

**PROMOTING AN INCLUSIVE PEACE:
A CALL TO STRENGTHEN CANADA'S PEACE-MAKING CAPACITY**

**COUNTRY STUDY:
PEACE AND JUSTICE IN NORTHERN UGANDA**

**DISCUSSION PAPER
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1.0 METHODOLOGY AND BACKGROUND

This research study on Canada's support for peace processes was conducted over one year through a Global Youth Fellowship with the Walter and Duncan Gordon Foundation and with the support by the Canadian Council for International Co-operation (CCIC). The research is qualitative consisting of semi-structured individual interviews and small focus groups held in August 2008 in Kampala and Gulu, Uganda, and in Juba, southern Sudan. This paper focuses on the Juba Peace Process and aims to elicit lessons identified good practice, and recommendations to stimulate discussion on strengthening Canada's peace-making capacity.

2.0 OVERVIEW

Canada has been a voice for peace in northern Uganda since 2000, especially around issues of war-affected children. Unfortunately, for over a decade, the violence in northern Uganda has been largely ignored by mainstream news and missing from the foreign policy agenda's of donors and the United Nations (UN) Security Council. By the late 1990's, the abduction of children and attacks against civilians by the Lords Resistance Army's (LRA) started gaining attention outside Uganda. Despite the atrocities, international engagement to encourage an end to the violence was minimal. Northern Uganda was not of strategic interest to the international community already preoccupied with conflicts in the Balkans, Rwanda, Somalia, and the Middle East.

From 1986 to 2006, civilians in northern Uganda were brutalised by the LRA's tactics of abduction, killing, and mutilation. The Ugandan government's heavy-handed military response and human rights abuses committed by government troops in the north added to the existing disaffection of communities in the north towards the Yoweri Museveni government. The violence led to 1.8 million people in the north displaced and living in camps¹. In 2005, the World Health Organisation estimated up to 1000 deaths a week were due to poor living conditions in displaced camps.²

¹ For more on displacement see: The Internal Displacement Monitoring Centre: [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/04678346A648C087802570A7004B9719?OpenDocument&expand=3&link=49.3&count=10000#49.3](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/04678346A648C087802570A7004B9719?OpenDocument&expand=3&link=49.3&count=10000#49.3)

² Joint study by the Ministry of Health (Uganda) and UN agencies, *Health and mortality survey among internally displaced persons in Gulu, Kitgum and Pader districts, northern Uganda* (July 200): <http://www.who.int/hac/crises/uga/sitreps/Ugandamortsurvey.pdf>.

Uganda has endured numerous periods of violent conflict since its independence from British rule in 1962. Manipulation, by various political leaders, of ethnic and tribal allegiances within the security forces helped to polarise the country along ethnic, tribal, religious, and regional lines. During Idi Amin's dictatorship, the mass executions of Acholi and Langi troops, considered faithful to his political rivals, further entrenched the deep national divide. The violence continued through various *coup d'etats* with Museveni's National Resistance Movement/Army (NRM/A) coming to power through a military takeover in 1986. President's Museveni's entry into the political scene ushered in a new period of armed violence, largely concentrated in the north and related to the Lord's Resistance Army (LRA).

The Lord's Resistance Army, led by self-professed "spirit-medium" Joseph Kony, followed on the heels of another "spirit-force" known as the Holy Spirit Mobile Force (HSMF), led by Alice Auma Lakwena. Kony built on Lakwena's ability to attract recruits based on "spiritual power", invoking a mixture of indigenous spirit world traditions, Christianity and Islam, and citing grievances on part of the Acholi community in the north against the government. The lack of strong political leadership in the north opened the door for the LRA to gain influence with local communities. The LRA has been a formidable force against government troops, and perhaps more so, against the civilian population in the north. In addition to relying heavily on abduction to sustain its ranks, after 1996 the LRA also benefited from the patronage of the Government of Sudan seeking to use the Ugandan rebels to counter attacks by the Sudan Peoples Liberation Army (SPLA) based in southern Sudan³.

After numerous stop-start attempts at peace negotiations through the 1990's, a new round of talks between the Ugandan government and the LRA opened in Juba, southern Sudan in July 2006. Following the signing of the Comprehensive Peace Agreement (CPA) between the SPLA and the Government of Sudan (GoS) conditions were ripe for peace talks between the LRA and the Government of Uganda. Khartoum agreed to halt support to the Ugandan rebels (LRA). And the Government of Southern Sudan (GoSS), a former ally of the Ugandan government, agreed to mediate the Juba peace talks. Since then, the LRA has largely stopped attacks in northern Uganda, creating space for a fragile peace to emerge. Unfortunately, following the failure of Joseph Kony to sign the Final Peace Agreement (FPA) in April 2008, talks have stalled leaving the prospects of peace in northern Uganda uncertain. In the absence of a FPA, and implementation of existing agreements signed by the parties to conflict, violence remains a possibility. Adding to the anxiety, the LRA is engaged in occasional clashes in southern Sudan with more recent reports of looting and child abductions in the Democratic Republic of Congo⁴. The LRA has also been linked with abductions and violence in the Central African Republic⁵ and still poses a threat to civilians in the region.

