Even though the peace talks in northern Uganda have faltered, attempts at negotiations between the Ugandan government and the rebel Lord’s Resistance Army are continuing. The current rapprochement between the two sides is the most significant move towards peace in the twenty-year civil war in northern Uganda. Even though the war has been extreme in its brutality, it is little known of outside the region – with reports on the conflict often portraying a protective government pitted against a crazed rebel group. But the issues are much more complex. The article examines the history of abuses and atrocities committed by both sides; the wider implications of the conflict for the north; why the rest of Uganda are seemingly disinterested in the conflict; and the politics behind why northern civil society have little trust in the Ugandan government or the International Criminal Court (ICC). The current prospect of peace has also stirred up the debate around justice and the forms of justice for victims of both rebel and government atrocities. And this is where the biggest cleft between the northern civil society and officialdom (government and international NGOs) resides. The article further examines the implications of the ICC’s work in Uganda, and why there has been such widespread hostility towards it from northern civil society. The article also asks if – beyond the end of fighting and terror – peace will really mean that northern Uganda can finally partake in the prosperity the rest of the country has almost taken for granted.

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Introduction

Even though the peace talks in northern Uganda have faltered, the region may currently have the best opportunity in twenty years to start a meaningful peace process. But peace has been promised before, and as the Ugandan government and rebel Lord’s Resistance Army (LRA) try to find a way to move forward beyond the initial contacts and subsequent faltering talks, long-standing demands for redress and justice in the Acholi districts in the north have been re-ignited, as have questions on just what peace will mean for the long-term rehabilitation of the north. It is a moment of irony: the hope of peace and the end of the brutal civil war may act as a catalyst, reminding civilians of the roots of the war and asking just whose justice is being implemented across the north.

More than a million people have been displaced across Uganda’s north and many children have grown up in grim displacement camps where violence, unemployment and alcoholism are rife. This is in addition to the overarching threats of abduction, killings and raids by the LRA into the camps, as well as the violence perpetrated by soldiers guarding the camps and those stationed in the area.

Besides the political and military processes opened between the LRA and the governments of Uganda, southern Sudan and the Democratic Republic of Congo (DRC), it is in what happens to the perpetrators of atrocities and how Acholi society reconstructs in the event of peace, that a divide has opened up sharply. On one hand has been the arrest warrants issued by the International Criminal Court (ICC) against LRA leader Joseph Kony and four of his top commanders, and on the other hand has been local calls among the Acholi to use traditional structures to re-integrate former fighters back into the community – as well as possibly extending forgiveness and amnesty to Kony and his henchmen.

One of the more common questions asked by civil society members and people you speak to in northern Uganda is just why the war has been allowed to go on for so long. It cuts to the heart of the bigger questions around the conflict and situates the north as more than just the recipient/victim of LRA atrocities. The question encompasses the way the Acholi see themselves – as outsiders (sometimes unwanted outsiders) in relation to the rest of Uganda; the suspicion with which the Kampala government is viewed; and the view that the Ugandan government has allowed the war to continue for twenty years as a punitive measure against the Acholis for their hold on government and the army before President Yoweri Museveni took power.

The LRA engages in relatively few attacks on the Ugandan People’s Defence Force (UPDF), making civilians in northern Uganda the main target of attacks instead. (HRW 2005:15). Human Rights Watch has summarised the LRA strategy and practice in the north:
The LRA is responsible for years of willful killings, beatings, large-scale abduction, forced recruitment of adults and children, sexual violence against girls whom it assigns as ‘wives’ or sex slaves to commanders, large-scale looting and destruction of civilian property, forcing the displacement of hundreds of thousands and being a prime factor in the destruction of the economy of northern Uganda and the resultant impoverishment of its inhabitants. Many northern Ugandans have abandoned hope of justice – although not of personal revenge – and long for peace at any price ... The LRA continues to commit mass killing of civilians in northern Uganda, keeping the population – and its own combatants, mostly forcibly recruited during childhood – in a constant state of terror ... Those abducted persons attempting to escape are killed or seriously wounded as an example to other abductees (HRW 2005:15–16).

