

UNIVERSITY OF NAIROBI
INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**NEGOTIATING SUSTAINABLE PEACE IN THE HORN OF AFRICA:
A CRITICAL ANALYSIS OF DDR IN NORTHERN UGANDA**

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of Arts In International Conflict Management.**

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DECLARATION

I, Mageka Annie Nyaboke Reg. No.R50/62933/2010 hereby declare that this research project is my original work and has not been presented for a degree in any other University.

Signed..... Date.....

This project has been submitted for examination with my approval as University Supervisor;

Signed..... Date.....

ACKNOWLEDGMENT

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ABSTRACT

The concept of Disarmament, Demobilization and Reintegration (DDR) has rapidly spread into the development and security discourse and has over the years come to play a critical role in the promotion of peace processes after conflicts. Effective and successful implementation of DDR is recognized as being exceedingly vital to building and ensuring sustainable peace in post conflict societies and virtually all the countries in the greater Horn have featured such activities. Due to the absence of an official DDR programme in Northern Uganda DDR is undertaken within the context of the Amnesty Act that was put in place as a renewable measure to encourage rebels to leave the insurgency without fear of prosecution. The study's main objective is to examine the process of DDR under the Amnesty Act and determine to what extent it has contributed to sustainable peace in Northern Uganda. The study tests if there is any significant difference between DDR as part of a negotiated peace agreement and informal DDR in contributing to sustainable peace. The study reveals that though marred with numerous challenges the Amnesty Commission has done a commendable job in demobilizing and reintegrating LRA reporters and the study concludes that despite the numerous challenges the rather informal DDR in Northern Uganda has contributed to peace in the region.

LIST OF ABBREVIATIONS

AA	Amnesty Act
AC	Amnesty Commission
ACSP	Amnesty Commission Special Programme
ARLPI	Acholi Religious Leaders Peace Initiative
AU	African Union
CAR	Central African Republic
CSO	Civil Society Organization
DDM	Disarmament and Dismantlement of Militia
DDR	Disarmament, Demobilization and Reintegration
DRC	Democratic Republic of Congo
DRT	Demobilization and Resettlement Team
FPA	Final Peace Agreement
GoS	Government of Sudan
GoSS	Government of South Sudan
GoU	Government of Uganda
GUSCO	Gulu Support the Children Organization
HSM	Holy Spirit Movement
ICC	International Criminal Court

ICRC	International Committee of the Red Cross
IDDRS	Integrated Disarmament, Demobilization and Reintegration Standards
IDP	Internally Displaced Persons
KCWA	Kitgum Concerned Women Association
LRA/M	Lord's Resistance Army/Movement
MDRP	Multi-country Demobilization and Reintegration Program
MDTF	Multi Donor Trust Fund
NRA/M	National Resistance Army/Movement
OECD-DAC	Organization for Economic Cooperation and Development- Development Assistance Committee
PCE	Post Conflict Environment
PRAFORD	Participatory Rural Action for Development
PRDP	Peace Recovery and Development Programme
RCI-LRA	Regional Cooperation Initiative against the Lord's Resistance Army
SALW	Small Arms and Light Weapons
SIDDR	Stockholm Initiative on Disarmament, Demobilization and Reintegration
SPLA/M	Sudan People's Liberation Army/Movement
SSR	Security Sector Reform

TDRP	Transitional Disarmament and Reintegration Program
UN	United Nations
UNMISS	United Nations Mission in the Republic of South Sudan
UNSC	United Nations Security Council
UPDA	Uganda People’s Defence Army
UPDF	Uganda People’s Defence Forces
USA	United States of America

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CHAPTER ONE

FRAMEWORK OF THE STUDY

1.0 Introduction

Since gaining their independence countries in the Horn of Africa have endured a long history of violent conflicts. The region is a hotbed of tensions that comprises some of the most volatile states in the world that are beset by vicious cycles of conflict. Since 1990 the region has experienced over 200 armed conflicts, according to the Uppsala conflict data program, between 1990 and 2010 the Horn of Africa experienced 32 state based armed conflicts where the government is one of the belligerents, 179 non state armed conflicts that are fought between non government groups and 22 campaigns of one sided violence where civilians were massacred¹. The major conflicts in the Horn of Africa as categorized by Williams are: the Eritrea and Ethiopia 'border disputes', cluster of conflicts in Somalia, tensions between the new states of North Sudan and South Sudan, conflicts within North Sudan and South Sudan, Intra Ethiopian conflicts and the threat of the LRA in Northern Uganda and South Sudan². Numerous negotiations have been held in an attempt to bring peace to the region yet sustainable peace still remains elusive.