³ For more on the LRA and Sudan see Mareike Schomerus, *The Lord's Resistance Army in Sudan: A History and Overview*, Small Arms Survey (2007): http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan_pdf/SWP%208%20LRA.pdf

⁴ For more see the United Nations High Commissioner for Refugees: <http://www.unhcr.org/refworld/country,,,COUNTRYNEWS,SDN,456d621e2,4901bebf,0.html> (Oct 2008); Human Rights Watch: <http://www.hrw.org/en/news/2008/11/13/dr-congo-protect-civilians-brutal-rebel-attacks> (Nov 2008)

⁵ For more see Human Rights Watch: <http://www.hrw.org/en/news/2008/05/18/uganda-lra-regional-atrocities-demand-action> (May 2008); UN Security Council Report (S/2008/409) on children and armed conflict in Uganda: <http://daccessdds.un.org/doc/UNDOC/GEN/N08/376/76/PDF/N0837676.pdf?OpenElement> (June 2008).

3.0 PERSPECTIVES ON CANADA'S ROLE IN NORTHERN UGANDA

According to Erin Baines of the Liu Institute at the University of British Columbia, the convergence of a few key actors in Canada, including then Liberal Foreign Minister Lloyd Axworthy and Ben Hoffman a Canadian mediator at the Carter Centre, led to northern Uganda finding its way onto the Canadian foreign policy agenda. The Winnipeg Conference on War-Affected Children, hosted by the Canadian government in 2000, was the first international conference on the rights of children affected by violent conflict and included former LRA abductees. During the conference, Canada played a role in bringing together representatives of the Sudanese and Ugandan delegations leading to the Winnipeg Communiqué calling on each government and the LRA to work together to release and reintegrate abducted children.⁶

By 2004, Northern Uganda was finally on the agenda of the Security Council, in large part due to then UN Under-Secretary General for Humanitarian Affairs, Jan Egeland. Alan Rock, the Canadian Ambassador to the UN between 2004-2006, is also noted by Baines for his efforts in chairing the UN Friends of Northern Uganda Group and for his advocacy efforts to keep northern Uganda on the Security Council agenda.⁷

A number of Canadian non-governmental organisations (NGOs) and research institutes (the Liu Institute's Justice and Peace project, Children and Youth as Peace Builders, Gulu Walk, War Child, Canadian Physicians for Aid and Relief, etc.) have also been active in supporting peace-building, recovery, justice and reconciliation efforts in the country. Local Ugandan civil society organisations also applaud the work of Kathy Vandergrift and World Vision Canada for their advocacy efforts on child abductees and war-affected children in northern Uganda.

Under the government of Stephen Harper, Canada has financially supported the Juba Peace Process and has supported the participation of a Canadian observer, Bryan Burton, to the talks.

4.0 AN OVERVIEW OF THE JUBA PEACE PROCESS

Canada has contributed \$8 million in support of the Juba Peace Process, with an estimated \$3.5 million going directly to the peace talks administered by the UN for the Government of South Sudan's (GoSS) Peace Secretariat. From February to April 2008, Bryan Burton was an official witness, on behalf of the Government of Canada, to the signing of a number of negotiated agreements. Canada also sent a team of diplomatic and military experts to assist the UN in developing a comprehensive framework for the disarmament and demobilisation of combatants and Canada supported the Cessation of Hostilities Monitoring Team.

According to interviews conducted with the international team supporting the peace talks, the Juba Peace Process, initially, had little financial or political support. After the International Criminal Court (ICC) made indictments against five top LRA commanders, including LRA chief Joseph Kony, engaging in talks with the LRA was not viewed positively. According to a diplomat interviewed, once it was clarified that ICC indictments did not make it illegal to talk to the indicted, engaging the LRA leadership in peace talks was considered more seriously. International donors, however, remained reticent, given the LRA's notorious reputation, massive human rights abuses, and its listing as a terrorist organisation.

⁶ Erin Baines, draft paper *Canadian Advocacy and Uganda's Stolen Children* (2007).

⁷ *Ibid.*

The launching of the Juba Peace Process is widely attributed to the interest and support of then United Nations Undersecretary-General for Humanitarian Affairs, Jan Egeland. In November 2006, Egeland met directly with Joseph Kony, becoming the first senior international diplomat to do so since the LRA listing as a terrorist organisation. The meeting was seen as instrumental in removing some of the stigma associated with talking with the LRA. According to interviewees, when it was deemed legitimate to engage in talks with the LRA, donors, including Canada, started to provide funds for the talks. The Office for the Coordination of Humanitarian Affairs (OCHA) in Juba, responsible for responding to the humanitarian crisis in northern Uganda, was set up as the secretariat for the Juba talks. Until May 2008, OCHA also managed the Juba Initiative Project (JIP), pooling donor funds to support the Juba Peace Talks.

The Juba Peace Talks brought together two negotiating delegations of about 12 to 15 representatives the LRA and the GoU. Also involved as mediators, facilitators and observers were:

- ❑ Chief Mediator, Dr. Riek Machar, the Vice President of the Government of South Sudan (GoSS);
- ❑ the Mediation Secretariat;
- ❑ UN Special Envoy for LRA-affected areas, Joaquim Chissano, former President of Mozambique;
- ❑ The UN Envoy's team including a gender advisor and political staff and a liaison officer;
- ❑ Local observers from civil society, traditional leaders, including Acholi chiefs, religious leaders, and community leaders; and,
- ❑ International observers, including diplomats from donor countries financially supporting the talks.