LRA activities and the Ugandan government’s response to the insurgency have had a devastating effect on the local population – especially on civilians in the north. It is estimated that up to 80 per cent of civilians in the three Acholi districts (Gulu, Kitgum, Pader) live in displacement camps, with others living in bigger towns or displaced to other areas. More than a million people are estimated to live in displacement camps (Allen 2006:53).

But the camps have brought no security. Camp residents have been killed, raped and assaulted regularly by the army guarding the camps, and often civilians have been tortured, assaulted and killed when they have gone out of the camp for the day to hunt or to tend their crops. (They are then accused of being rebel collaborators.) The LRA have also regularly staged audacious raids into the hearts of the camps, with soldiers often either running away, or not coming to help in time.

Through the years, there have been various inconclusive peace talks. Most of these were initiated by church groups in the north (most notably the Acholi Religious Leaders’ Initiative – the ARLPI) and, preceding the southern Sudanese intervention in 2006, by a former minister in President Museveni’s government, Ms Betty Bigombe.1

The International Criminal Court

The war in northern Uganda was the first investigation launched by the ICC and, as such, will set precedents for other African – and international – interventions. It is also the most high-profile investigation by the ICC. Through this action, the ICC was intervening in a twenty-year old conflict that has displaced much of northern Uganda’s population, brutalised civilians – especially children – and completely impoverished the region. Nevertheless, there was little cheer from local civil society groups in Uganda’s
north when the ICC announced it was opening a docket on ‘the situation in northern Uganda’. To those familiar with the politics of the war before the ICC intervention, the hostility was not surprising.2

The LRA’s war in northern Uganda is not a forgotten conflict: in fact, it has never been a priority of international, African or Ugandan attention. It is a twenty-year war that has been playing out largely invisibly to all but its victims.

If the twenty-year war has been brutal, targeted civilians – especially children – and displaced almost the entire Acholi population, why has there not been unanimous acceptance and rejoicing at the ICC moves to prosecute LRA leader Joseph Kony and four other commanders?

The ICC process was immediately identified with the political machinations of the Ugandan government when, on 29 January 2004, the ICC, represented by Chief Prosecutor Luis Moreno-Ocampo, held a joint press conference with President Museveni in London to announce the start of ICC investigations into the LRA. For anyone familiar with northern Uganda, the decision to hold a joint press conference with President Museveni to announce the ICC investigation would have been seen as a major political mistake.

Furthermore, the decision to investigate the LRA at the request of the Ugandan government would also have struck many familiar with the war in the north as a move that would immediately make the ICC politically suspect to many northern civil society groups. Yet the ICC seemed blindsided by the opposition to their investigations by especially church and local NGO groups in the north.3

Announcing the start of the investigations at the side of President Museveni – as well as at his invitation – fed greatly into the perception that the ICC was an extension of Ugandan government policy in the north. This was also exacerbated by two things:

- The focus of the investigation is the LRA
- The ICC has no independent means of implementing its warrants

Since then, the reactions to the ICC investigation have been varied in the international community (with more and more international NGOs giving their support to the process as time went on) but with indigenous, local civil society groups repeatedly calling for the ICC to either drop or defer the LRA investigation.

The differing opinions on the value of the ICC process seems to be split between international NGOs and the international community (among others) and the local,
northern civil society (though it is not limited to such a linear designation). But the larger question at play is how all victims of the LRA (and not just Acholis in the north) can have a sense of justice and restitution, how will the government forces be held accountable for atrocities and violence committed in the north during the two decades of the civil war, as well as how northern Ugandans – in particular the Acholi people – can be made to feel as if they are part of the country and that the government is not hostile towards them.

There is little denying the extent or brutality of LRA atrocities. But less reported is the role of the army in the north – with consistent allegations of rape, murder, and torture made by the civilians it is meant to protect – and in the large displacement camps across the region. The Refugee Law Project (RLP), based at Makerere University in Kampala, have similarly expressed disappointment that the ICC investigation in effect lets the government off the hook (RLP 2005:21).

