasions it was evident that they did not have the financial means to support the talks. For example the chief mediator failed to make the necessary logistical arrangements such as erecting tents, sanitary facilities and food supplies in the designated assembly areas, which is what the LRA sighted as the reason for failure to assemble.

That the talks were initiated by the GoSS leaves questions of whether the conflicting parties were negotiating in good faith, which according to Darby & McGinty (2003) is one of the essential criteria required for a successful peace accord. In his first meeting with the rebel commanders on 16th May 2006, the Vice President of the southern Sudan government is quoted to have given the LRA three options. To negotiate peace with the Uganda government; to leave southern Sudan; to defy the above two options and militarily be forced out by the Sudan People's Liberation Army. From the above it can be argued that the talks were not undertaken at the free will of the rebels, but imposed on them by the GoSS. Rose[8] noted that ultimatums coupled with the ICC indictments for the five top LRA commanders forced the rebels to the negotiating table, something they would probably not have done had circumstances been different.

In one informal conversation at the Isis Women's International Cross-Cultural Exchange offices, it was implied that the Vice President of Southern Sudan used the talks to elevate his personal image, and to gain prestige internationally. Though I would not focus on the chief mediator's personal motives, I would definitely observe that his role as mediator was overshadowed by the speedy way in which the talks were handled. With increased pressure from the GoU and donor countries, the Chief Mediator was under enormous

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[7] GoU delegate interviewee in Kampala, 22/07/2009.
[8] GoU delegation interviewee in Kampala, 19/07/2009.

pressure to push the agreement to its conclusion. A member of the monitoring team noted how the Secretary from the State Department in Washington pushed the Chief Mediator to work day and night for the swift conclusion of the peace process (CHMT member). In the end, the mediator concentrated more on accelerating the entire negotiation in a bid to meet set time deadlines.

Respondents argued that set time deadlines denied the talks the ample time needed to explore loose ends. For a conflict that has gone on for twenty years, it was interesting to see how the negotiators were able to agree and endorse the last three agenda items within the one month of February, 2008. Issues of a permanent cessation of hostilities, disarmament, demobilization and reintegration (DDR), implementation and monitoring are all vital components of an agreement and could have benefited from more time. Instead they were dealt with hurriedly to conveniently trick the rebel leader into rejecting them and end up being blamed for failing the talks they argued. In the end agreed protocols lacked detail on crucial matters, the very excuse that was used by the rebels for failure to endorse the final agreement. Accordingly, the LRA high command needed time and more information on the accountability clause and how the special division of the Ugandan Courts would be synchronized with traditional justice mechanisms to ensure accountability for crimes committed during the conflict.

LRA delegate respondents criticized the mediator for his failure to incorporate the views of the ordinary people consulted in Uganda, within the framework of the agreed protocols as one of the consequences of speeding up the peace process. After the popular national consultations conducted in September – December 2007 by both teams, reports were written and handed to the office of the chief mediator, but no formal presentation, discussion and adoption of these reports was made. These reports could have served as a basis upon which the final agreement should have been guided and shaped, involving the views of the people. Instead this did not happen, confirming to the fact that the negotiations were not to benefit the people of the north and Uganda at large.

Flaws in the mediation surfaced in January 2007, when the rebel delegation accused the chief mediator of bias, announced that they were not going back to Juba and requested for a change of venue. Michael[9] noted that links between the GoU and southern Sudan undermined the latter's role as a neutral mediator, as perception of GoU as an ally of GoSS during the 1983-2005 resurfaced when the two signed a military pact in which the GoU was allowed to station its troops in southern Sudan. Other two respondents; Isaac[10] and Edward[11] agreed by observing that when the President of southern Sudan emphasized the interest of his government in finding a peaceful means to disable the LRA before implementation of the ICC order, the rebels completely lost trust in the chief mediator. The demands for a change of venue were met with refusal from the GoU which accused the rebels of intentionally derailing the peace process.

However, if a change of venue and mediator presented the best chance for ending the conflict, it is something that should have been put into consideration. The rebels said they felt insecure in southern Sudan, and unfortunately no steps were taken to investigate their fear or reassure them of the Goss's impartiality as mediator. Failure to attend to the demands made by the rebels could possibly be the point at which the talks started to fail. The rigidity shown by the government of Uganda in regards to the rebel's demands showed how little the former was committed to a peaceful resolution of the conflict in the eyes of many victims of the conflict.

Findings conform to my assumption that the talks collapsed, partly because of the flawed mediation process, coupled with the challenges civil wars present once they spill into neighboring states to become regional conflicts. Indeed the GoSS chose to mediate between the GoU and the LRA out of necessity, to mitigate the effects of the war on southern Sudan. But it is plain to see from the discussion above that the new government did not do enough ground work, failed to explore all the possibilities, could not financially sustain the talks, lacked the capacity to compel the parties to keep their promises, to enforce the signed agenda items and to stay neutral in its negotiating role.

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[9] LRA delegation interviewee in Gulu, 16/06/2009
[10] LRA delegation interviewee in Gulu, 22/06/2009
[11] LRA delegation interviewee in Gulu, 14/06/2009

5.2   Political Origins

In the theoretical chapter, I contended that internal conflicts often have political origins, in most cases conflict stems from structural inequality forcing aggrieved parties to take up arms. However, in the case of the LRA conflict, I assumed that what sustained the conflict for long would be economic motives. It could be some form of exploitation that allowed the LRA rebels to continue fighting for over twenty years. It could be that while some parties were negatively affected by the conflict, others benefited from it and had interests in sustaining the conflict.

The conflict in northern Uganda had political origins, indeed today the reasons for continued strife are linked to the existing political circumstances within Uganda. In a detailed and well researched anthropological account of the war, Swedish researcher Sverker Finnström (2008), documents the issues that are at the heart of the LRA conflict: Lack of political representation from the region; human rights violations at the hands of the military; nationwide social economic underdevelopment and government corruption. Unfortunately the government of Uganda still fails to recognize the LRA as a viable political force, one that the government can contend with on an equal level.

Tony[12] observed that over the years the government has failed to acknowledge the LRA as political force in Uganda's politics, branding them as terrorists, bandits, and lunatics among others. That the LRA has eluded defeat, both peacefully and militarily for over twenty years shows that they are a strong force, and until the GoU realizes this, the conflict is bound to go on. At the Center for Conflict Resolution, discussions were along the same lines, one employee observed that the Government of Uganda needed to put aside their pride and treat the rebels as equals for the sake of peace. Instead, the attitude and approach employed by the GoU delegates at the talks was not one of two equal adversaries interested in negotiating peace. They (GoU delegates) expected to walk all over the LRA delegation, brushing of their demands as insignificant, yet many of the issues tabled by the LRA do resonate with communities in northern Uganda.

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[12] Ibid, 30/06/2009

According to the theory, understanding CPEs cannot be done without looking at the nature of the state in which conflict occurs; accordingly CPEs are linked to the failure of the state, or a state's limited capacity to ensure law and order. In agreement with the above, I observe that the LRA conflict cannot be analyzed without reference to the nature of the Ugandan state. However, I would not categorize Uganda as a failed state, comparable to Somalia – a state in which there has been a complete breakdown of central authority. The Ugandan government has simply failed to control parts of its territory in northern Uganda, as well failed to offer security and protection of its citizens in the north. For this reason I would qualify Uganda as a weak state, characterized by lack of good governance and problems of legitimacy (Jackson, 2002:38).

In determining weak states, the capability of its leaders to provide basic needs for their citizens is very important. Legitimacy is therefore expressed by the level of political participation, use of force to ensure obedience, political instability (coups, riots, and revolts), ethnic tensions and the centralizations of power in the leader, a party or regime. One of the most basic prerogatives of international law in the responsibilities of a state is the security and protection of its citizens, failure to do so constitutes a violation of international law. Therefore in failing to protect the people of northern Uganda against violations committed by both the government army and the LRA, the state failed in its basic responsibility. "The violations committed in northern Uganda are quite clearly attributable to the government of Uganda for failing in its obligation to protect its citizens by commission and omission of acts of a serious human rights nature" (Refugee Law Project, 2007:3).

The elder Fred[13] observed that it is for this reason that the northerners blame the Ugandan government; first for failing to protect them, and second for forcefully moving them into overcrowded camps, with poor/or no basic services. This has portrayed the government as one that is against the *Acholi* for crimes committed by past regimes, which were dominated by people from northern Uganda. Some of the grievances that northerners harbor against the GoU therefore are founded on the belief the government intends to see

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[13] Ibid, 3/06/2009.

to the total extinction of the *Acholi*, grievances that have featured prominently in the start and continuation of the conflict. "By forcing all these people into camps…the Ugandan president took revenge on the *Acholi* for their alleged involvement in Uganda's violent past, especially in Luwero in central Uganda…" (Finnström, 2008:169).

From the onset of the rebellion the LRA was driven by grievances, in the form of resentment of the NRM takeover. The conflict has been in part to regain power from the NRM government and expel it from the *Acholi*-regions of Northern Uganda. Suffice to note is that rivalry has always existed between the northern *Acholi* people and the southern tribes. Jackson observes that many of the reasons for the fighting are related to material and historical grievances as well as issues related to social exclusion from economic network (2009:328). Attempts to resolve the conflict should have been done along the ethnic and regional identity lines that have been prominent features in the continuation of the conflict.

Denis[14] intimated that at the start of the talks, the LRA negotiation team attempted to table factors of identity, frustration, unequal opportunity that have been, and continue to be core variables in the conflict but the government delegation would not have it. This according to him was the first problem with the talks; refusal to discuss the roots of the conflict. "The first LRA delegation raised the issue of tracing the conflict back to the start at the negotiating table, but the GoU delegation refused to discuss history, and those who insisted on addressing the root causes were branded hard-liners and eventually turned off the team" (Denis, LRA delegate). The negotiator should have pushed for a revisiting of the reasons for the rebellion, given that the war in northern Uganda did not start with the LRA and will not end unless the roots of the war are addressed.

Two religious leaders at the Uganda Joint Christian Council agreed by noting that refusal to discuss the root causes of the conflict was bound to present problems. They noted that the government delegation did not want to acknowledge that it was the tactics used by the NRA/M against the former UNLA forces in 1986, which started the rebellion. "The

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[14] LRA delegate interviewee in Kampala, 1/06/2009

NRA's killings, disappearances and internment directed at the northern population and lack of employment that former UNLA troops faced, forced them into southern Sudan, where they re-grouped and started rebellion" (Lomo and Hovil, 2004). Some LRA delegates expressed frustration at the fact that the roots of the rebellion were not addressed, indeed analysts have observed that the GoU did not have any interest in addressing the root causes of the conflict (Finnström and Atkinson, 2008).

Ironically Thomas[15] acknowledged success of the talks, he actually objected to any reference to the talks as failed effort. Instead he observed that the rebels were out of the country, and that relative peace had returned to northern Uganda. To this I did not disagree, indeed peace has returned to northern Uganda since the start of the Juba talks, these events are the result of the changed military situation in northern Uganda. The Ugandan Peoples' Defense Forces pushed the rebels out of northern Uganda and into Congo in 2005, as a result, the humanitarian situation in the north improved enormously, and many people have moved out of the camps and returned to their homes. "The impetus provided by the peace talks was crucial towards the return to unprecedented levels of security in Northern Uganda, demonstrated by decreasing rebel attacks and the gradual return of IDPs from camps and into villages (Khadiagala, 2008:9).

To qualify the peace negotiations as a success constitutes a narrow analysis, one that fails to look at the broader picture. Kony is still armed, still abducting children and every indication is that he has not been defeated; instead he continues to attack innocent civilians. Thomas further noted that the government would never allow the rebels back into northern Uganda, and that the people would now live in peace. He made it seem like the sole aim of the talks had been to get the rebels as far away from northern Uganda as possible, and since they were now in Central African Republic, the talks had succeeded. From this, I conclude that the talks failed because they did not get the rebels to endorse the final peace agreement, to give up arms and allow to be subjected to some form of accountability. Because the rebels still pause a security problem to the region constitutes a failure of the talks, and to applaud the negotiations as a success is illogical.