The Juba Peace Talks resulted in six main documents signed by representatives of the Ugandan government, the LRA, and witnessed by the Chief Mediator, the UN Special Envoy, and a number of foreign governments including Canada.

The documents:

1. The Agreement on the Cessation of Hostilities and its six Addenda commits the parties to an immediate (but not permanent) cease-fire. The agreement was a significant achievement in dramatically reducing LRA violence in northern Uganda.
2. The Agreement on Comprehensive Solutions and its Implementation Protocol outlines governance reforms to allow for fair representation in government from the north and north-eastern parts of the country. The document also includes provisions committing the Ugandan government to ensuring balanced development across the country and supporting post-conflict recovery efforts including the voluntary return of displaced persons in the north.

3. The Agreement on Accountability and Reconciliation and its Annexure establishes national legal arrangements (formal and informal) for pursuing justice. The rights of victims, children and women are recognised in the agreement. The Annexure sets out the institutional arrangements for implementation committing the Ugandan government to establishing a special division of the High Court to try individuals of serious abuses, creating a unit for investigations, and developing mechanisms for reparations and traditional justice. Of note, clause 4.1 of the Agreement stipulates that in formal criminal and civil proceedings for “serious crimes or human rights violations” state actors will not be subject to the special justice processes under the agreement but to existing criminal justice processes. This clause is viewed negatively because state actors are not subjected to the same justice processes as LRA cadres.
4. The Agreement on a Permanent Ceasefire picks up from the Agreement on the Cessation of Hostilities by setting terms for a permanent cease-fire including establishment of a monitoring team.
5. The Agreement on Disarmament, Demobilization and Reintegration outlines commitments by the GoU and LRA for disarming LRA cadres and their reintegration to civilian life.
6. The Agreement on Implementation and Monitoring Mechanisms includes, by far, the most controversial clause of all the agreements. Clause 37 obligates the Ugandan government to request the United Nations Security Council to “adopt a resolution under Chapter VII of the Charter of the United Nations requesting the International Criminal Court to defer all investigations and prosecutions against the leaders of the Lord’s Resistance Army”. This is contingent upon the signing of the Final Peace Agreement by both parties.

Although Joseph Kony failed to sign the Final Peace Agreement (FPA), which included a schedule for implementing the provisions in the above agreements, the core documents and their provisions have been signed by the LRA and GoU. The articles, within these agreements, can still be implemented. The Government of Uganda can, for example, implement the agreements it is responsible for advancing.

5.0 CIVIL SOCIETY PERSPECTIVES ON THE JUBA PEACE PROCESS

“The halt in hostilities allows a semblance of stability and return to regular life....For donors it’s important to realise that the money spent on Juba cannot be compared to what the LRA could have done (to the civilian population) in two more years of continued violence in the North.”

(NGO representative in Gulu)

Considering what two more years of fighting would have done to the civilian population, even skeptics of the peace process agree that the Juba Peace Process was worth the investment. However, the fragility of the current peace is not lost on representatives interviewed from civil society organisations. They point to the failure of a signed Final Peace Agreement for the current uncertainty. Despite this failure, most point to the peace talks as being instrumental in achieving a cessation of violence in the LRA-affected areas in the north. Those living in the conflict-affected zones in the north are, however, acutely aware that violence may once again be a reality, particularly with reports of LRA violence in north-eastern DRC.

But, even more than a fear of renewed violence, civil society actors interviewed are concerned that the international community may be losing interest in supporting northern Uganda. The failure of Joseph Kony to sign the Final Peace Agreement was a major disappointment to donors (including Canada). Some interviewees fear donor disappointment may translate into decreased funding for post-conflict recovery. Additionally, many worry that the recovery phase, as it does not have as high a profile as the peace talks, will be less attractive to donors and, therefore, donors will be less willing offer support.

Lesson Identified

Peace talks attract donor attention and funding. However, funds for broader peace-building work at the local level are still hard to find, particularly for local organisations. Building resilience, reducing dependence on external actors, and rebuilding the economy and livelihoods require long-term commitment from donors.

Recommendation

- CIDA and DFAIT should ensure that supporting local level peace-building and recovery efforts are included in support to conflict-affected fragile states.

Representatives from civil society organisations, especially local and community-based groups working on peace-building and reconciliation, consistently said that it is difficult to raise funds, even though a tremendous amount of peace-building, reconciliation, reintegration and recovery work still needs to be done. Civil society organisations worry that they will not be able to respond to the overwhelming need for support if donor support declines.

Lesson Identified

CSO delegations are not commonly found in formal negotiation processes, although they have participated in larger scale peace conferences such as the Inter-Congolese Dialogue (see Part Three). Civil society organisations are not considered parties to the conflict and, therefore, not at the negotiating table. Much more needs to be done to include CSOs and local communities in peace processes.

Recommendation

- The Mediation Capacity Building Program should support a study on various mechanisms used to engage local communities, civil society organisations, women's groups, and civilian (non-belligerent) actors in dialogue processes.