Northern Uganda has been the arena of what has been described as one of Africa's longest running intrastate conflicts. Since president Museveni's NRA took over power in 1986, several disenfranchised groups have taken up arms against his regime, out of these the LRA has garnered international fame for its brutality

¹ Uppsala Conflict Data Program (UCDP). UCPD/PRIO Armed Conflict Datasets, Version 2. 2002-2006 and version 4-2009 Gleditsc et al. (2002). Centre for the Study of Civil Wars. International Peace Research Institute. www.ucpd.uu.se

² William, D. P. '*Horn of Africa : Webs of Conflict and Pathways to Peace*' (Woodrow Wilson International Centre for Scholars, 2011)p.4

especially towards those whose rights it claims to fight for. The LRA insurgency in the North has proved to be a great challenge for the country as well as the region as a whole, though they are not currently active in Northern Uganda thanks to a cease fire agreement reached in 2006, they still pose a regional threat.

Disarmament Demobilization and Reintegration (DDR) of combatants has over the years come to play a critical role in the promotion of peace processes after conflicts. Successful DDR is recognized as one of the conditions for building sustainable peace in post conflict societies as was noted by Koffi Annan in 2001 on his report on Prevention of armed conflict ‘the successful implementation of DDR processes is exceedingly vital for ensuring sustainable peace’³. As Muggah notes virtually all countries in the greater Horn now feature such activities⁴, Ethiopia, Eritrea, Somalia and Uganda have all had DDR initiatives each with an uneven track record: success has been witnessed in Ethiopia and Uganda (in the 1990’s) whereas others were ineffective as was the case in Somalia which witnessed major setbacks currently South Sudan has entered the list of countries in the Horn of Africa with ongoing DDR.

1.1 Statement of the research problem

The conflict in Northern Uganda has been hailed as one of Africa’s longest running intrastate conflicts and has been the thorn in the side of the National Resistance Movement government since Museveni took over power in 1986. Since Museveni’s entry into power at least 22 groups have taken up arms against his regime mostly from the North of the country and within the Acholi sub region; out of these

³ United Nations General Assembly, Report of the Secretary General on the prevention of armed conflict, A/55/985-S/2001/574

⁴ Muggah R, ‘The Emperors Clothes’, in R. Muggah (ed), *Security and Post Conflict Reconstruction: Dealing with Fighters in the Aftermath of War* (New York: Routledge, 2009)p.6

the Lord's Resistance Army has garnered international fame for its brutality towards the Acholi and forced recruitment/abduction of children all in its effort to allegedly fight for the cause of the Acholi. Unlike the previous DDR process in Uganda 1993 that has been hailed as a success story by many scholars and practitioners alike, the current DDR initiatives in Uganda have faced major challenges. Most warring groups are no longer active and a lot of the DDR activities taking place in the country have been focused mainly on the LRA affected northern region and have been conducted in a region with ongoing conflict. The Juba peace process which was a landmark opportunity to bring a peaceful end to the conflict between the LRA and GoU ended without signature to the Final Peace Agreement leaving DDR in Northern Uganda centered on the Amnesty Act 2000 which was put in place as a renewable measure to encourage rebels to come out of the bush without fear of prosecution. The question to ask therefore is has the incomprehensive nature of DDR in Northern Uganda contributed to achieving sustainable peace in the region?

1.2 Objectives of the study

- To describe the conflict in Northern Uganda.
- To examine the process of DDR in Northern Uganda under the Amnesty Act.
- To determine the extent to which DDR under the Amnesty Act has contributed to sustainable peace.

1.3 Literature review

The literature reviewed falls under the following thematic areas: the first is on conflict in the Horn of Africa, the second is about negotiation as a tool for conflict resolution and the third category is about DDR in Northern Uganda.

1.3.1 Conflict in the Horn of Africa

The Horn of Africa region comprising of Somalia, Kenya, Uganda, Ethiopia, Sudan, South Sudan, Eritrea and Djibouti is arguably one of the most complex and conflicted regions in the African continent and the world. The history of countries in the Horn since the end of colonialism has been one of the violent repressions and insurgency⁵ with conflict being a hallmark of the region.

Maxted and Zegeye state that dynamics of the crisis in the Horn of Africa emanates from both the local and the global level with the crisis manifesting itself in different ways such as: civil wars, human rights violation, and suppression of civil liberties, abject poverty, famine, epidemics, debt problems, population displacement, ecological disasters and disenfranchisement⁶. Cliffe states that one of the central characteristics of conflict in the horn is that analysis can start with any conflict situation and map out a trail linking to other countries and their internal or bilateral conflicts. The Horn of Africa suffers from what can be described as webs of interconnected armed conflicts that can be linked to similar issues as argued below by various scholars⁷. Cliffe notes that there has been a pattern of mutual interference in the horn with opponents of existing regimes receiving varying degrees of support from governments or other forces in regions of the country⁸. William also concurs with Cliffe describing the issue as ‘mutual destabilization where governments offer support to insurgents in neighbouring countries in order to weaken what they may consider oppositional regimes he further adds that it is unclear what benefits are