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[15] GoU delegate interviewee in Kampala, 23/07/2009

Nevertheless, I agree with Thomas as it is unlikely that the LRA will find their way back to northern Uganda. With a failed peace negotiation and the ICC warrants out for their top commanders chances are they will continue fighting and moving further away from their country of origin. To them the rebellion has become a way of life that allows them power that would not be enjoyed in a normal society. As pointed out in the theory, profits may arise from pillage, protection money and ransoms, controlling trade, exploiting labor, gaining access to land or appropriating aid. Therefore for the rebels to give that up, they needed to be offered some serious trade-offs in the form of security and economic incentives. "The LRA organization fights in order to continue providing security and a vocation to its members, which would be lost by a return to wider society" (Vinci, 2007:337).

During informal conversations in Gulu it was enlightening to learn that the rank that the rebels enjoy while in the bush is nothing compared to normal life within society. Examples showed that the rebel commanders choose their wives from a host of abducted girls, they eat chicken while the rest feed on greens, it is doubtful that Kony, the son of a peasant farmer and a school dropout, could attain what he has outside of the LRA (Feldman, 2007:140). This is what could constitute some of the means whereby fighting forces are maintained and supplied. By understanding how the LRA commanders live and fight, the first step could have been to deny them that which they thrive on, abduction of children, through the provision of maximum security for local communities. "The most pressing issue is ending the LRA attack against civilians and/or improving security for local civilians if and when attacks continue" (Atkinson, 2009:18).

The role that economies play in motivating war seems to have come into play in the LRA conflict. Apparently, there were parties benefiting from the continuation of the conflict, who did not want to see it end. Tony[16] noted that for a long time the Uganda government maintained that the LRA was an internal matter, and that it would be dealt with domestically. The reason behind this is that the president was using the war to justify large defense budgetary allocations and expenditures. Atkinson (2009:9) agrees that

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[16] LRA delegate interviewee in Kampala, 30/06/2009.

domestically President Museveni has used the war to sow fear and cultivate political support from areas outside Uganda. Internationally to obtain diplomatic and budgetary support from the World Bank, the US, and other donors, both in general and for the military in particular.

Still on the economies of war, different groups of people were noted for making the LRA conflict into a good business. These have included high-ranking officers in the Uganda government, as well as humanitarian aid workers. Keen best sums it up by observing that:

> "Corrupt activities included obtaining very large payments for brokering the acquisition of substandard equipment, including helicopters…Aid workers reported that senior army officers were selling supplies to the LRA, including army uniforms, and that many officers profited by inflating the number of soldiers in their units, pocketing the pay of these so-called 'ghost soldiers' (Keen, 2008:35).

All the above constitute economic motivations of war, any form of profits that arise as a result of the continuation of the conflict. In Gulu respondents implied that the officers within the UPDF wanted the conflict to continue because of their reputation for corruption. In one formal conversation it was argued that if the war continues, officers in the UPDF continue to benefit from various scams, including the sale of materials to the LRA, as well as the collection of the pay for non-existent soldiers, what was called 'ghost soldiers'. According to Strategic Comments (2004), though Washington gives about $2m to military aid to Kampala, the Ugandan military would like a lot more, and the LRA insurgency adds impetus and credibility to such requests.

Another very convincing argument on the economic dimension if the LRA war is Bevan's study *'The Myth of Madness: Cold Rationality and 'Resource' Plunder by the Lord's Resistance Army'*. He argues that even though the LRA conflict started as a grievance-based conflict, it has over the years changed into a resource war. While the competition to control resources in mineral rich countries has fuelled conflict in Angola, Liberia and Sierra Leone the same cannot be said for Uganda, a country not endowed with resources. "Conflicts in the Congo for example have been associated with struggles over access and control of coltan…" (Zwi, 2002:310). Instead the LRA have over the years opted to exploit the population, which in line with the theory has provided the combatants with the incentive and ability to sustain the conflict.

The population of northern Uganda is what has been the resource used to finance the LRA's activities. Consequently, the LRA uses the population of the region as a plunderable resource – abducting fighters, extracting publicity through its targeting of the population and, from 1997 to 2002, exchanging these valuable resources for arms and ammunition with the Sudanese Government in Khartoum (Bevan, 2007:344). The civilian population in northern Uganda has been to the LRA what mineral resources have been to rebel groups in countries such as Angola, the Democratic Republic of Congo, Liberia and Sierra Leone.

The continuation of the war could also be attributed to looting, which over the years has been the LRA's means of survival. The rebels have been noted to attack and loot villages, trucks transporting goods, as well as humanitarian aid organizations. This could qualify as a profit making enterprise for the rebels. The peace negotiators needed to place the LRA in a broader picture, tracing the original reasons for fighting as well as what has sustained the conflict for long. The need to offer security and protection to affected communities would have gone a long way to allay fears in northern Uganda that the government intends to wipe out the whole *Acholi* community, and to prove that the government was interested in ending the conflict.

Findings in this section are in line with assumptions made. The LRA conflict had political origins, grievances that can be traced back to 1986 – when the NRA/M government came into power. However the failure of the state to protect its citizens in northern Uganda is what many respondents pointed to, and for this they hold the government responsible. Findings further confirmed to the assumption that while politics was the original reason for the conflict, what has sustained the conflict today has mostly been economic factors; given that some parties have used the conflict to their advantage and were therefore not willing to see an end to it. Some of the advantages enjoyed as rebels, which would most likely not be accorded them within society is another reason the rebels chose to continue fighting, to enjoy the rank and respect. The ability of the LRA to plunder and exploit the population arguably constitutes a form of resource exploitation, which has allowed the rebels to continue fighting.

5.3   Protracted duration

Since the LRA conflict has gone on for twenty-two years, I assumed that the conflict has undergone transformation in some aspects; actors, goals, context and structure. Once conflict resolution is not tuned to the changes the conflict has undergone, I would probably observe several difficulties in resolving the conflict.

CPEs are usually prolonged and fighting goes on for many years, the protraction of the LRA conflict in northern Uganda (1986 – present) has seen changes in the conflict dynamics - respondents noted changes in the context of the conflict, the actors, goals, as well as issues. The negotiators in Juba were therefore faced with the challenge of addressing issues and grievances that go back as far as 1986; grievances that have taken on new ones, as well as new parties to the conflict. The transformation the conflict has undergone was bound to impact on the peace talks.

Issues, actors and interests change over time as a consequence of the social, economic and political dynamics of societies (Väyrynen, 1991). The social, economic and political dynamics of society are the contexts in which the conflict is set, changes in context were noted to have influenced trend in the LRA conflict, as well as peace negotiations. Respondents noted that changes in context of the conflict were brought about by events in Sudan; first was Sudan's support to the LRA over the years; second was the signing of the Comprehensive Peace Agreement to end Sudan's long civil war in January 2005. In the first place Khartoum's support to the rebels is one of the factors that have allowed them to continue the war; two was that improved relations between Khartoum and southern Sudan meant that the former would cease the support rendered to the LRA since the 1990's.

To deal with Khartoum it was recommended that the peace negotiations needed to be located within a broader regional mandate, one that could have been under the command and authorization of a regional organization such as the African Union. Unfortunately states within the region as well as regional organizations such as the African Union and the Inter-Governmental Authority on Development (IGAD) did not give the much needed

support to the Government of Southern Sudan, in an effort to bolster the Juba peace talks. Regional support, the respondents argued would have provided security, bridged trust and built confidence between the negotiating parties.

LRA delegate respondents reiterated how the unveiling of International Criminal Court arrest warrants for the LRA's top commanders – Joseph Kony, Vincent Otti (died Nov 2007), Okot Odhiambo, Dominic Ogwen, and Raska Lukwiya (died Aug 2006) in October 2005 changed the context of the LRA conflict. The warrants point to what the theory advocates for – the need to recognize the uniqueness of individual conflicts and the variety of local actors and cultural settings that shape them. While a few felt that the ICC warrants are what forced the rebels out of southern Sudan and into the Congo, others argued that the warrants forced the LRA to the negotiating table, and many blamed Kony's failure to sign the agreement on the warrants. The warrants were therefore a major factor in the transformation of the conflict, one that had an impact on the outcome of the talks. Whether it was a positive or negative transformation it is clear from the above the arrest warrants had direct effects on the negotiations.

The conflict structure is the set of actors and incompatible goals or relationships which constitute the conflict. Respondents blamed the failure of the talks on the existence of incompatible goals between the LRA's military commanders and the political wing (*Acholi* in the diaspora). A member of the monitoring team observed that the LRA delegation was composed of *Acholi,* many of whom had lived outside the country for years. While in exile, they have over the years provided financial and moral support to the LRA – unfortunately their views of what the outcome of the Juba peace talks should be were different from the views held by the rebels. "The Acholi in the diaspora appear to have no idea what Kony seeks from the negotiations and there is a real question of legitimacy hanging over this group" (Jackson, 2009:325).

To support this, Spiegel & Pendergast (2008:2) observed that negotiating a deal with the LRA diaspora delegation that purportedly represented Kony's interests in the talks did not translate into a deal with Kony. Kony's core interest is his personal security and

livelihood, while the delegates presented a host of grievances, including political persecution, marginalization, deliberate imbalance in development, protection of land, abuse of democratic principles and zero tolerance to corruption. Grievances that were not in line with the wishes of the LRA's chief in command. Assuming that there was a harmony of interests between the actors i.e. the LRA rebel fighters and the *Acholi* in the diaspora is one of the factors that frustrated the talks in the end.

The existence of incompatible goals within the LRA was also pointed to by respondents, who noted that the rebel leader had to change the head of his delegation team twice during the talks. Informal conversations revealed that the first time that Kony changed his delegation was after he had executed him second in command – Otti. Apparently thereafter many people (even Kony's delegation team) were afraid to travel to the bush to meet with him in order to start the second round of consultations at the beginning of 2008. Clearly the rebel leader and his delegation team did not see eye to eye, and the entry of 'iron man' Matsanga as chairman to the LRA delegation was criticized as a source of controversy. "Matsanga is extremely aggressive. His CV is also rich with controversy. For instance, he has been a key defender of Zimbabwe's Mugabe and his controversial policies. That in itself is not a bad thing but in peace talks you need people who provoke as little prejudice as possible" (New Vision newspaper, 28th January, 2008).

Some argued that changing his delegation members reflected the extent of the LRA's involvement in the talks (Chief Mediator, 2008). But others felt that constantly changing the delegates on the negotiating team reflected the confusion within the LRA camp, and when he appointed a chairman who did not speak '*Acholi*', the LRA's native language, the rebel leader had already lost interest in the talks and was simply playing around. The above then points to what the theory states that parties to a conflict could abandon old issues and take on new ones as the conflict progresses. It could be that the conflict takes on other parties, or already existing parties change their perspectives and take on new issues. It was noted that the original aim of the war was to over throw the NRM regime, and to liberate the *Acholi*. But, this changed as the rebels turned the conflict against their own people in what they deemed as punishment for the *Acholi* for failure to support them.

Ken[17] noted that in the beginning the LRA seemed to be fighting for a common cause among the *Acholi*, and managed to gain support from the local population, but with time Kony accused the northerners of deserting him and started targeting, maiming and killing his fellow *Acholi*. In 1992 the LRA began focusing on civilians, after Kony became increasingly angry at the people who he had expected to support him, but instead turned against him. According to him, if the Acholi don't support the LRA, they have to be killed.

Another delegate – Patrick[18], adamantly stated that Kony was in the beginning blessed by *Acholi* cultural leaders, in a small village in Odek country, Gulu district. Kony was sent out to fight by the *Acholi* cultural leaders, who blessed him and performed traditional ceremonies…it is these same traditional leaders who need to take the lead in ending the suffering of their own people. However, the cultural leaders interviewed declined to comment on the question of Kony having been blessed by the elders. Finnström (2008) observes that the issue of a warfare blessing of the LRA/M leader Joseph Kony is highly contested. Even Kony himself has been noted to claim that he received the blessing to fight the NRM government from his elders. "Kony considers himself in this conflict as a passerby who has been handed over the lion's tail. He is not the one who started the war. So any strategy in search for a negotiated settlement of the conflict should take cognition of Kony's dilemma" (Omona, 2005:23).