Traditional and civil society leaders from Gulu called for triangular peace talks, with delegations from civil society, the government and rebels. However, neither the Ugandan government nor the LRA wanted civil society participating as official delegates. Local observers to the Juba Peace Talks argued that because civil society actors had more moral authority with local communities than both the Ugandan government and LRA, their presence, as a delegation, could have provided a counterweight to the parties to the conflict. These same observers said they were frustrated at the peace talks, as both the GoU and LRA denied responsibility for atrocities committed during the conflict. Again, the presence of a civil society delegation, the observers said, could have resolved the accusation/counter-accusation dynamic at the talks since many from civil society were witnesses to abuses perpetrated by both sides. Local observers also argued that the CSOs, because of their ties to local communities, would have increased local ownership of the peace process.

6.0 THE INTERNATIONAL CRIMINAL COURT'S (ICC) IMPACT ON PEACE EFFORTS

“With the International Criminal Court (ICC) and international bodies acting as a watch dog from the beginning, it became necessary to deal with the issue of accountability...In this sense, the Juba Talks set a precedent for how international justice norms could shape the outcomes of a peace agreement.”

(NGO representative in Gulu)

“Regarding the ICC, there is disappointment over the timing of the investigation and its early alignment with the Ugandan government. Concerns over impartiality arise when the government has not been investigated as well.”

(NGO representative, Kampala)

Since the mid 1990's, Bishops, traditional Chiefs, and community leaders from northern Uganda have been trying to facilitate talks between the LRA leadership and the Ugandan government. In 2004, Betty Bigombe, a former government minister, initiated discussions with the LRA on the possibility of peace talks with the Ugandan government. Bigombe was not new to this role as she had previously initiated a round of talks in 1994. That round was described by Ugandans and representatives of the international community as having made progress in the peace process by having the LRA engage with the government. Her renewed effort in 2004-05 was backed by the community of Acholi leaders in the north. While these efforts were underway, the announcement came from the ICC of indictments for five top leaders of the LRA. The indictment announcement came as an unpleasant surprise to Bigombe and the Acholi leaders. While many in donor capitals were eager to see the ICC established by opening its first case in Uganda, local leaders and those close to the peace initiatives, were incensed by the move.

The ICC indictments were for war crimes and crimes against humanity, including abduction and sexual enslavement of children.

The five indictments were for:

1. LRA leader, Joseph Kony: 12 counts of crimes against humanity and one count of war crimes;
2. LRA Deputy, Vincent Otti: 11 counts of crimes against humanity and 21 counts of war crimes (Otti is now believed to be dead);
3. Okot Odhiambo: 2 counts of crimes against humanity and 8 counts of war crimes;
4. Dominic Ongwen: 3 counts of crimes against humanity and 4 counts of war crimes; and,
5. Raska Lukwiya: 1 count of crimes against humanity and 3 counts of war crimes.

According to a diplomat, most embassies and locally-based international NGOs advised against the ICC issuing indictments during an ongoing conflict. However, donor countries supportive of the ICC wanted to see the ICC up and running and Uganda offered the possibility of its first case.

Diplomats and local civil society leaders agree that the push for the ICC to have its first case conflicted with the views of the local population in northern Uganda.

There were no ICC indictments made against government officials. As the military was responsible for a number of human rights violations during the conflict, many civil society and community leaders were disappointed that no government or military officials were indicted⁸. The ICC's decision not to indict government officials is viewed critically by those interviewed in Gulu and with non-Acholi in Kampala. According to the ICC, the government was investigated, but there was insufficient evidence of war crimes or crimes against humanity to issue indictments. The ICC's association with the GoU and the fact the ICC was requested by GoU to investigate the LRA adds to the view that the ICC has been manipulated by the government, and that the ICC has treated the government leniently.

Lesson Identified

The view that the ICC was driven by donor capitals and not rooted in local priorities has created resentment, particularly in the conflict-affected communities in the north. Interviewees said that the views of Ugandans were seen as secondary to the push to establish the ICC. Much criticism of the ICC has centred on the ICC's handling of process, the lack of information from the ICC on the investigations and indictments, and lack of communication with traditional and community leaders from northern Uganda. The ICC claims to have communicated with communities in northern Uganda. Despite this outreach, there clearly remains dissatisfaction with the ICC process.

Recommendation

- The Canadian government should continue its diplomatic and financial support to the ICC and it should encourage the ICC to communicate with local community representatives as early as possible in an investigation and indictment process.

Although critical of the ICC's handling of process, traditional leaders and local civil society organisations in Gulu and Kampala, did not say that the individuals indicted were wrongly accused of war crimes and crimes against humanity. The LRA, however, according to government officials and some NGO representatives in Gulu, successfully manipulated the local population against the ICC. The LRA warned that if the indictments were pursued, violence would ensue. By using the ICC indictments as an excuse to not sign the Final Peace Agreement, the LRA was able to gain popular support against the ICC.

Representatives of local civil society organisations warned that international community should not conclude that it was just the threat of violence from the LRA that led to local dissatisfaction with the ICC. Dislike of the ICC is due to a combination of factors including the perceived displacement and disregard for traditional and community leaders in northern Uganda, particularly the Acholi Chiefs, and the ICC's association with the government.

⁸ For an example of human rights abuses committed by the Ugandan People's Defense Forces, see Human Rights Watch *Uprooted and Forgotten*, (2005): <http://hrw.org/reports/2005/uganda0905/>; *Abducted and Abused* (2003): <http://www.hrw.org/reports/2003/uganda0703/>.