⁵ Markakis J, ‘The Horn of Conflict,’ *Review of African Political Economy*, Vol. 30:97 (2003)pp.359-362:359

⁶ Maxted J & Zegeye A, ‘Human Stability and Conflict in the Horn of Africa: Part One,’ *African Security Review*, Vol. 10:4 (2001)pp.95-109:98

⁷ Cliffe L, Love R & Tronvoll K, ‘Conflict and Peace in the Horn of Africa,’ *Review of African Political Economy*, Vol. 36:120 (2009)pp.151-163:151

⁸ Cliffe L, ‘Regional Dimensions of Conflict in the Horn of Africa,’ *Third World Quarterly*, Vol. 20: 1 (1999)pp.89-111:89

accrued by this tendency⁹. Wasara in a bid to explain this tendency of mutual destabilization states that ‘states affected by conflicts tend to bolster their own security and try to weaken other states undermining their sovereignty’¹⁰. Healy describes this mutual destabilization as pursuing foreign policy through proxies a situation that ‘has proved persistent over time and has survived radical political reconfigurations, including changes of regime’¹¹. This mutual intervention ends up breeding what Berouk describes as the ‘enemy of my enemy is my friend’ mentality throughout the region¹².

Authoritarian and militarized governance structures are also an issue that breeds conflict in the Horn of Africa states. Such structures contribute to political marginalization and economic inequities. William notes that majority of the regions intrastate armed conflicts pitting governments against armed insurgents ‘who have articulated grievances about the existing government structures rather than making any explicit territorial or secessionist claims’¹³. Majority of the regimes in the Horn of Africa have not facilitated genuine space for a thriving civil society or independent judiciary or media. Maxted and Zegeye also point out that independent civil society have largely been ineffective in countering the power of the leadership, with most of the organizations being outrightly banned, forced to go underground or carefully monitored to ensure that they are apolitical. Wasara adds that when governments

⁹ William, D. P. ‘*Horn of Africa : Webs of Conflict and Pathways to Peace*’ (Woodrow Wilson International Centre for Scholars, 2011)p.4

¹⁰ Wasara S.S, ‘Conflict and State Security in the Horn of Africa: Militarization of Civilian Groups,’ *African Journal of Political Science*, Vol. 7:2 (2002)pp.39-60:40

¹¹ Healy S, (2008). ‘*Lost Opportunities in the Horn of Africa: How Conflicts Connect and Peace Agreements Unravel*’, Chatham House Horn of Africa Group Report. P. 39

¹² Mesfin B, (2010). ‘*The Horn of Africa as a Security Complex: Towards a Theoretical Framework*’, African Conflict Prevention Programme, Institute for Security Studies. P 11

¹³ William, D. P. ‘*Horn of Africa : Webs of Conflict and Pathways to Peace*’ (Woodrow Wilson International Centre for Scholars, 2011)p.4

close all avenues for continuous dialogue, force remains as the only available option¹⁴.

Markakis suggests the state is the major source of conflict in the horn. The root cause of conflict in the region is the struggle to access a fair share of the resources that are controlled by the state, and this competition takes place in the political realm with the main objective of accessing power which is seen as the key to the acquisition of resources¹⁵. He further argues that the access to state power has never been equally available to all people and those who control state power use it to shield themselves and their own privileged class. Maxted and Zegeye agree with this view further noting that many of the political and armed conflicts in the region have been aimed at controlling state power, because states have been the central conduits to power and resource in colonial and post colonial Africa¹⁶: they further add that states have become central elements to the crisis with the ruling elites/ political groups seldom interested in power sharing with rulers who promote clientelism and sectarianism leaving no political space for disenfranchised groups which are left with little choice but to resort to resistance. Healy also concurs with this adding that the ‘inequitable sharing of national resources and lack of representation in the structures of government lay at the root of many of the internal conflicts’ in the Horn of Africa.

1.3.2 Negotiation

When conflict occurs in the international system, actors can use one of three possible modes to combat it, bilaterally, unilaterally or with the help of a third party.

¹⁴ Wasara S.S, ‘Conflict and State Security in the Horn of Africa: Militarization of Civilian Groups,’ *African Journal of Political Science*, Vol. 7:2 (2002)pp.39-60:46

¹⁵ Markakis, J. ‘Ethnic Conflict and the State,’ Kasuyoshi and Markakis (eds), *Ethnicity and Conflict in the Horn of Africa*. (Ohio University Press, 1994)p.235

¹⁶ Maxted J& Zegeye A, ‘Human Stability and Conflict in the Horn of Africa: Part One,’ *African Security Review*, Vol. 10:4 (2001)pp.95-109:98

The bilateral mode implies some form of bargaining or compromise such as negotiation¹⁷. Zartman defines negotiations as the process where divergent view points are combined to produce a common agreement¹⁸. Dahl and Coddington define it as ‘one of the basic processes of decision making along with legislation and adjudication’¹⁹. Jackson defines negotiation as ‘a process by which states and other actors in the international arena exchange proposals in an attempt to agree about a point of conflict and manage their future relationship’²⁰. The increase in the diversity of participants or actors in the international system has led to the growth of agreements not just between sovereign states, but between sovereign states and a wide range of other actors including insurgent groups within a state. The end of the cold war saw a rise in the occurrence of internal armed conflicts which Zartman states ‘are the most difficult to negotiate’²¹.