An investigation of how true this claim is that traditional and cultural leaders did indeed give Joseph Kony a blessing could shed light on this issue. A much easier angle for the mediator at the Juba talks could have been to involve some of the elders, as well as traditional leaders in the talks. Some of these elderly people are Kony's most trusted friends and advisors; they could be the direct channel to the rebel leader. Therefore through them the mediator would have been able to establish a more trusted angle to communicate directly to the rebel leader. Instead one of the observed negatives of the Juba talks was the failure to involve people from within the affected communities.

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[17] GoU delegate interviewee in Kampala, 10/07/2009
[18] GoU delegate interviewee in Kampala, 25/07/2009

In what qualifies a complete transformation, the goals of the LRA changed drastically over the years, what started out as a revolutionary movement can today be qualified as a notorious criminal group - one that thrives on the attack and killing of innocent civilians. Communities in northern Uganda, southern Sudan and the Democratic Republic of Congo have all suffered at the hands of the LRA. It is therefore not surprising that the rebel group has managed to separate themselves from the greater *Acholi* community. "Now the LRA only represents itself. It fights in order to bring security and social, economic, and political benefit to its own members. The means to bring these benefits is to continue fighting" (Vinci, 2007:348).

The above findings are in line with assumptions made about how protracted conflict goes through various aspects of conflict transformation. Transformation in the structure, context, issues and goals of the LRA conflict meant that conflict resolution efforts needed to be strategized to take into consideration the changes in the dynamics of the conflict. This, among others is what worked to frustrate the best efforts at Juba, to end the two-decade war in northern Uganda. Most importantly is that the very nature and context of the LRA conflict is what should have guided the best means to settle the conflict, whether it would be a power-sharing agreement or the establishment of the truth through a truth and reconciliation commission.

5.4   Use of Violence

The LRA conflict in northern Uganda has involved large scale human rights violations. I expected this to present challenges for resolution as the need to balance justice and peace is often hard to strike, questions of what should come first an end to the conflict before justice is administered or vice versa are hard to contend with.

The violence used by the LRA rebels against the non-combatant population has been well documented (e.g. Bevan, 2007; Feldman, 2007; Finnström, 2008 and Worden, 2008). Like rebel groups in other parts of the world, the LRA have sometimes used violence symbolically; victims of the conflict have on numerous occasions gotten their mouths and ears chopped off with machetes to stop them from reporting the existence of the rebels to government forces. "In 1999 the rebels maimed at least twenty-nine men and twenty-six

women, whose ears, lips, arms and legs were cut off in a symbolic but most physical effort to silence them" (People's Voice for Peace et al, 1999:36).

Figure 2 Showing an LRA victim of symbolic violence

The consequences of such organized large-scale violence are the death of millions, uncounted numbers of displaced people and traumatized or wounded victims, leaving behind the biggest challenge of how to bring all those responsible for human rights violates to justice. At Juba, the negotiators faced the challenge of identifying the best way to deal with gross violations of human rights. Was it more important to punish the perpetrators or to bring an end to the atrocities? The involvement of the International Criminal Court (ICC) in the LRA conflict is an issue that generated dissension among my respondents. The ICC arrest warrants for the top rebel commanders were seen by many as a stumbling block to peace, while others argued that it would see that impunity was prevented and that human rights violators would not get away with their actions.

In early 2004 the government requested the ICC to collect evidence of war crimes committed by the LRA, upon which the ICC issued indictments for the top LRA

commanders in 2005. To some of my respondents the indictments forced the rebels to the negotiating table, but the majority felt that the warrants were a stumbling block to the conclusion of the talks, since the rebel leader declared that he would not sign the agreement until the indictments were lifted. Some victims of the war in Gulu felt that the only reason the international community as represented by the ICC, was interested in a punitive justice was because they were not directly affected by the conflict, and that they had not been exposed to the suffering of the communities in northern Uganda.

Denis[19] blamed the warrants for Kony's skepticism to directly participate in the talks. They prevented the LRA commanders from traveling to Juba; instead they relied on representatives to the talks. It was argued that if Kony set foot in Juba he would be arrested by the United Nations forces on the ground. He observed that fear among the LRA was deepened when the southern Sudan president confirmed that it was in the interest of his government to peacefully and completely disable the LRA (ICC, 2006). Some respondents argued that in referring the case to the ICC, the government of Uganda made a blunder – one that was done before assessing the direction of the talks, and one that affected the final outcome of the talks – a failed peace agreement.

Penman (2007), observes that indicted leaders have everything to risk through a peace agreement, and find more security in conflict and prolonging their time in power. Kony's fear of retribution was confirmed when he rejected protocols that called for his prosecution in a special division of the High Court of Uganda in the Final Peace Agreement. The agreement stated that a special division of the High Court of Uganda would be established to try individuals who are alleged to have committed serious crimes during the conflict. But no consideration was given to the fact that the prosecutors would be Ugandans, who have in one way or another been affected by the conflict. Questions of how to ensure that the Ugandan judiciary would remain completely independent and unbiased were left unanswered.

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[19] Ibid, 1/06/2009

Many victims of the conflict were unanimous in their position on the ICC; they felt that the international criminal justice was incompatible with the demand for a peaceful settlement of the conflict. In Gulu all informal conversations indicated that the people felt that the ICC represented a westernized form of justice, one that was being imposed on the people of northern Uganda. They instead opted for the need to establish a truth and reconciliation commission whose mandate would be to investigate the perpetrators of war crimes and deliver justice. Upon which perpetrators would accept their mistakes, exhibit remorse, apologize and ask for forgiveness.

Two formerly abducted children asked for the implications of the rebel leader being locked up in a prison outside Uganda, and how this was to benefit the many victims of the war? Accountability to them meant full disclosure of the relevant facts concerning atrocities committed the whereabouts of many abducted children accompanied by a cleansing ceremony. They viewed the traditional justice mechanisms as being the most suitable form of accountability, but noted that traditional mechanisms of conflict resolution are not without challenges – elderly respondents noted how the practices have been weakened by the conflict, and the need to harmonize traditional customs as practiced by the four ethnic groups most affected by the conflict i.e. Mato Oput in Achol*i*, Kayo cuk in Lango, Ailuc in Teso and Tolu koka in Madi was another challenge.

The ICC warrants were further viewed by many as one-sided for not indicting officials from the national army – the UPDF, who have been accused of committing violations during the course of the conflict. "The absence of investigation of the UPDF has often been presumed to be the result of bias rather than as a consequence of the ICC's application of its criteria for case selection (Otim & Wierda, 2008:22). According to the theory, both government forces as well insurgent groups use violence in civil wars for various reasons, therefore both the LRA and the UPDF have been accused of committing violations against civilians. In referring the case to the ICC, David[20] noted that the government left out crimes that were committed by its own army. Well aware that the ICC was created after an agreement not to include crimes committed before July 2002, he

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[20] LRA delegate interviewee in Gulu, 19/06/2009

observed that in the case of northern Uganda it would mean leaving the first 15years of the conflict unaccounted for, which to him was unfair and indicated the incapability of the ICC to handle justice in the northern Uganda conflict. He concluded that this could have been an intended move by the President of Uganda, who for many years has shied away from acknowledging atrocities committed by the national army.

To David therefore, the government has conveniently turned the eyes of the world away from itself and onto the LRA and by doing so the government had succeeded in using international law to its benefit. As Otunnu (2006:45) observes to keep the eyes of the world averted, the government has carefully scripted a narrative in which the catastrophe in northern Uganda begins with the LRA and will only end with its demise". Another indication that the President of Uganda used the ICC to his advantage was noted in the way he referred the case to the ICC, while at the same time supporting the Amnesty Act and offering blanket amnesty to the rebel leaders. These mixed messages turned the touch away from the national army and onto the LRA, but clearly portrayed a lack of commitment to a peaceful end to the conflict. Tension arose between the Amnesty Act of 2000 which grants amnesty to all those combatants who voluntarily come out of the bush, and the ICC that seeks to prosecute those held responsible for war.

The problem with granting a blanket amnesty according to some of my respondents was that the many victims of the conflict in northern Uganda were not consulted. Offering blanket amnesty to the perpetrators of many heinous crimes constituted a denial of the victims' right to justice and might force the victims to seek revenge in the form of administering justice, which would only serve to restart the conflict. Amnesty would therefore not guarantee durable peace; instead it would postpone the eruption of discontent. As observed in the theoretical framework, ending the fighting is only the beginning part in the transition from war to peace, the memories of atrocities, suffering and injustice live on and unless they are specifically addressed through healing and reconciliation processes, their re-emergence can undermine the reconciliation process.

Jurists have observed that with amnesties, there is the possibility of undermining international law, which would promote impunity. Uganda ratified both the UN Convention against torture (1975), and the Rome Statute of the ICC (2002), by offering the rebel leader's amnesty; the GoU violated international law (Penman, 2007). But many principles of international law remain on paper, and states have been known to pursue policies that suit their foreign policies. The vital position that needed to be reached at the Juba talks was striking a balance between justice and human rights. "Attempts to resolve conflicts should address human rights. There is a noticeable linkage between human rights and peace" (Bell, 2000:4-5). Just and lasting peace is likely to be achieved by first addressing the human rights of groups and individuals affected by the conflict.

It would be sad to see Uganda join the many impunity cases in Africa, where rebels and perpetrators of gross human right violations have evaded accountability for war crimes and ended up living comfortably in other states. Amnesty should be tailored to suit the requirements of each unique conflict context, in the Ugandan context, offering amnesty to the LRA rebels who will return and live in the same impoverished conditions that the victims are living in is very unrealistic. The starting point for peace building should have been with reparations to the victims of the war, the need to ensure personal security, and the reconstruction of northern Uganda. May be then, war victims will not be constantly reminded of the violence and injustice they have suffered.

The neglect of the affected communities could have possibly seen the signing of an agreement but the challenge would come with the reintegration of former soldiers into areas that are not ready to receive them. As part of peace building reintegration would necessitate that former combatants receive some assistance package to restart their lives. Here Worden (2008:11) paints a grave scenario, of a victim's family willing to forgive those who wronged them, but questions that family's attitude if an ex-LRA commander received what they perceived to be a better plot of land, or begun a more successful business, if there had been no public accountability for past crimes? Once a peace agreement is perceived as rewarding the perpetrators of conflict over the victims, conflict is likely to occur between former combatants and the local community.

Basing on findings from interviews conducted, the debate on balancing reconciliation against accountability presented challenges at Juba and will continue to be a tough and dividing issue in Uganda for years to come. International standards of accountability focus on putting an end to impunity for perpetrators of the most serious crimes against humanity, these international mechanisms therefore have an institutional antipathy towards such measures as blanket amnesties and non punitive models. Uganda's case needs a well managed and technical debate with the view of coming up with a model which addresses as equally as possible the need for peace, reconciliation and justice which unfortunately the Juba talks did not tackle in detail.

Findings on the use of violence by the LRA rebels were in line with my assumption about the challenges presented by accountability and reconciliation after large-scale human rights violations. The clash between justice and peace was mirrored in the ICC warrants for the LRA rebels versus the offer for a blanket amnesty once the rebels endorsed the final peace agreement. While the rebels demanded for a withdrawal of the arrest warrants before they signed the agreement, the GoU demanded that the rebels first endorse the agreement before they approach the ICC and propose a withdrawal of the arrest warrants demonstrating how questions of justice and human rights clashed at Juba, complicating the peace process and opening up avenues of disagreement and contention.

5.5   Social cleavages

The LRA conflict in northern Uganda is grounded in the regional divisions between the north and the south of the country. I postulated that attempts to resolve the LRA conflict would need to be along the same lines of division, both regionally and ethnically. Otherwise, conflict resolution that fails to address the cleavages that lie at the root of the conflict will most likely fail to bring about sustainable resolution.

The origins of many CPEs lie in identity relation issues which are often compounded with state inability to address such differences. Identity is an abiding sense of the self and of the relationship of the self to the world (Northrup, 1989:55). The LRA conflict like many other internal wars is embedded in a history of identity and power struggles that are a part of Uganda's history. As Khadiagala (2007:3) observes; regardless of how they are

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painted, civil conflicts signify deep-seated fissures over identity, legitimacy and the principles of political organization. As such, groups seek to assert their distinctiveness and intensify ethno-cultural feelings when states fail to provide rights, security and prosperity. The theory conforms that internal conflicts are a prolonged violent struggle by communal groups for basic needs, which in the LRA conflict have mainly been access to political institutions, equal development and economic participation.