Despite robust criticism in northern Uganda of the ICC, there have been some positive outcomes that even the ICC’s worst critics concede. The indictments placed issues of accountability for human rights abuses, justice, and reconciliation, front and centre at the peace talks. According to many interviewed, without the ICC indictments those issues would not have been central to the negotiations. Rather than a discussion on power-sharing, as is the case in many peace talks, the Juba process was defined by issues of accountability.

7.0 ACCOUNTABILITY AND JUSTICE IN THE JUBA PEACE PROCESSES

“It was only on the Accountability and Reconciliation article that room opened up for wider public consultation.”

(NGO representative, Gulu)

“Regarding the ICC, we are not advocating for impunity but to improve the laws of Uganda to take into account ICC demands and standards. International help will be needed to create the Special Division of the High Court for war crimes and the Special Committee to investigate crimes against humanity on both sides. The role of the ICC should be supplementary, if the government does not act then they (the ICC) could come in.”

(Religious leader, Gulu)

As part of the Agreement on Accountability and Reconciliation, extensive cross-country consultations were held by the government and LRA delegations on how to pursue justice for abuses committed during the conflict. Civil society organisations also conducted cross-country consultations on accountability and justice. The consultation process offered civil society organisations (CSOs) an entry into the peace talks. According to interviewees, the consultation process allowed for dialogue and debate of accountability and justice issues – including further exploration on the role of the ICC, national justice mechanisms, and traditional justice processes. The results of the consultations favoured national and traditional justice mechanisms over the ICC. These results informed the Annexure to Agenda Item Three on Accountability and Reconciliation and the Agreement on Implementation and Monitoring Mechanisms. The Annexure sets out steps for pursuing justice outside of the ICC (but still consistent with the Rome Statute), including the establishment of national legal mechanisms to try those accused of war crimes and crimes against humanity.

There are two controversial points in the articles on Accountability and Reconciliation. First, the exemption of state actors from being tried in “special justice mechanisms”, established in accordance with the Agreement, calls into question the extent to which political and military actors with the Ugandan government will be investigated for serious human rights abuses. Second, the Implementation Agreement commits the GoU to request that the Security Council defers indictments against the LRA if Joseph Kony signs the Final Peace Agreement.

Among proponents of the ICC, the provisions in the Agreements requesting the Security Council to defer indictments tends to be seen as an undermining the ICC and supporting impunity. However, almost all interviewees in Gulu and Kampala said that since the Agreement was the result of wide consultations and negotiated and agreed-to by the affected parties, its conclusions and recommendations should be respected. To omit the recommendation for the Ugandan government to request deferral of the indictments (if Kony signs the agreement), it is argued, undermines the legitimacy of consultations and the extent to which the peace process responds to local priorities.

Some local NGOs working for peace and justice cautioned against removing the indictments. If the LRA leadership does not eventually sign the Final Peace Agreement, or if the GoU does not fully implement the already signed articles (including the establishment of national justice mechanisms), the ICC option may be needed.

Those working on justice issues pointed out that the victim's rights and ensuring victims have access to justice must now be the focus of any national justice process. Representatives of organisations working for justice said that acknowledgement of abuses, reparations, and the integration of victim's views must be central to a national justice mechanism. Unfortunately, many fear that the government is establishing these mechanisms without input from war-affected populations in the north. Real consultation with, and input from, victims allows for local ownership of the accountability and reconciliation process and is essential for communities to be satisfied that justice is being pursued.

Good Practice

The ICC debate led to a deeper exploration of justice and accountability options through a cross-country consultation process. Without the ICC indictments, accountability would probably not have been at the core of the Juba Peace Process. The consultation process enabled for a deeper understanding of justice issues and for different communities to voice their priorities and concerns for how the country should address justice issues. The provisions to set up national justice mechanisms, based on the consultations, could strengthen the government's capacity to undertake investigations and prosecutions for war crimes, crimes against humanity, and other serious human rights abuses.

Lesson Identified

The Ugandan security forces, known as the Ugandan People's Defence Force (UPDF), were not included in the ICC indictments. The national mechanisms outlined in the Agreements include provision that could be interpreted as exempting government actors from the same justice processes as the LRA. This could be a source of deep dissatisfaction with communities in the north if the national justice mechanisms do not investigate both parties to the conflict.

Recommendation

- DFAIT, in collaboration with other donors, should advocate that the Ugandan government fully implement the accountability mechanisms outlined in the Annexure on Accountability and Reconciliation and the Agreement on Implementation and Monitoring. These agreements should apply to both the LRA and the UPDF.

8.0 TRADITIONAL JUSTICE AND RECONCILIATION IN THE JUBA PEACE PROCESS

“Truth is also something that can kill and destroy if not received with forgiveness to be able to handle the truth and deal with the reality of loss.”

(Religious leader)

Traditional justice in the Juba Peace Process focuses on reconciliation and truth-seeking. Religious leaders and Acholi Chiefs recognise the need to support truth-seeking activities while working with the local communities to promote reconciliation and forgiveness for past abuses. Given the level of violence committed by the LRA against the communities in the north, traditional leaders emphasised that forgiveness for returning LRA cadres is needed for successful reintegration into civilian life.