Such opposition to the ICC stems not from an outright opposition to prosecutions, but as a reaction to how government abuses will be handled. ‘The Ugandan People’s Defence Forces (UPDF) has committed crimes against civilians with near impunity,’ said Human Rights Watch (2005). HRW continues:

The UPDF has unlawfully killed a number of civilians in northern Uganda in recent years. People found outside the camps are commonly assumed by the army to be rebels or ‘rebel collaborators’ and frequently find themselves being shot at by the army. But several victims have been shot inside the camps. Many shootings occur at night at close range, and are deliberate and not merely cases of mistaken identity as the army often asserts in its defense. Other deaths are the result of beatings so severe the victim dies ... The killings sometimes seem to be for no discernible reason – other than because the soldiers can do as they wish and later claim the civilians injured or killed were ‘rebel collaborators’, whatever the circumstances.

Regardless of the presence of possible rebels or rebel collaborators inside displaced persons’ homes inside the camps, the UPDF has the duty to take all feasible precautions to protect the civilian population under its control against the effects of the attacks. Soldiers carrying out an attack must be able to distinguish between legitimate military targets and civilians. Shooting into huts inside displaced persons camps where there was no apparent rebel activity is an indiscriminate use of force in violation of the laws of war. The summary execution of any person is a war crime (HRW 2005:24–26).

In addition, there have been numerous (and consistent) allegations of torture and other forms of abuse (like severe beatings and detentions) against the UPDF. Rape and sexual
violence is very common in the camps and in the community and is perpetrated by
soldiers as well as community members (HRW 2005:32).

The ICC has challenged these perceptions and allegations, saying that to fulfil its
mandate, it will not only investigate the LRA activities, but will investigate everyone.
It is, however, highly unlikely that either the army or government will finally be held
accountable for its actions in the north – the more likely scenario is that if they are
to finger army abuses, the ICC will hand over the case for local Ugandan courts to
prosecute. Coupled to this is that most of the major Ugandan army crimes happened
before the Rome Statute (that formed the ICC) came into being.

The ICC says that the UPDF crimes are ‘much less clear than the LRA crimes’, and
if the Ugandan army crimes fall within its jurisdiction, it will consider the issue of
complementarity – whereby the local court structures will have first opportunity to try
those charged. But this supposes that the ICC will issue new warrants – in addition
to the five already out for the LRA. The ICC has said that it would issue new warrants
if new massacres occur. Another likely scenario is that the ICC could hand over the
information on the UPDF abuses to the government to process in local structures.

Despite the atrocities committed in the north and the destabilisation and insecurity it has
brought, for the army, it has also meant a steady, profitable business. Local newspapers
have published investigations into army top brass benefiting from corruption for supplies
in the north. Anthropologist Tim Allen (2006:49) writes:

The war in the north kept the army occupied and benefited many soldiers
economically. Certain senior officers are well known to have become
relatively wealthy from the situation. It is, for example, an open secret that
the army was involved in cattle rustling.

**Advantages of ICC intervention**

One of the main advantages in having the ICC prosecute the LRA leadership is that it
gives a level playing field to seeking redress for rebel atrocities. The Acholi people have
been the main focus of the justice efforts – largely because the war has been concentrated
in the Acholi districts in the north. The Acholi are not the only people who have
suffered from the LRA violence and atrocities over the past twenty years. Besides their
violence against the people of southern Sudan (and possibly at their new bases in the
DRC), the LRA have in the past targeted areas populated by the Madi, Langi and Teso
people in Uganda. (Most of the violence against these three groups occurred before the
signing of the Rome Treaty, which brought the ICC into being (Allen 2006:101).) Allen
(2006:102) writes:
Among Madi people in Adjumani district and to a lesser extent among Langi people in Lira district, I have found an interest in punishment and compensation with an ethnic/tribal aspect. It is likely that the ICC would find people among these populations who would willingly agree to testify in court, partly because they will have less fear of informants and reprisals, and also because they will not be required to accuse their own people. If this happens, there is a danger that the court proceedings could end up being effectively biased against the Acholi as a group, based on long-standing ethnic/tribal divisions.