Indeed an analysis of roots of the war points to issues of identity, ethnicity, inequality, religion, legitimacy and security and prosperity. Darby and McGinty (2003) argue that ethnicity has the psychological properties and discursive resources which have the potential to decant into violence. Respondents from the LRA negotiating team pointed to the existence of identity and ethnic divisions between the north and the south of the country. During interviews it was revealed that people of northern Uganda, especially the *Acholi,* feel victimized by the NRM government -which they claim has for many years refused to prioritize an end to the conflict. They feel that the government forced them into camps to take revenge for their alleged involvement in violent incidents in Uganda's history. "Many Acholi would argue that they are now suffering what the people of the Luwero Triangle suffered previously, and that insecurity has merely shifted from one area to another" (Finnström, 2008:169).

Therefore it can be argued that the conflict is one between the *Acholi* of northern Uganda and the NRM government. The *Acholi* identify themselves as a group with shared beliefs, language, values and history. They have been stereotyped as backward, primitive and war like by other tribes within the country, actually the northern region has been described as war prone. One high-ranking officer in the Ugandan army, in an interview with Human Rights Watch is quoted to have blamed the violence in northern Uganda on the *Acholi*. "If anything it is the local *Acholi* soldiers causing the problems. It's the cultural background of the people here: they are violent. It's genetic" (Finnström, 2008). Language has therefore been used to stereotype the *Acholi* drawing a boundary between the northerners (them) and the southerners (us). Stereotyping the 'other' which works hand in hand with drawing lines between the majority and the minority to fuel conflict.

On a personal note, while preparing for my trip to the north of the country to embark on my data collection, I often got frowns from family members and friends who I told I was travelling to Gulu. Some often asked if it was safe, and went ahead to caution me to be very careful, that northern tribes where rough and violent. Every once in a while I was asked if Kony was still in Gulu? This is a clear indication of how little 'southerners' care about what happens in the northern part of the country. To many, northern Uganda seems like another state, a place so removed from the security and prosperity enjoyed in the south of the country. For this very reason the Juba peace talks were treated like a northern affair, with little or no involvement of people from other regions of the country. Reconciliation in Uganda needs to be tackled at the national level, to address the north/south gap that has characterized the country for so long.

These divisions were pointed to as some of the issues at heart of the LRA conflict. At the Center for Conflict Resolution, it was noted that these divisions have manifested themselves in the inequalities between the north and the south of the county. The theory states that inequalities in political and economic resources, these wars are compounded by the ability of elites and political entrepreneurs to mobilize ethnic differences and historical grievances (Khadiagala, 2007). The conflict has exacerbated the inequality between the north and the south of the country. Indeed, Uganda became two separate countries during the war, essentially: one included the peaceful and relatively prosperous western, southern, and central parts of Uganda, with a growing economy that has won Museveni much praise from the World Bank, IMF, and other donors; the other was a war-torn, impoverished, isolated North. (Atkinson, 2009:10).

Religion can be among the bases for identity in a number of ways; first religion includes a belief system which influences behavior, two religious doctrines or theology can often influence behavior, three religion is a source of legitimacy and finally, religion is associated with religious institutions (Fox & Sandler, 2006:2-3). The role that religion has played and continues to play in conflicts is not unique to the LRA conflict; the civil war in Sudan for example can be traced to differences between the predominantly Arab/Muslim north and the African/Christian south – along with struggles to control

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minerals in the south of the country. The reasons that may lead to the start of the conflict might be greed or grievance but religion is what is used to articulate the motives behind the conflict. Møller (2006) observes how leaders attempt to recruit followers by means of appeal to religion.

The religious leader David[21] noted that the rebels have used religion to articulate their grievances. "Religion is the idiom in which the conflict has expressed itself, and by which it – and its long-suffering victims endure" (Taylor, 2005:560). From the very beginning Kony claimed to have been sent by the Holy Spirit to carry out Gods work. "Kony claims he hears voices, which he attributed to the Holy Spirit giving him instructions. He is convinced that he has a mission from God to save his people and the whole world" (The New Vision newspaper, 17 May 2006). Therefore religion has been used as the basis for identity by the rebel leader, as well as a belief system to influence behavior and rally people for support.

The LRA leader has been noted for using religion to indoctrinate his captives, who are convinced that he is a prophet with supernatural powers. He creates fear among those he abducts and succeeds in making them believe that if they kill him, God will punish them. In their analysis of the profiles of the different parties to the conflict, Nyeko and Lucima (2002) not that Kony exercises absolute control over his fighters. According to him, "God can confirm that I am an embodiment and the personification of the Holy Spirit". Formerly abducted children claimed that negotiating with Kony was useless, since he receives orders from the spirits, accordingly if the spirit tells him to negotiate he will do so and if the spirit tells him not to negotiate he will not do so making him very unpredictable.

Unfortunately the role of spirituality and religion in fuelling the LRA conflict was not harnessed to bring about peace by the chief mediator. That religious tenets have been used to drive the complex conflict could have benefited the Juba talks, as the same approach could have been used to reach out to the rebel leader. Religious leaders from the

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[21] Ibid, 19/06/2009

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northern region have been noted for using religion to create space for dialogue. Religious organizations such as the Acholi Religious Leaders Peace Initiative (ARLPI) have been instrumental in their campaign for a resolution of the conflict. ARLPI and the church are the bridge that brings the affected communities, the rebels and other *Acholi* in the diaspora together. The mediators at Juba could have used this to their advantage; instead the religious component of the LRA conflict was not even discussed at the Juba talks. "The LRA have been fighting to rule Uganda under the 10 commandments. But LRA delegates in Juba have said nothing about this" (The New Vision newspaper, 30 March, 2008).

For Uganda to move forward peace building needs to be on a much wider scale, addressing the different dimensions of the conflict: First as a conflict between the LRA and the Uganda government; second as a conflict that continues the north-south divide of the country. Three would be a conflict between the Government of Uganda and the Khartoum government of Sudan; four is a conflict between the LRA and the Acholi communities of northern Uganda and finally the conflict between the LRA and southern Sudan communities. These five dimensions have different cleavages that make the LRA conflict not just about the LRA and the Government of Uganda; dimensions that needed to be tackled at Juba, if a sustainable resolution of the conflict was to be reached. Within the Ugandan states, this might entail reforms in the different organs of the state that would see a more inclusive participation and fair representation of all the regions, equitable economic development, and more regionally balanced resource allocation. "The Acholi must be made to feel more a part of Ugandan society. The NRM simply has not unified the country after the turmoil created by colonial policies of ethnic division and decades of armed conflict (International Crisis Group, 2004).

The differences in development between the north and the south of the country are a factor that cannot be denied. The stereo-typing of the northern tribes by people from the south indicates that the LRA conflict goes beyond the two parties (LRA and GoU). Resolution of the conflict needs to look at all the dimensions of the conflict, and be approached from a broader angle.

Findings confirm my assumptions that resolution of the LRA conflict if not approached along the same cleavages that lie at the root of the conflict would fail to bring an end to the conflict. Resolution of the conflict need not be limited to the LRA and the Uganda government; instead resolution should be at the national level since all Ugandans have been affected in one way or another. Some of the identity instruments that have been used to advance the grievances of the northerners i.e. ethnicity, inequality and religion could have been used to advance peace and help bring about the resolution of the conflict.

5.6   Use of child soldiers

For a sustainable resolution of the LRA conflict, there would need to be a strategy to address the challenges presented by children as victims of conflict and perpetrators at the same time. While these children could have taken part in violent acts, the circumstances that forced them to commit these atrocities cannot be ignored.

The recruitment of children into civil militia has been a trend in civil wars in Africa and other parts of the world. The first documented systematic use of this tactic was by the Mozambican National Resistance (RENAMO) in Mozambique in the 1980's. "Children came to make up a large proportion of the rebel force. RENAMO commanders acknowledged that children were 'easier to control' and less likely to succeed in deserting" (Africa Action, 2003). There after the same trend was seen in rebel's forces in Angola, Burundi, El Salvador, Liberia, Rwanda, Sierra Leone and Sudan. "In Africa, it is estimated that 120,000 children between the ages of 15 and 18 are currently fighting in armed conflicts across the continent. Some children are as young as seven or eight years old" (Amnesty International USA, 2004). According to the theory, some children voluntarily join armed forces due to poverty, discrimination and loss of parents, but many of them are targeted because they are vulnerable and can be easily exploited.

All my respondents agreed that majority of the LRA's fighters have over the years been kidnapped often as children, and forced to commit crimes. In fact it has been standard operating procedure for the LRA to attack villages whenever it needs supplies or fighters. "Virtually every extended family in Acholi-land has had someone abducted …" (Jackson, 2009:323). The problem of child soldiers in Uganda however did not start with the LRA,

conscription of children as soldiers in Uganda can be traced back to the 1980's. Museveni's resistance was noted for recruiting an estimated 30,000 *Kadogos's* (Veale & Stavrou, 2003). David[22], a religious leader observed that since majority of the LRA's fighters have been kidnapped, often as children, they are considered victims as well as perpetrators. He then asked the question of who speaks for these children. Who determines which children were abducted vs. those who joined voluntarily? Often reiterated in my interviews was the onerous task of separating those who are blameworthy from the relatively innocent one. Getting these children to account for crimes committed while in captivity is a challenge the negotiators at Juba did not foresee.

Figure 3 Showing LRA abducted child soldiers in combat

Baines discusses how these victims/perpetrators use acts of violence as a means of restraining power. She discusses one example of Dominic Ogwen, one of the indicted LRA commanders, who was abducted at 10years old and managed to grow within the LRA and is among the top indicted commanders today. She argues that Ogwen is representative of many young rebels who were 'bred' in the shadows of illiberal war economies. "Excluded from the polity…such complex political perpetrators must be recognized in the debate on transitional justice after mass atrocity" (Baines, 2009:163)

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[22] Ibid, 19/07/2009.

Fred[23] noted that it was vital for the mediation at the Juba talks to first negotiate the release of abducted children. He almost broke down when he started to talk about two of his sons who were abducted at 8 and 12 consecutively, and that his gravest fear lay in the fact that a failed peace negotiation would give the government an opportunity to pursue the military option against the LRA, which would not spare the many children forced into the LRA. To Fred the need to resolve the conflict peacefully was paramount, in order to save the lives of thousands of innocent children. He said many northerners were interested in the talks because of their children who were abducted and are still in the rebel camps, many did not want to see their children killed.

In the New Vision newspaper (26 September 2006), a proverb was used to describe the feeling of many northerners in regards to their abducted children. "When a snake coils around your baby, you don't take a stick to fight it, you throw a frog or a rat and it will uncoil and leave your baby alone". Therefore, Worden (2008:7) is right to observe that when northerners talk about the desire to forgive the LRA, they are often speaking of their own children and community members who had no choice but to fight. This reflected the double jeopardy suffered by parents, who first lose their children to the rebels, watch them being killed by government forces, and if lucky and able to escape captivity are forced to take them back regardless of the atrocities they committed.

One of the constant demands by the affected communities to the LRA throughout the negotiations was that the rebels release abducted children. Negotiating the release of abducted children is a confidence building angle the mediator could have used in exchange for a request to the government to withdraw the case from the ICC. Instead, the Chief mediator did not explore this avenue, and the constant call to release abducted children was misread by the rebels as a move to clear the way for a military offensive against them. Failure to answer to calls by the people for the release of their abducted children, showed a lack of commitment on the LRA side, and forced many to lose confidence in the process.

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[23] Ibid, 3/06/2009

The Juba talks should have been more representative of the parties affected by the conflict, such as women and children. Children especially, have been specifically targeted by the rebels – qualifying them as one of the parties most affected by conflict. Basing on refugee statistics by the United Nations High Commissioner for Refugees, they conclude that women and children are disproportionately hard-hit by this aspect of war suffering (Skjelsbæk and Smith, 2001:4). At Isis International Women's Cultural Exchange, it was observed that both the government and LRA delegations had two women, and that children were not even represented, yet the onus borne by young people during conflict is enormous. "The disproportional burden borne by young people in conflict indicates an assumption of responsibility, a resourcefulness and determination that should earn them a place at the negotiating table in peace processes, conflict resolution and in the formulation of policies that affect them" (Aboagye, 2007:26).