Zartman stands as one of the supporters of negotiated settlements as a means to ending conflict stating that, ‘international insecurity is achieved by conflict management and conflict management is accomplished above all by negotiation’²². He further shows the importance of negotiation as a strategy that is required in all seasons and not only when conflicts have erupted i.e. before, during and to bring escalation of violence to an end. Merills concurs with Zartman by stating that negotiation is the principle means of handling all international disputes and is

¹⁷ Jackson R, ‘Successful Negotiation in International Violent Conflict’, *Journal of Peace Research*, Vol. 37:3 (May 2000)pp. 323-343

¹⁸ Zartman, I. W. ‘*Negotiation and Conflict Management: Essays on Theory and Practice*’ (Routledge Taylor and Francis Group, 2008)p. 35

¹⁹ Ibid p.35

²⁰ Jackson op cit p.324

²¹ Zartman, I. W ‘*Elusive Peace: Dynamics and Constrains in Negotiation in Internal Armed Conflict*’ (The Brookings Institution, 1999)p.3

²² Ibid p.3

employed more frequently than all other techniques of conflict management put together²³.

According to Johnston proponents of negotiated settlements use the argument that such agreements limit the ravages of war while at the same time engaging different combatant groups, they are supposed to redress the grievances of potential losers in a situation that would have otherwise been a winner takes it all conflict²⁴. Licklider also states that many of those who regard negotiated settlement as a good way to ending civil violence do so for two reasons: it results in fewer casualties than a military victory which would be the alternative and it involves a power sharing deal between two parties which may inhibit any future violence between the two parties from occurring²⁵.

There is however a growing body of literature that questions the efficacy of negotiated settlements in solving conflicts, and more so intrastate conflicts. Toft in her work finds that civil wars ended in negotiated settlements are more likely to recur than those that end in an outright military victory. Her literature posits that insurgent victories and not negotiated settlements actually result in democratic consolidation. She points out that one of the major weaknesses of negotiated settlements lies in, 'their lack of a credible guarantee to harm or punish defectors should one of the parties fail to keep its commitment'²⁶. Walter agrees with this view arguing that negotiations are unlikely to succeed unless an outside power is willing to guarantee the security of the combatants during demobilization and unless specific political,

²³ Merills, John G., *International Dispute Settlement*, (Cambridge: Grotius, 1991)p.2

²⁴ Johnston P, 'Negotiated Settlement and Government Strategy in Civil War: Evidence from Darfur,' *Civil Wars*, Vol. 9:4 (2007)pp.359-377:360

²⁵ Licklider R, 'Consequences of Negotiated Settlement in Civil Wars, 1945-1993,' *The American Political Science Review*, Vol. 89:3 (1995)pp. 681-690:684

²⁶ Toft, D. M. *The Durable Settlement of Civil Wars* (Princeton University Press, 2010)p.2

military or territorial and power sharing guarantees in the first post war government are written in the terms of the treaty'²⁷. Weinstein offers the examples of Uganda and Eritrea where insurgent victories led to successful instances of state building²⁸.

Johnston also contributes to this growing body of literature by exposing how governments use peace processes to manipulate fractures within insurgent movements with the primary aim of weakening the insurgent military capacity and bargain position, he states that, 'governments use peace processes to co-opt parts of the armed opposition thereby strengthening their position vis a vis the remnants of the insurgency for the next round of counter insurgency, there remains a portion of the insurgency that is committed to continued fighting'²⁹. He also highlights the issue of deadline diplomacy that is exercised by certain actors in the international community involved in these negotiations for agreements to be reached a situation which often leads to agreements that satisfy some parties to the conflict while excluding others, with the unsatisfied factions being viewed as spoilers to the process³⁰.

Wagner offers a hypothesis that counters the good of negotiated settlement by stating that 'negotiated settlements are more likely to breakdown than settlements based on military victory, consequently the long term casualties of negotiated settlements are likely to be greater than those of military victory'³¹.

Toft however does not write off negotiated settlements all together, she proposes the development of a hybrid strategy that incorporates both the strengths of

²⁷ Walter, F. B. *'Committing to Peace: The Successful Settlement of Civil Wars'* (Princeton University Press, 2002)p.17

²⁸ Weinstein, 'Autonomous Recovery and International Intervention in Comparative Perspective', note 3.