The non-Acholi character of the LRA actions have also not escaped the ICC, which has also been holding outreach missions with various organs in these non-Acholi communities who were victims of the LRA. The court has also often found that the Madi and Langi communities (whom they have been working with) have been more supportive of the ICC process – largely because they do not have any tribal affiliations like the Acholi. The court also found that these communities are sometimes likely to have a tougher stance where concerns prosecuting the LRA.

The regional and inter-country reverberations of the LRA atrocities have found hostility even among people who are supportive of the peace process. The Acholi Religious Leaders’ Peace Initiative (ARLPI), a religious group trying for years to reach out to the LRA, have noted that on visits to southern Sudan, they have had to apologise to the Sudanese, since fellow Acholi from the LRA were committing atrocities against the Sudanese.

**The religious leaders**

When Interpol issued arrest warrants for the LRA leadership (on behalf of the ICC), church leaders in the north criticised the step for having the potential to intensify the war (IRIN 2006). The IRIN report quotes Monsignor Matthew Odongo, the vicar-general of the Roman Catholic diocese of the northern district of Gulu, who also represents the ARLPI:

‘As religious leaders, we are concerned about the announcement by Interpol. The ICC and Interpol should hold on and give room to negotiations and see how far this dialogue can go,’ said Monsignor Matthew Odongo ... ‘We think that there is no contingency plan for the ICC or Interpol to arrest Kony and his commanders when government, with an army, has failed for the past 20 years’ (IRIN 2006).

In the months since the warrants were issued, their fears appear to have been unfounded. But the larger objections remain:
They felt that the ICC process interfered with the amnesty process as well as various attempts by them (and other mediators) to reach out to the LRA.

They feared that the warrants would result in the LRA escalating attacks against civilians. (There’s been a pattern of the LRA increasing attacks after the government announces new offensives in the north)

They questioned the government’s bona fides – especially given its record of behaviour in the north.

The issue of who talks for the north has come into play. Researchers like Tim Allen have pointed out that there is a disparity between what northern civil society and the religious leaders (on one hand) say, and what he has found when talking to victims in the displacement camps – where, he says, more victims say they want Kony and the LRA leadership tried (Allen 2006).

But the religious leaders – as representatives of civil society – have been consistently reserved and sceptical about the ICC’s intervention and its implications for peace in the region. The reluctance of (a large part of) northern civil society to endorse the ICC process has been one of the main surprises to outsiders – and is among the main differences on pronouncements on the war by indigenous Ugandan (especially northern) groups, and international NGOs. And, despite the international NGOs often characterising the split as being between those who want justice and those who want impunity, the Acholi religious leaders’ concerns (and some civil society) are more nuanced – and more political.

‘Our position from the beginning was not that we were against the work of the ICC,’ said Sheik Musa Khalil, vice-chairperson of the ARLPI. ‘We feel the rebels caused a lot of atrocities and we feel that [the ICC brings justice]. However, the timing is our first concern. Our feeling is that bringing the ICC in before the conflict ends is putting the cart before the horse and that was our major concern from the beginning.’

The ARLPI have also been involved in various mediation efforts (by Professor Washington Mkunu and Ms Betty Bigombe) – earning them the ire of the Ugandan government and the suspicion of the LRA as well – ‘we were not sure if the northern clergymen were laying traps for them’.

Father Carlos Rodriguez, a prominent former member of the ARLPI, now works with the Justice and Peace Committee of the Catholic Archdiocese of Gulu. He points out that much of the initial fears (including those around the ICC’s impartiality) have been proved wrong.

The ICC is not playing an obstructive role to amnesty, as we thought in the beginning. Since May 2004 to February 2005 more rebels have benefited from the amnesty than
before. ‘And something strange happened with the commanders coming out with 50 to 70 people [with them]. Our opposition was not correct and the facts have proved us wrong. Also, about children in danger – all this time abductions have decreased and are now rare.’

Northern civil society also point out that the amnesty law has proven to yield fruit – and want for it to be given more chance to work.