I suspect that the same trend the talks took would have been the same one applied if disarmament, demobilization and reintegration had had to be implemented. Yet the consequences of DDR programs that fail to involve all the parties are all too familiar with experiences in Namibia, Sierra Leone and Ethiopia. In regards to DDR for example, the UN emphasizes non-discrimination in DDR programmes. "Individuals shall not be discriminated against on the basis of sex, age, race, religion, nationality, ethnic origin, political opinion, or other personal characteristics or associations" (UNIDDRS, 2006) but practice varies.

In Gulu many of the formerly abducted child soldiers are left to fend for themselves, they therefore concentrate in the city center - with no will to return to the villages where they possibly committed crimes. "LRA returnees are mostly living in towns, where current residents were less affected by the conflict, and have not yet reintegrated into their own villages where they will be known by victims, or lived among community leaders who are aware of what they have done" (Worden, 2008:7). They have not received any training and therefore lack skills to acquire meaningful employment, so many of them own and operate motorcycles, commonly known as *'boda boda's'*. Observing these young men aged between 12-20years, I could not help but notice the ruthless way they

rode these machines. I then proceeded to ask why these young men ride so daringly and fearlessly? My respondent immediately cautioned me to be careful, he told me that many of these were formerly abducted children, who have been traumatized by the violence they have seen, and are not afraid of anything. He said that people in Gulu were aware of this, and were very careful to not anger or provoke them.

Gulu town center could be an epitome of many city centers, in states that have come out of war and no strategic efforts have been taken to re-integrate formerly abducted children into society, a situation which could very easily lead to the resumption of conflict. Collier observes that the biggest proportions of people who join rebellions are young men; he argues that the proportion of young men in society is a major factor influencing the feasibility of rebellion (2000:94). Coupled with the history characteristic of conflict, chances are high that if presented with an opportunity to rejoin rebellion, they will be the first ones to enlist. Peace agreements to end long and large-scale violence need to have a strategy to address the question of children as victims and as perpetrators.

The above findings were in line with my assumption that once conflict has involved the abduction of children, its resolution has to be along the lines of putting in place a strategy that addresses the challenges of children as victims, and perpetrators at the same time. It is without doubt that LRA rebels have committed some of the gravest violations of human rights, but consideration needed to be given to how some of these perpetrators have come to commit these crimes. By indicting the top rebel commanders for example, among who is Dominic Ogwen, international law is in contradiction with the UN Convention on the Rights of the Child (1989). At Juba consideration should have been given on how to first address the issue of children who were abducted by the rebels.

5.7 Multiple actors

My expectation was that the LRA conflict is more than just about the Uganda government and the LRA. I suspected that there were parties who did not want to see an end to the conflict. If not met with any spoiler-management strategy, they could have succeeded in spoiling the peace talks.

Findings pointed to the fact that the LRA conflict is more than just between the LRA and the Uganda government. In his analysis of internal wars Khadiagala notes how conflicts such as the LRA conflict often engender diverse actors ranging from local and international NGOs to regional and foreign states actors with varying sources of authority who always speak in multifaceted voices (Khadiagala, 2007:117). Indeed the role of other parties to the conflict was noted as presenting challenges at the negotiations. Respondents from both negotiating teams noted that there were many parties that did not want to see an end to the conflict.

Stedman (1997) defines spoilers as leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it. He further makes the distinction between inside spoilers – those who sign an agreement and signal the will to implement, but fail to fulfill key obligations; while outside are those parties excluded from the peace process, or who exclude themselves. Both the LRA and the GoU would then fall into the category of insider spoilers, as they were observed to lack the genuine will to end the conflict.

Pointed to was that both parties lacked commitment to the talks, seen in the continuous violation of the ceasefire agreement signed in August 2006. Doubts about the LRA's lack of commitment to the talks were reflected in their unwillingness to assemble their fighters at Ri-Kwamba, and Owiny-ki-bul as specified by the ceasefire accord. The government on the other hand was accused of continuing to use military operations against LRA forces after the start of the talks, and even killed an LRA commander Major General Raska Lukwiya, in Northern Uganda on Sat 12th August 2006 a clear sign of the governments' lack of will to end the conflict peacefully.

Mutual mistrust of either party was pointed to as having presented challenges at Juba. The LRA especially, did not trust that the government was committed to the talks. Discussions at the Uganda Joint Christian Council shed light on the rebels mistrust for the GoU, observation was made that northerners in general were well aware of Museveni's poor record in keeping his word. "There is a deep-rooted distrust for Museveni and his

policies; this goes back to fears of retribution against the Acholi's for their own atrocities" (Vinci, 2007:345). Accordingly, all the failed past attempts to end the conflict were because the GoU could not keep their word. One specific incident was mentioned, one which had ended in the tragic death of a priest, when the Ugandan army attacked a peace delegation consisting of religious, traditional and civil leaders proceeding to a meeting with the LRA representatives in December 2004.

Michael[24] traced events back to recount why northerners have lost trust in the Uganda government over the years. He said it all started when the latter invalidated the 1985 Nairobi Peace Agreement and framework for national reconciliation, this was what started the rebellion. A similar trend followed in 1988 after the signing of an agreement between the NRA and UPDA, and this time Museveni proceeded by disposing of former UPDA fighters, executed, imprisoned and forced them to flee the country. From the above it can be argued that the LRA were grounded in expressing their lack of trust in the government.

A member of the monitoring team observed that even the offer of a blanket amnesty by the president is a fraudulent scheme to get the rebels to surrender. He referred to three former LRA demobilized honchos – Kenneth Banya, Sam Kolo and Onen Kamdulu who have been granted amnesty but are under constant surveillance by the GoU. They are restricted in their movement, have not been assisted in reintegration back into their original communities, and are confined to the centers indicating that there is no freedom once a rebel surrenders. Finnström analysis of some of the rebels manifesto advances a similar argument, that the rebel leader has on several occasions raised the sensitive issue of some high ranking rebels who accepted amnesty in the 1980s, only to die under unclear circumstances (2008:110). The example of Mike Kilama, a senior rebel commander who agreed to lay down his weapons and ended up being shot when he allegedly tried to escape to Kenya. There have been other reports of former rebel commanders being arrested on charges of treason over the years (Lwamwaka, 1998).

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[24] Ibid, 16/06/2009.

Kony's mistrust was not limited to the government of Uganda; instead he was noted to have problems with trusting anyone…and believes the whole world is against him. "Through his eyes, any initiative to make him come out of the bush is a trap and anybody who approaches him wants to kill him – be it clan elders, church leaders, the Sudanese or the Americans – become his next target" (The New Vision newspaper, 17 May 2006).

The GoU was accused of preferring a military option in ending the conflict. The president has on several occasions implied that the only way to end the war would be through military means; therefore military threats became a part of the peace process. Noted was how the government constantly reiterated its readiness to fight, exemplified in Museveni's continued favor for a military option, which was met with the LRA also emphasizing that they too were ready to take up arms. "Uganda had even sought permission to send troops into the Democratic Republic of Congo, but this had been opposed by both DR Congo and the international community, for fear of destabilizing the Congolese peace process" (Strategic Comments, 2008).

It seems that the government did not have the will to negotiate, but was simply pressure to take part in the talks. "Kampala was made more amenable to negotiations by increased international pressure, the failure of military action to solve the problem increased international attention to the humanitarian situation in northern Uganda and the ensuring loss of prestige for Museveni" (Strategic Comments, 2008). To confirm this, a respondent from the government side Moses[25] stated categorically during our interview session that we (the GoU) went into the talks knowing very well that they would fail, and only wanted to prove to the world that rebel leader was not serious about a peace process. Reasons for the government's lack of will were likened to the latter's disinterest in ending the conflict, as summarized by one elderly lady Sara[26]

> To justify its over-sized defense budget; to avoid having to address issues of massive human rights violations, war crimes and crimes against humanity committed by the UPDF in northern Uganda; to alienate the people of northern Uganda – especially the Acholi in an act of avenging history and finally the GoU did not want to commit itself to the political, economic and social responsibilities that would come with the signing of the CPA i.e. reconstruction of the northern region as it could counter to M7's inclination

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[25] GoU delegate interviewee in Kampala, 8/07/2009.
[26] LRA delegate interviewee in Gulu, 2/06/2009

to destroy and keep the north underdeveloped. (LRA delegate, 2009).

The government therefore resorted to foul play during the talks, a spoiler role that managed to frustrate their opponents. The president was even noted for using provocative and abusive language in reference to the rebels. He (Museveni) on several occasions referred to the LRA as terrorists. "Conversely, President Museveni has stated his lack of faith in negotiations with terrorists…if you believe you can convince evil to stop being evil go ahead" (Feldman, 2007:140). The manipulation used by the government during the talks is what was claimed to have led to the execution of Vincent Otti, the LRA's long time second in command after he got caught up in the manipulation. The Government used money, bribery and promises of amnesty to induce defections from the LRA in order to frustrate the talks. "They resorted to manipulations, including secret cash payments to certain LRA/M members that both divided the rebels and undermined the peace process" (Atkinson, 2009:12).

At the Africa Leadership Institute, it was observed that the LRA leaders unfortunately failed to explore the possibilities of how they would benefit from the talks. "After twenty years in the bush the LRA lacked the diplomatic and political preparedness necessary to navigate through peace talks. Kony failed to take advantage of the talks to improve his standing, not only with the communities in the north but nationally" (AFLI employee). They further lacked expert international backing, while the GoU involved international bodies and representations, the LRA was not that advantaged.

On this I agree by observing that even within Uganda, the talks were handled as a strictly northern initiative involving the *Acholi* and *Langi* of northern Uganda, the rest of the country was completely divorced from the process - no parliament, no political party representatives. More time should have been dedicated to the preparation stages, especially publicizing the start of the negotiations within Uganda and in the region. Publicity would have gotten more than just the northerners on board, and more support from counties within the region. Instead, the LRA delegations consisted of only *Acholi* who had lived outside Uganda (in exile) for years. "For record purposes, the team in Juba is 98 per cent diaspora, 1 per cent from Uganda and 1 per cent from Garamba" (The New

Vision newspaper, 4 October, 2006). The result was their negotiating a weak Final Peace Agreement, one that was rejected by the LRA military leaders.

Some members of the delegation noted that personal gains and motives undermined their group performance. Accordingly, there were some delegate members who were simply interested in the allowances that came with being part of the delegation. It was therefore easy for the GoU to compromise them. Fred[27] noted how a number of characters on the LRA delegation were noted for being dubious, known to have been government operatives and NRA ruling party factions. The last chairman of the LRA delegation was noted for not being an *Acholi*; as a result delegates blamed him for creating communication problems between the LRA high command and the negotiating team. Fred[28] argued that apart from being rude with a fiery temper, the last chairman lacked the stamina of a leader to shoulder a huge responsibility; as such he managed to manipulate the process by lying to his colleagues that he was in everyday communication with Kony, while actually he was not.

While in the beginning there was constant communication and face to face meetings between the LRA delegates and the military leaders, this started to diminish as the talks progressed. The LRA commander was in the dark about most of the issues being discussed in Juba and by the time of the signing of the agreement Kony was not clear on a number of issues and requested for a meeting with his delegation as well as cultural leaders to explain some issues in the document. Therefore questions about the representativeness of the LRA's delegation team, wrangles with the team, a lack of direct contact between Kony and the mediators all constituted spoilers which further obstructed the talks.

On outside spoilers, the existence of extreme LRA supporters in the diaspora who were bitterly opposed to the negotiation process was pointed out. These Ugandans in exile i.e. Nairobi, London, Germany and Canada and have for years been giving financial support

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[27] Ibid, 3/06/2009
[28] Ibid, 3/06/2009

to the LRA. "These individuals are few in number but staunchly opposed to the Museveni regime – largely due to over two decades of marginalization of the North – and eager to see a continuation of the war (Spiegel and Prendergast, 2008:7). Government delegates to the talks noted that these spoilers were in direct contact with Kony, giving him different versions and explanations of events that were transpiring in Juba. To make matters worse, his own negotiation team failed to communicate events to him, leaving him with a lot of differing views from *Acholi* in the diaspora. It was therefore not surprising, that the end of the negotiations found a confused LRA leader who was not ready to sign the agreement.