²⁹ Johnston P, 'Negotiated Settlement and Government Strategy in Civil War: Evidence from Darfur,' *Civil Wars*, Vol. 9:4 (2007)pp.359-377:363

³⁰ Ibid p.373

³¹ Licklider R, 'Consequences of Negotiated Settlement in Civil Wars, 1945-1993,' *The American Political Science Review*, Vol. 89:3 (1995)pp. 681-690:685

negotiated settlement and military victory profiles³². Despite all the obstacles and challenges experienced while using negotiated settlements as a conflict management tool in ending civil wars successfully Sisk states that negotiation and implementation is possible³³.

1.3.3 DDR in Northern Uganda

The Disarmament, Demobilization and Reintegration of ex combatants is often a first step in the transition from war to peace. It supports the transition through ensuring that there is a safe environment to enable ex combatants back to civilian life and enable them to earn a living via peaceful means and also to enable war affected communities to return to a life of normalcy after a period of conflict.

Tumusiime notes that much of the present DDR type efforts in Uganda focus on the LRA affected areas of the North since most of the other conflicting groups in the country are inactive; he notes that the short term mandate of the Amnesty Commission and its lack of adequate financial resources act as major constraints to effective DDR in Northern Uganda³⁴. Borzello has described the DDR process in Uganda as an informal programme that has largely been a response to a flow of escaping abductees that has evolved over a period of years but with a structure that remains inherently the same; she suggests that the disarmament phase is relatively unproblematic and it is the demobilization and reintegration processes that pose the greatest challenge³⁵. According to the Child Soldier's Global Report, up to the year 2008, there was no official DDR programme in Northern Uganda with majority of the

³² Toft, D. M 'The Durable Settlement of Civil Wars' (Princeton University Press, 2002)p.4

³³ Sisk T, D 'Peacemaking in Civil Wars: Obstacles, Options and Opportunities,' Joan B Kroc, Institute for International Peace Studies March 2001

³⁴ Tumusiime, M. *Disarmament Demobilization and Reintegration of ex-combatants in Conflict Affected Northern Uganda*, www.monitor.upeace.org/archive.cfm%, last updated 07/01/2010

³⁵ Borzello A, 'The Challenge of DDR in Northern Uganda: The Lord's Resistance Army', *Security and Development*, Vol 7:3 (2007)pp. 398-399

abductees leaving the LRA either by being captured by or surrendering to government forces or by escaping³⁶.

Blattman and Annan commenting on existing DDR efforts in Northern Uganda states that, 'returnees have trickled in as individuals or small groups...demobilization and disarmament were thus incidental to the process of return'³⁷. Borzello agrees with Blattman's depiction of demobilization describing it as 'haphazard' with reports of many returnees who go straight back home without reporting to any authorities³⁸.

Kalanzi questions the demobilization process in Northern Uganda noting that it does not adequately cater to the special needs of women and girls who have returned from the bush. Maina agrees with this view and highlights that the DDR programmes in Northern Uganda have failed to take into consideration the needs of women and especially those who have returned with children or those who have increased exposure to STD's³⁹. This is also evident when it comes to issuing of reinsertion packages as Maina points out; there is no distinction between reinsertion packages given to women and those given to men. A situation which she argues fails to take into account the particular dynamics of returning females, a failure which can render the entire reintegration process weak; she therefore suggests that to ensure the

³⁶ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008* p.389

³⁷ Blattman C& Annan J, 'Child Combatants in Northern Uganda: Reintegration Myths and Realities', in R. Muggah (ed). *Security and Post Conflict Reconstruction: Dealing with Fighters in the Aftermath of War* (Routledge 2008)pp. 103-106:110

³⁸ Borzello A, 'The Challenge of DDR in Northern Uganda: The Lord's Resistance Army', *Security and Development*, Vol 7:3 (2007)p. 400

³⁹ Maina, G. (2011)'The Complexity of Applying UN Resolution 1325 in Post Conflict Reintegration Processes: The Case of Northern Uganda', *Occasional Paper Series, Issue 7*, ACCORD p. 23

process of reintegration is a success the ‘gender impact and dynamics of the process must be taken into consideration’⁴⁰.

Both Maina and Borzello have questioned the notion of reintegration in Northern Uganda; Maina argues that conditions in Northern Uganda are not ‘optimal for DDR’ because the ex combatants who are supposed to be reintegrated ...are not taken back into their communities but rather placed in IDP camps thus bringing into question whether the whole objective of reintegration has been attained⁴¹. Borzello also finds that the idea of reintegration is complicated by the displacement of populations, stating that ‘what after all does reintegration mean to former abductees sent back to live in the squalor of a protected camp and in an environment of ongoing insecurity?’⁴², Maina notes that reintegration in the case of Northern Uganda is often confused with reinsertion, with many reintegration programmes focusing merely on the re-unification of ex combatants with their families. She argues that while re-unification constitutes a component of reintegration, it does not ‘secure the life of an individual to ensure that he is free from fear and need’. She also finds that reintegration has been limited to providing reinsertion and resettlement assistance⁴³.