**Implementing the arrest warrants**

The early accusations of bias against the ICC came about because of the way it announced the investigations into northern Uganda – by holding a joint press conference with the Ugandan government. Given the fact that the government – and particularly President Museveni – is a major dynamic in the problems of the war and will most likely be a major obstacle in trying to *politically* remedy the conditions that brought about the northern rebellions – it is not surprising that many northerners were and are as suspicious of the ICC as they are of the Ugandan government.

Given the government’s history in northern Uganda, and President Museveni’s statements on the north throughout the twenty years, it was almost inevitable that his decision to refer the war in the north to the ICC is seen as a new strategy by him. President Museveni’s statements and actions on the north can be summed up as follows:

- He has consistently vowed to finish off the LRA militarily
- He has frequently undermined mediation efforts
- Every time the government has announced a new offensive (often with a deadline by which to wipe out the LRA), the LRA have intensified attacks. This has not stopped the Ugandan government from announcing new military offensives and deadlines – despite the civilian costs attached to the retaliatory attacks
- Civic groups who have been part of mediation efforts with the LRA have often been branded as being in cahoots with the rebels. In fact, there is very little love lost between the Ugandan government and the northern church leaders
- The president has set tight – often unworkable – deadlines when mediation efforts have gone under way
- The Ugandan government has often been seen as not supporting peace and mediation efforts and only half-heartedly being behind the amnesty process
But there are advantages for the ICC to working with the government.

The ICC was not dependent on the Ugandan government to launch the investigation: the Security Council could also have referred the situation to the court. But having the government refer the case to the ICC made it easier to investigate procedurally, and assured them up to now that they had the backing of the government – unlike an investigation in Darfur, for example.

President Museveni enjoys great support, advantages and legitimacy from the international community, and by calling in the ICC, he is essentially ‘internationalising’ the conflict – making it seem as if he is acting in the interest of his people and that the LRA have been the only side to have committed atrocities. In turn, the Ugandan government is portrayed as being at its wits’ end in trying to end the conflict, in which the government has acted as a protector of citizens. But the political divide between the north and the south in Uganda remains.

If you speak to many northerners, you will often hear them asking why the government has allowed the war to continue for so long – the implication being that to some extent the government’s been unwilling to stop Kony. If Museveni’s government – and Museveni himself – is seen as running an administration that is hostile to the north, the inference in the benefits of the war for him are the following:

- It has given him legitimacy – especially in the rest of the country – when he has often personally directed anti-LRA operations from the north
- Moving people into displacement camps have further impoverished the Acholi regions – while much of Uganda has had steady development and economic growth. Especially since the camps have offered little protection to the civilian population, the perception is that the end result of the displacement is that the back of Acholi society has been broken (especially economically)
- The length of the war, the marginalisation of the north from the rest of the country, and the actions of the army towards northerners have reinforced the belief of northerners that LRA terrorism serves the government well as it is a way of punishing the north and is payback for the various actions by northern politicians and soldiers towards the rest of the country in the pre-Museveni era

The fact that the ICC has no mechanism of implementation is one of its weaknesses. In northern Uganda it has been seen as a further sign of being an extension of Ugandan government politics. Within the Ugandan territory, it will rely on the UPDF to arrest Kony. (The UPDF have been given permission by the Sudanese government to pursue the LRA into southern Sudan. It is not clear if that extends to operations to arrest Kony.)
In the DRC, it will rely on Congolese troops as well as the United Nations Mission in the DRC (MONUC). So, if the Ugandan army will be the ones left to exercise the ICC warrants against the LRA top command, how will this be different or independent from Museveni’s war efforts the past twenty years?

The recent ceasefire further complicates the issue of implementation, since the countries who are either party to it, or involved in the process, are the ones who are supposed to exercise the arrest warrants. These are the DRC, Sudan (especially southern Sudan) and Uganda. If they are now offering Kony incentives and amnesty as a way to lay down arms – and peace holds great advantages for each of these governments – what incentive is there to implement the warrants?