The chief mediator needed to have a strategy in place to deal with these extremists. I would suggest some form of coercion; the use of threats to deter unacceptable spoiler behavior, or reduce their capacity to disrupt the peace process. This could be in collaboration with the government of the states in which some of these individuals have sought asylum. "The United States, the United Kingdom, and other governments with intelligence capabilities in the region should work to name, shame and sanction those diaspora members who are providing support to the LRA" (Spiegel and Pendergast, 2008:7).

Another spoiler role pointed to was the USA's refusal to become more actively engaged in the Juba talks because it claimed to be unable to deal with the LRA, a designated terrorist group. Instead the USA continued to support the military option to end the LRA conflict; and this continued to be their position throughout the major part of the JPT. Respondents blamed the failure of the talks to the USA's naming of the LRA as a terrorist group; they also argued that the USA's opposition to the talks is what led to the UN's late entry into the JPT. The United Nations was noted to have only joined the Juba peace talks in October 2006, after the talks have been underway for four months.

The spoiler roles played by the parties mentioned above, clearly indicate that spoilers can vary as stated in the theoretical chapter – from ethnic or national diaspora groups, states, political allies, multinational cooperation's, or any others who might benefit from violent

conflict or holding out. Most importantly however, is the need to observe that spoilers need not be violent as Stedman defines them, they could be peaceful resisters to the peace process, exemplified in the lack of will by both the GoU and LRA to end the conflict, the role of diaspora groups and the lack of involvement by the USA.

To understand the complexity of the LRA conflict as well as the challenges at the Juba peace talks, I shall further broaden the definition of spoilers to include not just individuals that work to frustrate peace processes, but actions that might unintentionally act as stumbling blocks to the conclusion or implementation of a peace agreement. The spoiler role here will be measured by the effect of the action on the peace process and not the intention of the party behind the act. The need to broaden the definition of spoilers was brought about by some factors pointed out by my respondents as stumbling blocks to the Juba peace talks, even though spoiling the process had not been the original intention of the perpetrators of these actions.

The first to fall in the above broadened definition are the ICC indictments for the top five LRA commanders. The indictments were the one and consistent reason the rebels gave for refusing to endorse the agreement. As noted by Paul[29], Joseph Kony and the indicted commanders refused to sign the agreement as long as the ICC warrants were hanging over their heads. "The main stumbling block to a successful conclusion of the talks is the outstanding five arrest warrants issued by the International Criminal Court against five LRA leaders…" (The New Vision newspaper, 4 July 2006). In agreement, the elder, John from Gulu observed that it was the ICC warrants that prevented the LRA commanders from travelling to Juba to take part in the talks; instead they had to rely on representatives. For the sake of peace, a number of strategies could have been applied to deal with the ICC question.

An inducement mechanism should have been employed to deal with the ICC mechanism; one option could have been a withdrawal or suspension of the ICC warrants against the LRA commanders for a given amount of time, to allow the LRA fully engage in the

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[29] Ibid, 6/06/2009

peace process. The government should have approached the ICC with a view to having the arrest warrants withdrawn on the ground that local judicial and quasi-judicial structures have the capability to administrate and render justice. This would have allowed the offer for amnesty to reign, and instead followed it up with a threat to nullify the amnesty in case the rebels breached any of the protocols agreed at Juba.

The other option would have been some form of socialization; for example a guarantee by the GoU to request for a withdrawal of the warrants, for as long as the rebel leaders were willing to subject themselves to some form of accountability within Uganda. The jurisdiction of the ICC is only aimed at complementing the domestic justice system, and once the state concerned is willing to prosecute an individual then the ICC would only play a complementary role. Besides, proponents of International Law have observed that the obligations of the government to the protection of its citizens in northern Uganda are superior to its obligations to the International Criminal Court (Lomo, 2006).

The Government of Southern Sudan offered to mediate talks between the Uganda government and the LRA with supposedly good intentions – to end the suffering people in southern Sudan. But it can be argued that in its mediation role, southern Sudan could have done more harm than good to the process. Weaknesses in the mediation have already been addressed in the section on 'conflicts within and across borders', however I wish to further note that the chief mediator did not perform his role effectively. At the Uganda Joint Christian Council it was noted that the mediator seems to have lost contact with the key person on the LRA side, while he was in contact with the government delegates. His failure to ensure constant communication with both sides led to the conclusion that most of what was agreed in the agreement was representative of only one side – the GoU. The mediator's relationship with the main leaders of the parties in conflict can shape the outcomes of the negotiation. Intensive contact and dialogue with key leaders is absolutely necessary to build this relationship" (Kiplagat, 2002:26)

The mediator therefore suffered because of the lack of a direct channel of communication to Kony. Instead the chief mediator had to rely on third parties, and a delegation from the

diaspora that was not on the same page with the LRA in the bush. "The weakness of the chief mediator is obvious because he failed to play his role properly. I cannot imagine the chief mediator announcing that Joseph Kony would sign alone at Ri-Kwamba and Museveni at Juba. How would he reconcile the two parties?" (The New Vision newspaper, 16 July 2008). Indeed African states may mobilize resources to help mediate civil conflicts, but they lack the capacity to compel the parties to keep their promises. The role of the government of Southern Sudan therefore could be likened to Tanzania's mediation efforts in Rwanda's civil war 1992-1993 (Khadiagala 2007:57)

The above findings, clearly point to the existence of different parties to the LRA conflict, some of whom were not in line with seeing the conflict end peacefully. As such they resorted to frustrating the peace negotiations, and because they were not met with any spoiler management strategy, they succeeded in frustrating the talks. The section also broadened the spoiler definition to include parties who undertook actions with good intentions towards the peace negotiations, but instead ended up having spoiler effects to the talks. The underlying factor in the latter category is not the original intentions of the actors, but the outcome of their actions – showing how parties with good intentions towards ending conflict, could end up having negative effects that might actually spoil the peace process.

5.8 Regional and International dynamics

My assumption was that the LRA conflict resolution was handled as one that is just between the Uganda government and the LRA, without placing it in the broader picture. Issues within the Ugandan nation, the region and international dynamics that have been factors in the continuation of the conflict needed to be used in the resolution of the conflict.

The theory states that events within state boundaries that lead to conflict and conflict sustainability are not isolated. They are part of the regional and international forces, in some cases reflecting the foreign polices of neighboring states or states within the international system. Conflicts resolution therefore needs to be situated within the same

contexts that the conflicts have span. The LRA conflict was noted earlier on for having political origins as translated from the nature of the Ugandan state, social forces as well as forces originating outside the country have worked together to result into conflict. A proper diagnosis of the problem which allows us to locate the LRA within the local context, clearly indicates that the LRA is nothing but a symptom of what is fundamentally wrong with the system of governance in Uganda (Nyormoi, 2007)

The conflict for example cannot be divorced from Uganda's violent history. Tragically the political elite who brought about the country's independence from colonial rule, and who later influenced the direction of Uganda's politics did not address as well as resolve the imbalances inherited from the departing colonialists, instead these differences continues to shape as well as influence politics within the country. Respondents in Gulu noted how the *Acholi* have been involved in several massacres both as victims, as well as perpetrators during shifts in power relations within the country. The northern Uganda conflict is a continuation of the several cycles of revenge killings by military forces loyal to successive political regimes, one of the traits of politics in Uganda.

Uganda could also be a representation of many states; especially in Africa, suffering from incomplete processes of state formation. Among the characteristics of such states is the persistent lack of a shared sense of nationhood; one in which all Ugandans are able to identify irrespective of their regional, national, political, religious and ethno-linguistic differences. Like past regimes, the NRM has faced the challenge of reconciling and providing for the co-existence of contending nationalities within Uganda. "The failure and tragic collapse of a number of Ugandan regimes has been occasioned by their inability to accommodate pre-colonial group identities and forge a common national psyche and destiny" (Mutua, 2007:13). The country therefore continues to be divided along several lines; the north-south divide has already been noted, there have also been religious cleavages between the Protestant, Catholic and Muslim segments of the population, and finally the differences in ethnicity which seem to me the biggest problem.

National unity within the Uganda has not been consolidated, power continues to be centralized in a ruling elite and the NRM government clearly does not represent all the segments of the population. Instead politics are organized around interests of ethnicity, characterized by high levels of sectarianism, I would not be wrong to observe that there has not been an era in the political history of Uganda when ethnicity has found full expression like today. LRA delegates to the talks, noted that the NRM government is full of people from the western region – where the president stems from. His younger brother, his son, daughters, in-laws all hold top government positions forcing the conclusion that politics in Uganda have become a family affair.

Respondents in northern Uganda also argued that the government in power for years refused to prioritize the ending of the LRA conflict and the suffering of the people of northern Uganda because it did not affect his ethnic group directly; the *Banyankole* from western Uganda. The president for years argued that the war in northern Uganda had not yet reached a high enough level to declare it a disaster area, contrary to proclamations of northern Uganda being the world's biggest forgotten crisis. When the government finally allowed international intervention, it created the notion that the problem in northern Uganda is the *Acholi* people led by the LRA, therefore to solve the problem the world need to eliminate the LRA by all means possible.

In my analysis, the NRM government has failed to balance the relationship between state power and ethnicity. Instead the government has used the state to construct fear and vulnerability among its citizens especially in northern Uganda, through the strategic use of political violence. Informal conversations in Gulu pointed to the fact that even in the south of the country (Kampala) where there is no war, the NRM government has become dictatorial in the way it handles national issues. Among the examples given to back this up, was the storming of the high court by security forces in March 2007, which Tabaire (2010) likens to events under Idi Amin's rule. "The security services have twice stormed the High Court in a brazen act that has been correctly likened to the abduction from the same court buildings of Chief Justice Bendicto Kiwanuka by Amin's men in 1972".

The irony is that while the people of northern Uganda suffered at the hands of LRA the NRM government was noted for its military involvement in other countries in the Great Lakes Region; including the Democratic Republic of Congo and Sudan - a foreign policy that has been branded expansionist by some scholars. Mukwaya (2004:136) notes that given her geopolitical and strategic location, Uganda has been able to use her transit position and the River Nile to manipulate, maneuver and amplify its role and position in the region. Indeed Uganda has had what I would call a pronounced political diplomatic and military involvement in the region. Uganda's relations with its neighbors' have not been smooth; the thorny relations with Sudan have already been discussed, clashes between Uganda and Rwanda in Kisangani- Democratic Republic of Congo (1999-2000) have been well documented.

Cliffe and Luckham (1999) argue that internal conflicts cannot be entirely isolated from other states and political forces in the immediate sub region or internationally. Therefore, events within the region have had a bearing on the LRA conflict, the conflict is somehow linked to rebellions in southern Sudan, northeastern Central African Republic and eastern Chad. To the far north-east of the country have been power struggles in Somalia, and disputes between Ethiopia and Eritrea. With Uganda caught in between all this strife, the most obvious effect has been the constant flow of arms in the region and to rebel groups such as the LRA. "Numerous insurgencies in the Great Lakes Region and Horn of Africa have ensured a steady stream of weapons…" (Schomerus, 2007:41).

The porous borders that characterize countries in the region have allowed the LRA/M rebel group significant geographic mobility. The result has been the LRA's developing a regional network across the Uganda, Sudan, the Democratic Republic of Congo and Central African Republic borders. Unfortunately each of these countries has had a long violent history characterized by numerous rebels' fighting each other as well as against governments in power. "With a new and largely impenetrable base in the Central African Republic, Kony and his forces pose an immediate threat to neighboring southern Sudan, northwest Democratic Republic of Congo, and southwestern Central African Republic" (Spiegel & Prendergast, 2008:4).

There are others who argued that the region lacks a body to monitor as well as spearhead conflict resolution, respondents gave example of the Southern African Development Community (SADC), and the Economic Community of West African States (ECOWAS) and the role they play in their respective regions. "Unlike most of African sub regions, the Great Lakes Region has had problems constructing meaningful multilateral institutions for security and development, largely because of the absence of a solid state anchor and the membership of regional states in other integration arrangements" (Khadiagala, 2008:13). Efforts need to be made to strengthen regional organizations especially in the Great Lakes Region; the functional capacity of such organizations would ensure regional security, arms control (especially across borders), human rights and democratization within its member states, finally such regional bodies would check the intervention and role of foreign states within African states.