Traditional cleansing ceremonies are a unique feature of the DDR process in Northern Uganda, especially as they assist in the reintegration of ex combatants to the community. Annan notes that, ceremonies and rituals are performed to cleanse returnees from their past⁴⁴. Borzello notes that cleansing ceremonies have been

⁴⁰ Ibid p.33

⁴¹ Maina, G. ‘Questioning Reintegration Process in Northern Uganda’, *Conflict Trends Issue 1* 2009, p.51

⁴² Borzello A, op cit p 400

⁴³ Maina op cit p.51

⁴⁴ Annan J, Brier M, and Aryemo F, ‘From Rebel to Returnee: Daily Life and Reintegration for Young Soldiers in Northern Uganda’, *Journal of Adolescent Research*, Vol 24:6 (2009)pp. 639-667:661

credited with easing transition back into the community but they are also problematic and although they have therapeutic value, not everyone is able to benefit from them⁴⁵.

1.4 Hypothesis

Hypotheses are usually assumptions that are made in order to formulate tentative answers for certain phenomena and behavior patterns. They bring clarity, specificity and focus to a research problem in the study to say what is to be investigated. In this study the following hypothesis will be tested to find out if they are necessarily true and applicable in affecting the DDR process in Northern Uganda.

- DDR as part of a negotiated peace agreement is more likely to contribute to sustainable peace than informal DDR programs.
- There is no significant difference between DDR as part of a negotiated peace agreement and informal DDR in contributing to sustainable peace.
- DDR as part of a negotiated settlement is less likely to contribute to sustainable peace than informal DDR programs.

1.5 Justification of the Study

The key role that DDR plays in stabilizing post conflict societies and its success is highly relevant to both ongoing and future DDR initiatives. Understanding the role played by DDR in contributing sustainable peace in the Horn of Africa and especially in Uganda as a case study will contribute to the increase in operational knowledge in the DDR community as a whole. In addition this study aims at providing a better understanding of how the DDR process is being done in the specific

⁴⁵ Borzello A, 'The Challenge of DDR in Northern Uganda: The Lord's Resistance Army', *Security and Development*, Vol 7:3 (2007)p. 403

context and will offer insights on what lies ahead of the process especially considering all the challenges that arise from a post conflict environment such as Northern Uganda.

Academically it would be very useful to know why DDR programs in some countries are successful and not in others. The study aims at shedding light on the efficacy of DDR in Northern Uganda especially in light of the challenges encountered and the uncertainty of the situation in the region since a comprehensive solution to the conflict is yet to be reached between the LRA and GoU.

It is hoped that the research will offer useful insights and recommendations for policy makers and relevant stakeholders so that they can make better informed decisions and provide alternative approaches to DDR initiatives/programs based on the different contexts. The increasingly complex settings require new dynamics, innovative models and procedure for conducting DDR.

1.6 Theoretical Framework

Theories of International Relations offer different ways of perceiving the world and also prescribe different views of how, why conflicts occur and how they can be managed. Each theory has a conflict management component that is in tandem with the principles and ideals of the theory.

The compelling theory adapted for this study is the World Society Theory, which was John Burtons response to the realist dominated field of International Relations, understands conflict to be as a result of the complex interactions and interrelationships of actors in the international system. Within these interactions tensions are likely to arise which would eventually lead to conflict. The theory argues

that there are other actors in the international system, a contrast from realism that views states as the only actors in the international system.⁴⁶

The theory approaches conflict management by trying to understand the sources and the causes of conflict. Parties to a conflict are encouraged to understand the sources and the causes of conflict and then ultimately resolve it. The conflict management arm of the World Society Theory is Conflict Research⁴⁷ which is hinged on conflict resolution which focuses on looking for a solution within the actors themselves. Conflict resolution requires mutual cooperation between the different actors through dialogue, and a solution reached between the parties must be a win-win solution in that the gains of one side do not result in losses for the others. It is the conflict parties themselves who come up with the process and agree to settle their conflict peacefully through the use of negotiation or mediation. John Burton distinguishes conflict resolution from conflict settlement; according to him conflict resolution solves deep seemingly intractable issues whereas settlement only addresses the superficial factors of conflict⁴⁸.