**Impunity versus justice**

Regardless of what happens with the arrest warrants for Kony and his four acolytes, the problems of northern Uganda will remain. The arrest of the LRA members indicted by the ICC will in all likelihood end the war. But, focusing too much on Kony poses the danger of observers in a post-Kony future mistaking the absence of war for a real, viable peace and the achievement of justice across the board.

Focusing solely on the statistics of the humanitarian tragedy in the north, or by focusing narrowly on the mechanics of catching Kony and implementing the letter of the law, will miss the profoundly political problems in the north. And it is precisely in finding a mechanism to deal with the long-standing political and societal problems at the heart of the war that the question of forms of justice becomes crucial. This is also where the divide between indigenous northern civil society and international NGOs are the greatest. A number of Westerners have interpreted the locals’ stance as somehow ‘folksy’ and out of touch with the rest of the – Western – world, but the concerns put forward by the ARLPI and other local civil society organs can also have a different reading. Rather than a simple, literal reading focusing just on reconciliation and reintegration, it can also be seen as them raising the question on building a viable peace in the north.

The disillusionment and distrust that northerners feel towards the government cannot be underestimated. It is important to remember that many northerners feel that the war has been allowed to continue for so long – not least of which as a punitive measure against the Acholis. Therefore, what northern Ugandan civil society is also expressing is a distrust of a mechanism driven by the government (which has largely set itself up in opposition to opinion in the north), and by the larger world which has shown scant interest in the war up to now. It is little wonder that civil society feel they have to go it alone, and ultimately they are the ones who must ensure that peace will come to their communities.
However, it is in what to do with the LRA that there is a great divide between the international community and local rights groups. This has simplistically been characterised as a split between ‘justice’ and ‘impunity’. In effect this means that the international groups want ICC prosecutions, and Acholi civil society also want traditional reconciliation mechanisms used. The reactions from Acholi victims in the camps are varied – with some calling for ICC prosecutions. The difference is likely more nuanced – and political.

The Refugee Law Project (2005) says that:

> The strength of feeling against the ICC should not be read as an indication of either civilian support for Kony, or as support for impunity ... While the ICC may deter future rebels from committing atrocities against civilians, the Court is not capable of addressing the deep-rooted political causes of the conflict. Instead it is seen as providing a convenient escape route for the government to avoid having to address such causes.

Northern religious leaders have also wanted to implement traditional justice programmes which would see the re-integration of ex-combatants into the community, and the acknowledgement of wrong. But many outsiders have questioned whether this is an appropriate mechanism for dealing with the LRA. The specifically Acholi rituals will also not take into account the demands of other groups – and whether they want Acholi traditional justice at all.

Northern community leaders have for years been talking of resurrecting Acholi reconciliation and mato oput ceremonies whereby wrongdoers are re-integrated into the community. However, there is controversy on whether this ceremony was done in its proper form in recent years, whether it is appropriate for use outside inter-clan conflicts – and also that it is a specifically Acholi cultural symbol, and does not address the non-Acholi victims of the LRA, or even Acholis who might want the rebels prosecuted.

**Conclusion**

Even if the guns fall silent, complete reconstruction of Uganda’s north is still an unresolved – and unspoken of – issue, as is the matter of whether the north will ever be able to share in the development and prosperity enjoyed by most of the rest of the country. But it is not only Uganda that stands to benefit from peace in the north. Just as the LRA was part of the proxy war between Uganda and Sudan, so too will the reverberations of peace have a regional impact and consequence. And it may be that the biggest gains (including material advantages) from a northern settlement will be felt in southern Sudan, and not northern Uganda. One of the surest ways to consolidate their gains and build up the framework
of viable state for southern Sudan is through getting the LRA out of their territory. (The LRA apparently shelter with groups who do not support the Sudan People’s Liberation Army – SPLA.) A lasting peace between the Ugandan government and the LRA may be the surest hope of a successful southern Sudanese state in the future.

It is not surprising that the southern Sudanese government – in particular southern Sudanese vice-president Riek Machar – has in recent months been at the forefront of efforts to bring Kampala and the LRA together. The Ugandan government has reciprocated by sending senior delegations to talks and offering LRA leader Joseph Kony and his command amnesty. The southern Sudanese mediation effort was significant in that for the first time there is a serious attempt by the Ugandan government to talk to Kony. Up to now, President Yoweri Museveni has vowed to finish off the LRA militarily, consistently undermined any peace efforts, and regularly demonised northern Ugandan church leaders who have had talks with the LRA as ‘collaborators’.