According to traditional and religious leaders, traditional justice and truth-telling can be one mechanism for achieving justice and reconciliation. However, some from civil society are unsure about the extent to which victims of the LRA could live side by side with their former LRA abusers. Forgiveness and truth-telling, according to interviewees, while supported, needs to take into consideration the complex reality in northern Uganda. For example, most interviewed are willing to forgive children forced by the LRA to commit acts of violence. But this forgiveness is linked to the children themselves being victims of abductions. While it is popularly held that the vast majority of LRA cadres are abducted children,

recent analysis, by long-time expert on Uganda, Professor Tim Allen of the London School of Economics and corroborated by some interviewees, suggests a more complex picture of the LRA ranks.⁹ The LRA also consists of adult combatants, however, the exact numbers and ratio of adults to children remain unclear. Some of these adults were abducted and others were willing cadres. Further complicating the picture is the question of age of abduction for youth or young adults, who may have been abducted at 18 years of age or older, and therefore not considered children, but without the full socialisation of older adults. If willingness to forgive is premised on the perpetrators status as “abducted children”, then there will be a number of former LRA cadres that are left out of this process. Current truth-telling and traditional justice processes do not yet appear to have taken into consideration the reality of older or non-abducted combatants in their forgiveness discourses.

Lesson Identified

Although there is public support in northern Uganda for forgiveness for LRA cadres, it is still not clear the extent to which victims of atrocities will be able to forgive their abusers, and accept these individual back into their community.

Reconciliation and forgiveness initiatives are primarily focused on forgiving LRA cadres. Less focus has been placed on military and government actors. Ways to address the north-south tensions in Uganda, carried over from the Obote and Amin periods, also remain under-explored.

Recommendation

- Through DFAIT and CIDA, and in combination with other donors, Canada should support reconciliation and recovery programs led by community and religious leaders.

⁹ See Tim Allen, *Trial justice: The International Criminal Court and the Lord's Resistance Army*. Zed Books, 2006.

Religious elders also spoke of the need for national reconciliation to go beyond the LRA to include the decades of violence in Uganda. The religious elders often referred to the Milton Obote and Amin eras as setting the stage for the militarisation and marginalisation of the north. Religious elders spoke of the need to address this legacy of violence with communities in the south and with the government. Interestingly, there appears to be a generational dynamic at work in framing the conflict beyond LRA. Those old enough to remember the decades of violence want reconciliation to deal with the legacy of violence.

9.0 WOMEN'S PARTICIPATION IN THE PEACE PROCESS

“We need to have more women in delegations, one is not enough to be able to substantively address the issues. Organisations that are involved in organising, hosting, advocating for peace process should be calling for at least similar numbers as in CEDAW regarding women’s representation. Men in the bush are not necessarily skilled in negotiations either, but through their role as fighters, have a seat at the table, where women have to prove themselves doubly.”

(LRA delegate)

“Women need to be positioned in senior positions before the peace process starts if they are to have influence...you can not just have any woman. She needs to have clout.”

(International observer)

Women interviewed noted that when the Cessation of Hostilities Agreement (CHA) was being negotiated, the peace talks were not gender sensitive. The women interviewed said that “hostilities” were narrowly defined as the use of “guns”; the talks did not address other acts of sexual and gender-based violence like rape and sexual slavery committed during the conflict. Interviewees also pointed out that since all of the peace agreement guarantors were men, even if violations against women were included in the CHA, women were unlikely to report the sexual violations to male guarantors.

Lessons Identified

Women’s groups and women activists need to be organised and involved early in a peace process so that they can frame the conflict by identifying specific acts of violence against women committed during the conflict.

Recommendation

- DFAIT and CIDA’s programs in support of peace processes should allocate funds specifically for women’s groups to meet in pre-negotiation phases.

According to interviewees, the Initiative for Gender Justice and UNIFEM were involved in supporting women’s coalitions’ participation in the Juba Peace Talks. Although there were two women’s coalitions at the Juba Peace Talks, leaders from Gulu said that credible grassroots women’s groups were sidelined. According to interviewees, both women’s coalitions did not sufficiently include representatives from the most vulnerable sectors of communities affected by the conflict. Little room was created for these individuals to directly feed into the process.

The Ugandan Women’s Peace Coalition, one of the two coalitions present at the Juba Peace Talks, drafted gender-sensitive protocols on comprehensive solutions, accountability and reconciliation, disarmament, demobilisation, reintegration (DDR), and on other gender issues. According to its representatives, the Coalition was granted observer status 18 months into a two-year negotiation and only after a considerable lobbying effort. The Coalition was successful in getting gender-sensitive recommendations into the peace agreements.

The second women’s coalition, the Northern Uganda Women’s Coalition, formed to include more voices of women from northern Uganda, also eventually received observer status. Tensions between the two coalitions arose, with the Ugandan Women’s Peace Coalition perceived by some women from the north as being dominated by elite women from the south who were not directly affected by the conflict.

According to interviewees, the tensions between the two women’s coalitions mirrored the delicate north-south fault-line in the conflict. In addition, differences in capacity between women living in the south, who had more access to education and jobs compared with women living in the north who had been living in Internally Displaced Persons (IDP) camps, also fed tensions. This made working together difficult and is said to have also perpetuated the negative stereotyping of “Acholi women”, “northern women” and “southern women”.

Interviewees also said that the external actors, such as the Initiative for Gender Justice and UNIFEM, by each supporting one of the coalitions tended to, inadvertently, reinforce conflict boundaries.