DDR as a component of post conflict Peacebuilding has a main aim of contributing to security and stability in a post conflict environment so that recovery and development can begin. For DDR to be applied successfully the cooperation of conflicting parties is very instrumental. The terms of DDR need to be discussed and agreed upon by conflict parties in a comprehensive peace agreement that should be negotiated by all the parties to a conflict failure to which the whole exercise is likely

⁴⁶ Sandole, D. J 'Human Needs: A Comprehensive Theory of the 21st Century' Avruch and Mitchell (eds). *Conflict Resolution and Human Needs: Linking Theory and Practice* (Routledge, 2013)p.21

⁴⁷ Groom A. J. R, 'Paradigms in Conflict: The Strategist, the Conflict Researcher and the Peace Researcher,' *Review of International Studies*, Vol. 14, No.2 (1988)p.99

⁴⁸ Burton J, Sandole D, 'Generic Theory: The Basis of Conflict Resolution,' *Negotiation Journal* 2:4 (1986)p.333

to collapse. On the other hand for states to be willing to engage in talks with rebel groups in order to find peaceful solutions to conflict especially in armed intrastate conflicts is a great realization that they are major players in the international system and hold a certain weight of influence which cannot easily be ignored and in order for peace to be realized it is crucial to engage with them peacefully and not militarily. With the Horn of Africa being one of the most conflict ridden regions in the world, quick fix solutions to conflict cannot produce a stable sustainable peace and conflicts in the region can only be resolved through engagements and painstaking negotiations in which the willingness to encourage and engage in sustained dialogue with key players is very crucial, without which the conflicts in the region are only likely to get worse.

1.7 Research Methodology

The research methodology is qualitative and utilizes case study as the main research design. Researcher Yin defines case study research method as an empirical inquiry that investigates a contemporary phenomenon within its real life context⁴⁹.

1.7.1 Data Collection

The research is based on the analysis of both primary and secondary sources; therefore primary data will be collected through semi structured interviews and document analysis. Primary sources such as: official government statements, news releases, peace accords and government reports; the interviews were conducted face to face, by telephone and email correspondence. Secondary sources will supplement the primary sources.

⁴⁹ Yin R K, '*Case Study Research: Design and Methods*', (London: Sage Publications 1994)p.1

1.7.2 Data Analysis

The data gathered in the study will be analyzed through qualitative method by sequential reasoning and the logical presentation of existing views from the various schools of thought on the subject matter with the aim of adopting a pragmatic position.

1.8 Chapter Summary

This study will be organized systematically into five chapters. Chapter one: framework of the study, offers a contextual background to the research. In this chapter the major objectives of the study are highlighted, the statement of the problem to be researched is described and a brief description of the methodology to be used in the study is detailed.

Chapter two: disarmament, demobilization and reintegration: the evolution of concepts and practices, this chapter presents the evolution of DDR from the 1980's to its present state. Second generation DDR is described and its relation to traditional DDR is briefly discussed. The importance of the linkages between DDR, SSR and transitional Justice are also briefly explained in the chapter and lastly the role of women, youth and children in DDR is highlighted.

Chapter three: the disarmament, demobilization and reintegration of ex combatants in northern Uganda. In this chapter a brief history of the conflict in Northern Uganda is provided. The DDR of returnees in Northern Uganda is described in detail. The major role played by the Amnesty Act of 2000 in encouraging fighters to leave the LRA is described in the chapter including the major role played by the

Amnesty Commission in the process of DDR. The chapter also briefly highlights the role played by reception centres in demobilization in Northern Uganda.

Chapter four: a critical analysis of DDR in Northern Uganda. This chapter provides a detailed analysis of DDR in Northern Uganda, as found in the information gathered from the previous chapters highlighting the emerging issues from the process, the findings are presented in sub topics.

Chapter five: conclusions and recommendations. This chapter provides the conclusions to the study based on findings and linked to the objectives and hypothesis of the study.

CHAPTER TWO

DISARMAMENT, DEMOBILIZATION AND REINTEGRATION: THE EVOLUTION OF CONCEPTS AND PRACTISES

2.0 Introduction

This chapter will focus on the conceptual and practical evolution of DDR from the 1980's up to its current state. An overview of second generation DDR will be discussed highlighting some of the contrasts from traditional DDR. Linkages that are considered crucial by DDR practitioners with other similar areas of study will be discussed including links between DDR and: Peacebuilding, peace agreements, SSR and Transitional Justice. The chapter will also look at the role women children and youth play in DDR.