John[30] noted that for the past twenty years, Britain and the United States have supported the NRM government policies. Indeed scholars have pointed to the role of the USA in providing military training and personnel, intelligence, finance and logistical support to the GoU. "As allies in the war on terror, the United States sell arms and provides military support to the Ugandan army against the rebels" (Otunnu, 2002), which could be used to explain the USA's lack of support for the Juba peace talks. Several respondents noted that the USA's attitude towards the Juba talks is what denied the talk the internal publicity from which they would have benefited.

Findings in this section are in line with my assumption that the LRA conflict cannot be analyzed outside events within the Ugandan state, as well as other forces within the region and international system. The Juba peace talks therefore needed to be placed in a much broader bilateral, regional and international context, to allow for an inclusion of all the factors and parties; both direct and indirect, that have been at play in the start as well as continuation of the conflict.

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[30] LRA delegate interviewee in Gulu, 20/06/2009.

CHAPTER SIX

6.0   Conclusion

In this thesis, I have studied and analyzed the reasons surrounding the failed Juba peace talks between the Government of Uganda and the Lord's Resistance Army. My research questions were: What challenges did the parties to the negotiation process encounter? What characterized the local, regional and international environment under which the peace talks took place, how did it impact the outcome of the peace process? What are the perspectives for a peaceful resolution of the conflict according to the three major actors?

To answer these questions, I found that there were a number of challenges faced by the negotiators at Juba. Both parties lacked the will to negotiate, but were pressured into the negotiations. The spillover effect of the conflict forced the government of Southern Sudan to mediate an end to the conflict in order to end the suffering of its own people, as well as the need to ensure security within its territory. But the government failed to engage the parties and persuade them to accept the terms as well as offer leverage for the talks.

Findings further showed that even though the conflict started for political reasons, most of what has sustained the war has been economies of scale. The ability of the rebels to exploit the civilian population, parties that stated to benefit from the conflict and did not want to see it end, and finally the support accorded to the rebels by the Khartoum government. Protraction of the conflict over years forced it to undergo transformation, which changing dynamics were not taken into consideration at Juba. The indictments by the ICC were perceived as a stumbling block to peace, and one sided in not investigating possible crimes by the Ugandan army. The biggest challenge therefore was how to balance justice and peace as represented by the indictments and the Amnesty Act.

The abduction of children, upon which the LRA have relied for many years, presented the challenge of dealing with children as victims as well as perpetrators. Indeed there was not a strategy put in place to deal with the plight presented by abducted children. Instead the call of the LRA to release abducted children went unheeded by the rebels. There were a

number of spoilers to the peace process, who did not want to see a successful conclusion of the talks, for example *Acholi* in the diaspora. However the spoiler definition was broadened to include other factors which (even though not intended to spoil the talks), ended up having spoiler effects. These included the ICC arrest warrants, southern Sudan's mediation role and the failure to gain support for the talks from other regions in the country, regional organizations and the international community. The talks were affected by the lingering distrust and mutual suspicions between the LRA and GoU compounded by the failure to draw support from within Uganda, the region and international community.

Regional organizations as well as the international community were unfortunately not fully supportive of the talks. The talks could therefore have benefited from more publicity and confidence building, to curb the mistrust between the parties, as well as facilitate their commitment to the process. The parties further needed to reconcile their positions on what they sought to achieve from the peace agreement; whether it was an agreement encompassing power-sharing and national reconciliation or a narrow agreement focused on just ending the conflict.

Like many negotiations, the Juba talks seemed to answer more to the interests of the international community than to the wishes of the people involved, especially the affected communities. Without addressing the root causes of the conflict, the talks were diverted from dealing with the real issues that are at the bottom of the conflict, instead it reflected interests of other parties, some key states in the international community rather than the wishes of the affected communities. The unfolding of events in Juba makes me question the aim of negotiated peace agreements. Often made is the assumption that each conflict can be ended with a peace agreement between the warring factions, but to what extent can the people who held the guns, who led to the suffering of many communities represent them at the negotiating table?

Many countries coming out of devastating conflict are confronted with the transition agenda. It is also important that sufficient time and energy be devoted to a careful

assessment and contextualization of what the best mode to use in conflict resolution is, and whether or not one mode of conflict resolution can succeed in bringing about a sustainable resolution, or if it should be blended with other conflict resolution techniques.

Every post-conflict country must be allowed the time to find its own way to deal with its past, present and future. Successful conflict resolution in any country cannot be imported as a magic formula to another. The LRA conflict context could have benefited from a 'bottom-up' approach instead of the 'top-bottom' approach characteristic of many peace agreements. Establishing as well as addressing the root causes of the conflict, and the inequalities in the country's economy, the changing dynamics of the conflicts, involving all the affected parties in the negotiation process, confidence building, timely funding, and international support, the use of complimentary justice systems (combining both retributive and restorative justice), as well as first ensuring the safety, protection and restoration of the communities affected by the conflict.

Resolution of the conflict will only come through dialogue, given that both sides have failed to completely defeat each other militarily. There needs to be broader discussions and a more rigorous exchange of ideas with a neutral mediator, coupled with an involvement of the many affected communities in the region as well as the four countries affected by the conflict. Peace building in Uganda needs to be approached from four different angels; starting with assisting the affected communities in northern Uganda with development and a sustainable return from the internally displaced people's camps into their communities; a negotiation of the return of the rebels to Uganda at whatever cost (including the possibility of asylum in another state not party to the Rome Statute), a strategy to manage spoiler elements in the diaspora, and finally a peace negotiation backed up with a military option in case the rebels renege on their commitment to future peace negotiations.

REFERENCES

Aboagye, B. Festus (2007). "Complex Emergencies in the 21st Century: Challenges of New Africa's Strategic peace and security policy issues" ISS Monograph Series. No. 134

Adedeji, Adebayo (1999). *Comprehending and Mastering African Conflicts: The Search for Sustainable Peace and Good Governance*. London and New York: Zed Books

Adelman, Howard and Rao, Govind (2004). *War and Peace in Zaire/Congo: analysis and evaluating intervention*. New Jersey: Trenton

Africa Action (2003). Child Soldiers Accessed May 14th 2009
URL – http://www.africaaction.org/docs99/chil9905.htm

Allen, Tim (2006). "Trial Justice, The International Criminal Court and the Lord's Resistance Army" London: Zed Books in collaboration with the International African Institute.

Amnesty International USA (2004). "Child Soldiers in the Democratic Republic of Congo, Burundi and Liberia". *Day of the African Child Action 2004*. Accessed April 7th 2009 URL - www.amnestyusa.org/countries/liberia/index.do.

Atkinson, R. Ronald (2009). "From Uganda to the Congo and Beyond: Pursuing the Lord's Resistance Army" *International Peace Institute* Accessed January 12th 2009 URL – www.ipinst.org

Baines, Erin K. (2009). "Complex political perpetrators: reflections on Dominic Ongwen". *Journal of Modern African Studies* Vol.47, No.2

Bell, Christine (2000) *Peace Agreements and Human Rights*. Oxford: Oxford University Press.

Berdal Mats (1996). "Disarmament and Demobilization After Civil Wars", Adelphi Paper 303. London: Institute for Strategic Studies

Bevan, James (2007)."The Myth of Madness: Cold Rationality and 'Resource' plunder by the Lord's Resistance Army" *Civil Wars* Vol.9, No.4

Black, Thomas (1999). *Doing Qualitative Research in the Social Science*. London: Sage Publications

Bøas, Morten., Jennings, Kathleen., Shaw, Timothy (2006). "Dealing with Conflicts and Emergency Situation" in Desai, Vandana and Potter, Rob (eds.) *Doing Development Research*, London: Sage Publications

Bond, G.C and J. Vincent (2002). "The Moving frontier of AIDS in Uganda: contexts, texts and concepts" in G.D Bond and N.C Gibson (eds.) *Contested Terrains and Constructed Categories: Contemporary Africa in Focus*. Colorado: Boulder West view Press

Busumtwi-Sam, James (1999). "Redefining 'Security' after the Cold War" The OAU, the UN and conflict management in Africa" in Taisier, M. Ali and Mathews, O. Robert. *Civil Wars in Africa: Roots and Resolution*. Montreal: McGill-Queens University Press

Carnevale, Peter J.D (1986). "Strategic Choice in Mediation". *Negotiation Journal* 2 ISSN: 07484526 Copyright © 1986 Plenum Publishing Corp

Chief Mediator (2008). "Report and Recommendations of the Chief Mediator between the Government of Uganda and the Lord's Resistance Army

Cliffe, Lionel and Luckham, Robin (1999). "Complex Political Emergencies and the State: Failure and the Fear of the State". *Third World Quarterly* Vol. 20, No.1

Collier, Paul (2000). "Doing Well out of War: An Economic Perspective" in Berdal, Mats and Malone, M. David (ed), *Greed and Grievance: Economic agendas in Civil Wars*. Boulder, Colo: Lynn Rienner Publishers

Collier, Paul., Anke, Hoeffler and Rohner, Dominic (2008). "Beyond Greed and Grievance: Feasibility and Civil War". *Oxford Economic Papers* Vol. 61, No. 1

Darby, John and McGinty, Roger (2003). *Contemporary Peacemaking: Conflict, violence and peace processes*. Palgrave: Macmillan

Denscombe, Martyn (1998). *The Good Research Guide from small-scale social research projects*. McGraw Hill: Open University Press.

De Soysa, Indra (2000). "The Resource Curse: Are Civil wars driven by Rapacity or Paucity" in Berdal, Mats and Malone, M. David (ed), *Greed and Grievance: Economic agendas in Civil Wars*. Boulder, Colo: Lynn Rienner Publishers

De Soysa, Indra (2002). "Paradise is a Bazaar? Greed, Creed, and Governance in Civil War, 1989 -99". *Journal of Peace Research* 39; 395

de Waal, Alex (1996). "Contemporary Warfare in Africa: Changing Context, Changing Strategies" IDS Bulletin Vol.27, No. 3

Dolan, Chris (2005). "Understanding War and Its Continuation: The Case of Northern Uganda". Development Studies Institute London Scholl of Economics & Political Science, University of London.

Doom, Ruddy and Vlassenroot, Koen (1999). "Kony's Message: A New Koine? The Lord's Resistance Army in Northern Uganda" *African Affairs*, Vol. 98, No.390

Duffield, Mark (1994). "Complex Political Emergencies – An Exploratory Report for UNICEF". School of Public Policy, University of Birmingham.

Feldman, Major Robert (2007). "A Deal with the Devil: Issues in offering Joseph Kony Amnesty to resolve the conflict in Uganda". *Small Wars and Insurgencies* Vol.18, No.1

Finnström, Sverker (2006). "Survival in war-torn Uganda". *Anthropology Today* Vol.22, No.2

Finnström, Sverker (2006). "Wars of the past and war in the present: The Lord's Resistance Movement/Army in Uganda" *Project Muse Africa* Vol.76, No.2

Finnström, Sverker (2008). *Living with Bad Surroundings: War, History, and Everyday Moments in Northern Uganda*. Durham, NC: Duke University Press

Finnström, Sverker and Atkinson, R. Ronald (2008). "Building sustainable peace in Northern Uganda". The Sudan Tribute newspaper, Tuesday, 6th May 2008.