Besides maintaining bases for twenty years in southern Sudan (as well as apparently living among southern groups not friendly to the Sudan People’s Liberation Army/Movement – SPLA/M), the LRA also committed atrocities in southern Sudan. Owing to its sponsorship by Khartoum, the LRA remains a destabilising force in the area and a proxy army of the Khartoum government if the south would want greater autonomy or to secede after the area’s transition period. Therefore, any internal Ugandan settlement with the LRA allows the SPLA to consolidate its position and power before a referendum on southern Sudan’s status.

The Ugandan government has offered amnesty for Kony and his acolytes indicted by the ICC if they came out of the bush, and Machar has also asked the ICC to withdraw the warrants. This cleverly usurps the exact same calls made by the northern Ugandan clergy since the ICC opened the Ugandan docket – but it is unlikely to happen. The ICC said they had targeted the top leadership in the indictment, leaving the rank-and-file to partake of the amnesty process for LRA fighters that has been under way in Uganda.

Little will convince northerners that Kampala has not allowed the war to continue for two decades to punish them for holding on to military and political power in the years before Museveni marched on Kampala. It was no wonder that northern civil society saw the ICC as a new ploy by Museveni to wipe out the LRA. Although there are technical provisions to withdraw warrants when it is in the interest of peace, any attempts to withdraw the warrants now (after many discussions with northern Ugandan civil society came to naught) and after the publication of the Interpol notices will further reinforce the belief that the ICC’s interest often dovetails with that of President Museveni’s.

The difference in Kampala calling for the ICC warrants to be withdrawn – and northern civil society mounting the earlier call – is that it is in the government’s interest to effect a
whitewash of the causes and history of the conflict, including army abuses and atrocities, and to silence a final call for redress and integration of the north into the gains that the rest of Uganda has taken as a given in the Museveni years.

It has been in Museveni’s interest to characterise Kony as a madman who wants a fundamentalist Christian state – ignoring LRA demands for a government that is not hostile to the north and LRA questions around Museveni’s democratic credentials (which have become more shaky since he changed the constitution to be elected for a third term). But this in no way minimises the scale of LRA atrocities.

The LRA are a regional dynamic, but a post-Kony future is primarily a question of whether the government is prepared to rebuild the north and make it part of the country. Whatever happens with the ICC indictments or the peace talks, for northern Uganda, justice across the board and a real sustainable peace must mean more than simply the absence of war. Internationalising the conflict by calling in the ICC and, recently, having southern Sudan behind peace efforts, means any final settlement is driven by outside interests. This makes the position of the Ugandan government almost unassailable – as the dynamics now are between the ICC, southern Sudan, the LRA and Kampala. (Besides the LRA, the other players are all to some extent supportive of the Ugandan government.)

In effect, this removes northern civil society as a player in the war’s resolution – and up to now they’ve been the only voice consistently calling for the Ugandan government to be held accountable for its actions in the north, including addressing the political causes of the rebellion and the impoverishment of the area over the past twenty years.

The current attempts at talks are uncharted territory – the only precedents are the actions of the two sides over twenty years. The LRA only negotiates when it is weak, and as a tactic to regroup and replenish supplies before launching fresh attacks. Kampala has never seriously backed any peace initiative with the LRA – and there are questions on whether the north has been steadily underdeveloped as a punitive measure, or through deliberate neglect.

What is on the table is a settlement between two combatants, not a transitional programme for the region or for northerners. In the long term, the biggest losers may yet be the people of northern Uganda. Peace will take the daily terror out of their lives, but peace could also entrench their marginalisation as the causes and history of the rebellion are never acknowledged or addressed.