Observers and international supporters noted that women in the LRA delegation had more influence than women in the government delegation. According to interviewees, the female government representative was not sufficiently senior, compared with other government delegates, to be able to influence the delegation. Women in the LRA delegation, however, did exert significant influence within the LRA team. One participant to the talks, observed that, compared to government delegates, the LRA delegates generally had more leeway to speak, and that the LRA women delegates had more authority.

Lesson Identified

Empowering women from diverse communities and with different experiences may require working with them separately. However, such engagements require a strategic approach on the part of international supporters to ensure that support for the groups does not re-enforce conflict divides or perpetuate negative stereotypes.

Recommendation

- DFAIT, in particular its Women, Peace and Security envelope, should encourage strategies for supporting women’s groups based on solid assessments of the strengths, capacities and resources of women to participate in peace processes.

Women interviewed said that not all the women in the coalitions or participating as observers had an adequate sense of their role and responsibilities. For example, the appropriate relationship between “observers” and “delegates” was not understood by all the women. Some women in observer roles aligned themselves with the parties to the conflict, in particular the LRA. This undermined the credibility of the women observers.

Women and girls were also, according to local NGOs and observers at the Juba Peace Talks, used in ethically questionable ways to influence the LRA leadership. For example, the GoU contacted girls and young women, who were formerly LRA abductees, and encouraged them to influence their “husbands” or “boyfriends” in the LRA to support the peace talks. During the Juba negotiations, Kony’s wives were enlisted to convince Kony to commit to the peace talks. These efforts are viewed negatively, as one interviewee noted, because they raise issues of manipulation by the government of Uganda and questions around using victims of violence, without their full informed consent, to engage with those responsible for their abuse.

10.0 ENGAGING THE LRA

“In discussion it became clear that Kony did not understand the magnitude of the conflict. He did not understand how his actions and the actions of the LRA were destroying the community.”

(NGO representative, Gulu)

“There, at times, seemed to be no one representing the LRA in terms of who actually had authority to represent the LRA. Matsanga initially claimed this role but then resigned after Kony did not show up to sign the 10 April agreement. Subsequently, Obita was appointed as the delegation head, but there are questions as to the extent to which LRA Diaspora actually control.”

(Religious leader, Gulu)

Lesson Identified

There is, unfortunately, still a need to argue for and to justify the role women can play in peace negotiations. Because women’s skills are being ignored, women can be “instrumentalised” and used in ethically questionable ways – for example using LRA “wives” (who were abducted and often abused) to influence their “husbands” (often their abusers). Communities, families, and even victims of violence may be able to influence fighting forces to stop fighting. However, if parties to a peace process, including international facilitators and observers, are to support such efforts, these individuals must be fully informed and willing actors in the process.

Recommendation

- Canadian diplomats involved with peace processes should encourage mediators, negotiators, and facilitators to peace process to seek the informed consent of women and men prior to involving them in engaging belligerents.

It was noted by almost all interviewed, that it was difficult to find people to represent the LRA. Most interviewed, who were directly involved in the talks, said that the LRA delegation was not well prepared for negotiations. According to LRA delegates, civil society, and international observers, the LRA delegation was not united. Local Ugandans and the Diaspora, within the LRA, had conflicting agendas and interests.

The lack of effective and efficient communications was a major problem for the LRA delegation. The delegation did not go “into the bush” to communicate directly with Kony during the peace process to explain process or the agreement. The basic lack of information was cited by both LRA delegates and community / traditional leaders as the main reason for Kony’s failure to sign the Final Peace Agreement (FPA). Both the delegation and the mediation team were faulted for not communicating sufficiently with the LRA chief.

Another criticism held by both local and international observers is that the LRA delegation did not work sufficiently with Joseph Kony to identify a clear political agenda to replace the military agenda. Interviewees said that there was confusion about who represented the political wing of the LRA and the political objectives of the group. Many said that the mediator could have been more proactive in ensuring the political agenda of the LRA was defined before the talks began.

A scheduled meeting with cultural, religious and political leaders to explain the agreements to Kony never took place. When asked why Kony did not sign the FPA in April 2008 as expected, a number of interviewees said that Kony was trying to determine whether or not the ICC indictments would be deferred and if he would be arrested.

11.0 THE MEDIATOR AND INTERNATIONAL FACILITATOR

“Donors need to find other ways to express their political and other interests other than just financially... Flag planting, also, isn’t helpful.”

The mediation secretariat was staffed by two support positions, a Liaison Officer, the UN Special Envoy, and two advisors. There were at least two women involved with the mediation secretariat, including one woman on the mediation team, and the UN Envoy’s gender advisor.

Lesson Identified

Delegation capacity is a critical factor influencing the success of negotiations. Having people on a delegation who can influence leadership not present at the talks is critical for an agreement to be implemented. Many interviewed, familiar with the LRA delegation, said that the delegates did not have a long or strong relationships with one another. This lack of personal history added to the communication challenges. In delegations where cohesion is lacking, or where representatives are not familiar with one another, more attention may be required to relationship and trust-building within the delegation and between the delegates and leadership before the start of negotiations.

Recommendation

- Wherever possible, DFAIT, with other donors to peace processes, should encourage capacity-building and relationship-building measures for parties to negotiations before peace talks start.