Fox Jonathan and Sandler, Shmuel (2006). *Religion in World Politics*. London: Routledge

Ghali, Boutros-Boutros, (1994). "An Agenda for Development". Report of the Secretary General Accessed February 27th 2010 URL - http://globalpolicy.org/reforms/initiatives/ghali/1994/0506dvelopment

Goodhand, Jonathan and Hulme, David (1999). "From Wars to Complex Political Emergencies: Understanding Conflict and Peace-Building in the New World Disorder". *Third World Quarterly* Vol. 20, No.1

Graca, Machel (2001). *The Impact of war on children.* London: UNICEF:

International Criminal Court, (2006). "Submission of Information on the Status of the Execution of the Warrants of Arrest in the Situation in Uganda" ICC public document No. ICC 02/04-01/05 6th October 2006

International Crisis Group (2004). "Northern Uganda: Understanding and Solving the Conflict" Africa Report No.77   Accessed March 20th 2009
URL - www.crisisgroup.org/home/index.cfm

International Crisis Group (2006). "Peace in Northern Uganda?" Africa Briefing No.41 Accessed March 20th 2009 URL – www.crisisgroup.org/home/index.cfm

Jackson, Richard (2000). "Managing Africa's Violent Conflicts". *Peace Change* Vo.25, No.2

Jackson, Richard (2002) "Violent Internal Conflict and the African State: Towards a Framework of Analysis." *Journal of Contemporary African Studies* Vol. 20, No. 1

Jackson, Richard (2009). "Negotiating with Ghost's: Religion, conflict and peace in Northern Uganda". *The Round Table* Vol. 98, No.402

Kaldor, Mary (1999). *New and Old Wars: Organized Violence in a Global Era*. Cambridge UK: Polity Press

Kasaija, A. Phillip (2006). "The ICC arrest warrants for the Lord's Resistance Army leaders and peace prospects for northern Uganda". *Journal of International Criminal Justice* Vol. 4 No.1

Keen, David (2008). *Complex Emergencies*. Cambridge: Polity Press

Khadiagala, M. Gilbert (2006). *Security Dynamics in Africa's Great Lakes Region*. A Project of the International Peace Academy. Boulder London: Lynne Rienner Publishers

Khadiagala, M. Gilbert (2007). *Meddlers and Mediators? African interveners in Civil conflicts in Eastern Africa.* Leiden: Martinus Nijhoff Publishers

Khadiagala, M. Gilbert (2008). "Contemporary Security and Development: Trends in the Great Lakes Region". Working Paper No. 4

Kiplagat, Bethuel (2002)."Reaching the 1985 Nairobi Agreement" in ACCORD, *Protracted Conflict, elusive peace, initiatives to end the violence in northern Uganda* London: Viking Associates

Kriesberg, Louis (2007). *Constructive Conflicts: From Escalation to Resolution*. 3rd Edition. Lanham Rowman and Littlefield Publishers Inc.

Lamwaka, Caroline (1998). "Civil war and the peace process in Northern Uganda, 1986-1997" *East Africa Journal of Peace and Human Rights* Vol.4, No.2

Lomo, Zachary and Hovil, Lucy (2004). "Behind the Violence: the wary in northern Uganda" *Institute of Security Studies* ISS Monograph Series 99

Lomo, Zachary (2006). "Why the International Criminal Court must withdraw indictments against the top LRA leaders: A Legal Perspective". Refugee Law Project, Faculty of Law, Makerere University.

London School of Hygiene & Tropical Medicine (2002). "Health Policy Formulation in Complex Political Emergencies and Post-Conflict Countries". Conflict and Health Programme, University of London, Department of Public Health.

Loughlin, John (2003). "New contexts for political solutions: Redefining Minority Nationalism in Northern Ireland, the Basque country and Corsica" in Darby, John and McGinty, Roger *Contemporary Peacemaking: Conflict, violence and peace processes*. Palgrave: Macmillan

Møller, Bjørn (2006). "Regional Conflict in Africa: With Special Focus on East Africa" DIIS Report 2006:6 Danish Institute for International Studies

Moore, Christopher (2003). *The Mediation Process: Practical Strategies for Resolving Conflict.* 3rd Edition. San Francisco: Jossey Bass

Mukwaya, K. Kabweru Aaron (2004).*Uganda riding the Political Tiger: Security and Wars in the Greater Lakes Region.* Kampala: Makerere University Printery.

Mutua, Makau (2007). "Beyond Juba: Does Uganda need a National Truth and Reconciliation Process?" Buffalo Legal Studies Research Paper No. 2007-011

Nannyonjo, Justine (2005). "Conflicts, poverty and human development in Northern Uganda" *The Round Table* Vol. 94, No. 381

Neu, Joyce (2002). "Restoring Relations between Uganda and Sudan: The Carter Center Process" " in ACCORD, *Protracted Conflict, elusive peace, initiatives to end the violence in northern Uganda* London: Viking Associates

Newman, Edward and Richmond Oliver, (2006). *Challenges to Peace building: Managing Spoilers during Conflict Resolution.* Tokyo: United Nations University Press

Northrup, Terrell (1989). "The dynamic of Identity in Personal and Social Conflict". In Kriesberg, L., Northrup, A. Terrell. and Thorson, J. Stuart (eds.) *Intractable Conflicts and their Transformation* Syracuse, N.Y.: Syracuse University Press

Nsubuga, Kiyaga (1999). "Managing Political Change: Uganda under Museveni" in Taisier, M. Ali and Mathews, O. Robert. *Civil Wars in Africa: Roots and Resolution*. Montreal: McGill-Queens University Press

Nyeko, Balam and Lucima, Okello (2002). "Profiles of the Parties to the Conflict" in ACCORD, *Protracted Conflict, elusive peace, initiatives to end the violence in northern Uganda* London: Viking Associates

Nyormoi, Okot (2007). "Reviving the Juba Peace Talks Part I & II" Available at Accessed February 28th 2010
URL – http://friendsforpeaceinafrica.org.dr-okot-nyormoi/1

Obita, Alfred. James (2002). "First International Peace Efforts 1996-1998" " in ACCORD, *Protracted Conflict, elusive peace, initiatives to end the violence in northern Uganda* London: Viking Associates

O'Kadameri, Billie (2002). "LRA/Government Negotiations 1993-1994" " in ACCORD, *Protracted Conflict, elusive peace, initiatives to end the violence in northern Uganda* London: Viking Associates

Okoth, P. Godfrey and Ogot, A. Bethwell (2000). *Conflict in Contemporary Africa*. Nairobi: Jomo Kenyatta Foundation

Omona, George (2005). Retreat for Acholi Leaders: Together making a difference for peace. (Acholi Leader's Retreat, Parra 23rd – 26th June 2005). Gulu Uganda: Acord Uganda.

Otim, Michael and Wierda, Marieke (2008). "Justice at Juba: International Obligations and Local Demands in Northern Uganda" in N. Waddell, P Clark, Courting Conflict? Justice, Peace and the ICC in Africa, London: Royal African Society Accessed November 20th 2009 URL – www.royalafricansociety.org

Otunnu, Ogenga (2002). "The Conflict in northern Uganda: causes and dynamics" in ACCORD, *Protracted Conflict, elusive peace, initiatives to end the violence in northern Uganda* London: Viking Associates

Otunnu, A. Olara (2006). The Secret Genocide. Foreign Policy (July/August): 44-46

People's Voice for Peace et al (1999). "Women's Experiences of Armed Conflict, Gulu district, 1986 – 1999. Draft Report. Gulu: People's Voice for Peace in Cooperation with ISIS-WICCE (Women's International Cross Cultural Exchange) ACORD, PANOS, and UNICEF.

Pankhurst, Donna (1999). "Issues of Justice and Reconciliation in Complex Political Emergencies: Conceptualizing reconciliation, justice and peace". *Third World Quarterly* Vol. 20, No.1

Penman, Adam (2007). "The Peace Justice Dilemma and Amnesty in Peace Agreements". *Conflict Trends* Issue 3. African Center for the Constructive Resolution of Disputes (ACCORD).

Ramsbotham, Oliver., Woodhouse, Tom (1996). *Humanitarian Intervention in Contemporary Conflict.* Cambridge: Polity Press

Ramsbotham, Oliver., Woodhouse, Tom and Miall, Hugh (2005). *Contemporary Conflict Resolution.* Cambridge: Polity Press

Refugee Law Project (2007). "The False Polarization of Peace and Justice in Uganda" Expert Paper "workshop 2 – Justice in situations of ongoing conflict". Workshop organized by the International Center for Transitional Justice (ICTJ).

Rome Statute of the International Criminal Court 2002
Ross, Michael (2004). "How do Natural Resources Influence Civil War? Evidence from Case Studies". *International Organization* Vol. 58, No. 1

Schomerus, Mareike (2007). "The Lord's Resistance Army in Sudan: A History and Overview". Small Arms Survey, Graduate Institute of International Studies, Geneva

Skjelsbæk, Inger and Smith, Dan (ed.) (2001)   *Gender, Peace and Conflict*. London: Sage Publications

Souaré, Issaka K (2009). "The International Criminal Court and African Conflicts: The Case of Uganda". *Review of African Political Economy* Vol. 36 No. 121

Spiegel, Julia and Pendergast, John (2008). "A New Peace Strategy for Northern Uganda and the Lord's Resistance Army". Enough Strategy Paper 19 May 2008 Accessed November 15th 2009 URL – www.enoughtproject.org

Stedman, J. Stephen (1997). "Spoiler Problems in Peace Processes." *International Security* Vol. 22, NO 2

Strategic Comments (2008). "Uganda's elusive peace deal" Vol. 4, No.8 Accessed November 3rd 2009 URL – http://wwwdx.doi.org/10.1080/13561880802

Strategic Comments (2004). "Uganda's northern conflict' Vol. 10, No.6 Accessed November 3rd 2009 URL – http://wwwdx.doi.org/10.1080/1356788041064

Taisier, M.Ali and Mathews, O. Robert (1999).*Civil Wars in Africa: Roots and Resolution.* Montreal: McGill-Queens University Press

Taylor, Jenny (2005). "Taking spirituality seriously: Northern Uganda and Britain's 'Break the Silence' *Campaign. The Round Table* Vol.94, No.382

Tongco, C. Ma. Dolores (2007). "Purposive Sampling as a Tool for Informant Selection" *Ethnobotany Research & Applications* Vol. 5 Accessed January 16th 2009 URL – http://www.erajournal.org/ojs/index.php/era/search/titles?searchPage=6

United Nations (1975). United Nations Convention against Torture

United Nations (1989). United Nations Convention on the Rights of a Child

United Nations (2006). United Nations Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS)

United Nations Office for the Coordination of Humanitarian Affairs, 2005

Veale, Angela and Stavrou, Aki (2003). "Violence, Reconciliation and Identity: The Reintegration of LRA child abductees in northern Uganda" ISS Monograph Series No. 92

Väyrynen, T (1991). *New Dimensions in Conflict Theory: Conflict Resolution and Conflict Transformation.* London: Sage Publications

Vinci, Anthony (2005). *"The Strategic Use of Fear by the Lord's Resistance Army', Small Wars & Insurgencies*, 16:3 Accessed November 13th 2008 URL – http://dx.doi.org/10.1080/09592310500221336

Vinci, Anthony (2007). "*Existential Motivations in the Lord's Resistance Army's Continuing Conflict*", *Studies in Conflict and Terrorism*, 30:4 Accessed November 13th 2008 URL – http://dx.doi.org/10.1080/10576100701200173

Wallensteen, Peter (2002). *Understanding Conflict Resolution*. London: Sage Publications

Worden, Scott (2008). "The Justice Dilemma in Uganda" ISIP Peace Briefing – United States Institute of Peace Accessed November 15th 2009 URL – www.usip.org

Zwi, B. Anthony (2002). "Complex Political Emergencies; we can learn from previous crises". BMJ Vol. 324, 324(7333).

NEWSPAPER ARTICLES

Allio, Emmy (2006). "Sudan VP meets Kony rebels in Juba". The New Vision, Thursday, 8th June 2006.

Ankunda, Paddy (2006). "Time for action against Lord's Resistance Army". The New Vision, Sunday, 30th March 2008.

Kulayigye, Felix (2006). "LRA not in Owiny-Kibul". The New Vision, Wednesday, 4th October 2006.

Mao, Nobert (2008). "Juba talk: enter iron man Matsanga". Letter from Gulu. The New Vision, Monday, 28th January 2008.

Moro, Justin and Ocowum, Chris (2006). "M7 talk angers Acholi leaders". The New Vision, Tuesday, 26th September 2006.

Mukasa, Henry (2006). "UN offers sh8b for Kony peace talks". The New Vision, Monday, 9th October 2006.

Okello, Julius (2008). "Chief negotiator in Juba didn't do homework". The New Vision, Wednesday, 16th July 2008.

Temmerman, Else and Ocowum, Chris (2006). "Kony will never surrender, his top commanders say". The New Vision, Wednesday, 17th May 2006.

Vision Reporter (2006). "ICC complicates LRA peace talks". The New Vision, Tuesday, 4th July 2006.

Tabaire, Bernard (2010). "The Ten-Point Programme and NRM's continued stay in Power" The Daily Monitor: Truth Everyday