The complexity of the northern Ugandan conflict stretches further than the debates on justice and reconstruction and the role of international prosecutions in ending the war. As in Liberia and Sierra Leone (where the civil wars were also largely run by child
soldiers), in northern Uganda, many LRA perpetrators of atrocities face the position of simultaneously being victims and perpetrators. They are essentially abducted, brutalised children forced to kill – yet at the same time are the perpetrators of grave atrocities against their own communities. Added to this is the feeling of victimisation and marginalisation by the Acholi people, as well as consistent army atrocities against them, and it is little wonder that the response of local civil society is to reach inwards, trying to find local ways to rehabilitate its children who have turned into murderers, rather than trust any offer of justice from either Kampala or the Hague. It is not just about wiping the slate clean or allowing impunity to occur – the wider resonance is that northern Uganda is grappling with a justice that talks about rebuilding the coherence of a shattered, brutalised community. It is looking at building a peace that will allow their children who have killed and maimed for two decades, to finally come home.

References


Discussions

Discussions with Roger O’Keefe, Cambridge, Britain.

Telephonic discussions with Ron Atkinson.

Notes

1 Originally from northern Uganda, Ms Bigombe was once Minister of State for the Pacification of Northern Uganda, a title later changed to Minister of State in the Office of the Prime Minister, Resident in Northern Uganda.

2 The ICC also say they were not blindsided by the opposition to their work – and do not expect other interventions to go any smoother.

3 The court, though, maintains it was not surprised by the hostility towards it.

4 When you talk to local people in northern Uganda, you get a better understanding of Kony’s wide use of collaborators and people who supply the LRA with goods from the main towns. Working with the LRA does not automatically denote sympathy for Kony’s cause. It must be remembered that a significant number of people in the LRA (not only the fighters) have been abducted – and collaboration can take place with abductees approaching family members to help them. I don’t know if civilians have been coerced into helping the LRA under the threat of family members in the bush could be harmed if they don’t. Some adults – who were abducted and escaped as children – have also told me that Kony’s ability to ‘predict’ especially military events (like the army
going to attack them) could also be explained by the fact that Kony could be getting the information from ‘spies’ and ‘informants’ – rather than from his spirits talking to him. These former abductees have also mentioned that this might be the strategy behind the child abductions – it is much easier to control and manipulate them and psychologically intimidate them than adults. Kony’s psychological hold over abductees – coupled with the brutality within LRA ranks – cannot be underestimated. Coupled to this is the fact that some children have been abducted more than once.

5 Interview with ICC representative (who requested anonymity).

6 Concomitant to this is the belief in the rest of Uganda that the war up north is largely an ‘Acholi problem’. The divide between the north and the rest of the country is deep – compounded by the fact that most of the country has been developing exponentially, while the north has become increasingly impoverished. Added to this, is that the Acholi (like the Karamajong) are often seen (by southerners) as very animist in belief and culturally different from the rest of the country. To put it colloquially, many non-northerners cannot fathom why Kony – an Acholi – is attacking other Acholi in the name of freedom, and why the Acholi cannot reign in their ‘brother’.

7 To this I would add another explanation – unlike the Acholi, they probably don not perceive themselves as having been let down by the government and marginalised and targeted by the Ugandan state – and hence are less defensive about their identity and solidarity.

8 Interview with ICC representative.

9 Interview conducted on 26 June 2006.

10 Interview with Sheik Musa Khalil.

11 Interview with Father Carlos Rodriguez, 27 June 2006.

12 Museveni has consistently said that he wanted to finish off the LRA militarily – and not through negotiation.

13 The fact that the LRA was part of a proxy war between Uganda and Sudan has furthered this tension – especially given American support for Museveni. Kony, in transcripts of early mediation attempts, points to the support of the West and how it legitimises Museveni’s anti-democratic actions. The closeness of the West – especially the US – to Kampala has further drawn the ire of the LRA when President George Bush put the LRA on a list of terrorist organisations after the Sept 11 2001 attacks on the US.

14 Based on discussions with Roger O’Keefe, Cambridge, Britain.

15 This is not to deny the very real atrocities and crimes against humanity committed by the LRA.

16 MONUC is the UN peacekeeping force in the DRC and is currently the largest UN contingent in the world.