In November 2007, a gender advisor for the peace talks was appointed to UN Special Envoy and former President from Mozambique Joaquim Chissano. The push for a gender advisor came from the UN Security Council in accordance with Security Council Resolution 1325 on Women, Peace and Security. The Resolution calls for the participation of women in conflict resolution processes. According to interviewees, the push for the advisor was initially met with resistance, with some in the international facilitation team not seeing the relevance of gender issues to peace talks. However, this resistance faded and the Special Envoy subsequently raised gender issues in meetings with the mediator and the parties to the conflict. Having a gender resource person for the Envoy was seen, by participants to the talks, as essential for including women's rights issues in the talks. Yet, despite this political support, financial support for women's participation and for the inclusion of women's rights in the Juba Peace Talks was minimal. According to women interviewed, the lack of specific funding made it difficult to plan and budget for women's participation.

Good Practice

Appointing a gender advisor proved integral to the UN Envoys ability to include gender issues in discussions and negotiations. Without a gender advisor mandated to consistently raise gender issues, and without the Security Council's obligation to move forward Resolution 1325 on Women, Peace and Security, it is unlikely gender issues, or women, would have been included in the Juba talks.

Recommendation

- DFAIT and CIDA's criteria for supporting peace processes should encourage specific allocations in peace talk budgets to support gender advisors and women's participation.

The UN Special Envoy and his advisors, including the Liaison Officer, were seen as instrumental in enabling the peace process to unfold. The appointment of the Special Envoy for the LRA-affected areas is noted by local observers and civil society organisations as having boosted the peace process. President Chissano's choice as the Special Envoy lent further credibility to the peace process, according to Ugandans interviewed. The President's background as a former revolutionary (in the Frelimo movement fighting Portuguese rule in Mozambique) who became President, negotiated a peace deal with rebels (Renamo), and then stepped down as President (without seeking a third term), was viewed as a good example for Uganda.

According to diplomats, the Juba Initiative Project (JIP) established to bankroll the talks, was over-funded, resulting in both management challenges and higher expectations for the peace process. Donors were also interested in visibility, with major financial contributors engaging in "flag planting" (wanting to be publicly associated with the process). The multiple donors led to difficulties in managing the process and took away from the sense of a locally-managed and African-led initiative.

Good Practice and Lesson Identified

Civil society organisations played a role in enabling the peace process. According to observers at the peace talks Pax Christi and Caritas both had influence with the GoSS and with the LRA. Pax Christi played an advisory role to the mediator during the talks and Caritas provided relief, basic food and accommodations to LRA cadres.

However, the role of Pax Christi and Caritas in enabling the LRA's participation, and in encouraging the talks, resulted in mixed reactions. Participants to the peace talks and local community members in northern Uganda said that both organisations were

According to observers at the talks, Pax Christi and Caritas, both active in southern Sudan, also played a role in the Juba Peace Process. They are said to have influenced the Government of Southern Sudan (GOSS) to take a mediating role between the LRA and GoU. In terms of donor countries, the Netherlands and Norway were seen to have played a strong role in enabling the peace process and Canada was a major financial contributor (\$8 million) to the talks.

sometimes lenient or too sympathetic towards the LRA. The organisations' motives for supporting the talks have been questioned. And their support for LRA participation in the talks may, in the long run, affect their ability to engage in humanitarian work, as they may no longer be perceived as neutral or impartial.

Recommendation

- ❑ CIDA and DFAIT should fund multi-track peace efforts, ideally through a range of organisations, so that both humanitarian and “peace engagement” activities can be supported.

12.0 CONCLUSION

“Returns of internally displaced people are happening, but people are returning to poverty. ”

Although the LRA is still active in central Africa and the Great Lakes Region, its capacity to threaten and terrorise much of northern Uganda has been dramatically curtailed. The Juba Peace Process despite failing to secure a signature from LRA chief Joseph Kony has, nevertheless, created conditions for recovery and reconciliation in northern Uganda.

As northern Uganda comes to terms with the violence it has endured over the past 20 years, it will need concerted support to address justice and reconciliation issues. The Ugandan government must be encouraged to fully implement the national justice mechanisms it agreed to in the peace agreements. LRA cadres need to be encouraged to demobilise and return to civilian life. Having supported the peace talks, Canada, and other donors to the peace process, must now support justice, reconciliation, and the implementation of the peace agreements.

Northern Uganda has made dramatic strides towards peace in the last two years. Having confronted conflict and violence, overcoming poverty is now a major issue. For Uganda to truly be on the path to post-conflict recovery, people need to see the benefits of peace: livelihoods, housing, land, health, and education.

To support the path to peace and justice in Uganda, Canada should:

- ❑ Advocate that the Ugandan government fully implement the accountability mechanisms outlined in the Annexure on Accountability and Reconciliation and the Agreement on Implementation and Monitoring. These agreements should apply to both the LRA and the UPDF.
- ❑ Fund long-term peace-building, reconciliation, and recovery programming in Northern Uganda, particularly in areas of child, girl, and youth-friendly initiatives.

- ❑ Support a mandate extension for the UN Envoy for LRA-affected areas (and his political staff), including to engage regionally to address the activities of the LRA in the Democratic Republic of Congo, Sudan, and the Central African Republic.
- ❑ In the absence of a signed Final Peace Agreement, continue diplomatic and financial support to the International Criminal Court and encourage the ICC to improve relations and communication with local communities.