2.1 Evolution of DDR

DDR seems to be a well known phenomenon in history that goes back to whenever large armies demobilized their soldiers after a war⁵⁰. It emerged as a necessity to create certain activities and programs for war veterans in order to accommodate them into civilian life after the war is over. Over the last decade the concept of DDR has greatly evolved, prior to the 1980's the geopolitical dimensions of the cold war informed an approach to post conflict peace and security that focused on disarming and demobilizing military establishments and rightsizing armed forces⁵¹. Muggah notes that DDR in the late 70's and 80's emerged as a set of activities

⁵⁰ Rufer, R. (2005). *Disarmament, Demobilization and Reintegration (DDR): Conceptual Approach, Specific Settings, Practical experiences*. Geneva Centre for the Democratic Control of Armed Forces (DCAF)p. 11

⁵¹ UNDPKO, '*Second Generation Disarmament Demobilization and Reintegration (DDR) Practices in Peace Operations: A Contribution to the New Horizon Discussions on Challenges and Operations for UN Peace Keeping*': New York: United Nations, 2006 p.9

‘executed exclusively by and for military establishments and shaped by the geopolitical imperatives of the Cold War co-operations’⁵². Activities of DDR at the time were largely restricted to bilateral partners and were focused on ‘decommissioning and reform of military structures in less developed countries...’⁵³

In its current form DDR was introduced in the late 80’s and early 90’s when the United Nations (UN) became increasingly drawn into a wider set of activities’ especially in Africa⁵⁴. The UN in the 1990’s began to adopt a more development oriented approach to DDR and the programs were introduced to a wider range of post conflict environments. The objectives of the interventions have also broadened and as a result the target group for DDR has expanded to include not only the ex combatants but also children, youths, women associated with regular and irregular armed groups as well as their communities (the communities affected by the conflict)⁵⁵. The concept of DDR has spread rapidly into the discourse of development and security and as a result has been grafted in a wide array of UN Security Council resolutions. Another shift that came in the 90’s, key actors saw it as necessary to introduce education programs and self sustaining projects that would help former combatants to reintegrate into civilian life.

DDR has progressed from a minimalist approach to a maximalist approach. The minimalist approach is centred on short term security and stabilization, the maximalist understanding of DDR has moved beyond the mere collection of ex-combatants weapons to better improving (the) development in Post Conflict

⁵² Muggah, R. ‘The Emperors Clothes’, in R. Muggah (ed) *Security and Post-Conflict Reconstruction: Dealing with Fighters in the Aftermath of War*. (New York: Routledge 2009) p.4

⁵³ Ibid

⁵⁴ UNDPKO. ‘*Second Generation Disarmament Demobilization and Reintegration (DDR) Practices in Peace Operations: A Contribution to the New Horizon Discussions on Challenges and Operations for UN Peace Keeping*’: New York: United Nations, 2006 p.9

⁵⁵ Muggah, op cit p.6

Environments (PCE's)⁵⁶. As Muggah points out 'Since the 1990's DDR activities have shifted from a relatively narrow pre-occupation with ex-combatants and reduction in national military expenditure to a concerted emphasis on consolidating peace and promoting reconstruction and development'⁵⁷. As a result of the shift from a minimalist to maximalist understanding of DDR, the programmes are also getting longer and drawing on a larger caseload.

DDR has also evolved from a country level (activity) to a transnational activity, this shift from a national to a regional or multi country approach is due to the nature of contemporary conflict especially in Africa that tend to have cross border impacts. As a result weapons from one conflict zone can easily be transported across the border and destabilize another fragile state hence the need to approach DDR from a regional perspective.⁵⁸ Muggah agrees noting that national DDR interventions have gradually adopted more regional approaches in recognition of the spill-over and the contagion effects of armed conflicts.⁵⁹

A shift is noted from the initial scripted and sequenced movement to a more flexible and context specific model of DDR. As Stankovic and Torjesen point out the idea of DDR having a fixed blue print no longer exists and has been replaced with a more context specific approach⁶⁰. 'There is no generic template for DDR practice, each DDR process must be carefully and sensitively custom designed for each scenario by teams with intimate knowledge of the respective theatre, the players, the

⁵⁶ The Cartagena Contribution to Disarmament, Demobilization and Reintegration (CIDDR). June 2009 Cartagena, Colombia. P.16

⁵⁷ Muggah, R. (2010) 'Innovations in Disarmament Demobilization and Reintegration Policy and Research: Reflections on the last decade' *NUPI working paper 774* p.1

⁵⁸ The Cartagena Contribution to Disarmament, Demobilization and Reintegration op cit p.15

⁵⁹ Muggah (2010) op cit p.3

⁶⁰ Stankovic, T. & Torjesen, S. '*Fresh Insights on Disarmament Demobilization and Reintegration: A Survey for Practitioners*' p. 13

overall objective of the peace process and tools available.’⁶¹ A UN report on Second Generation DDR also notes that ‘DDR sequencing flexibility recognizes the need to adapt processes to the unique needs of the context in which the process takes place, cognizant of conflict and security factors and dynamics at play’⁶².

DDR is no longer viewed as a technical program that is executed in isolation; Muggah refers to it as a process of ‘social engineering’ that is a process of state building and stabilization⁶³. Torjesen adds that all aspects of DDR are negotiated and decided in the context of a wider political and economic expediency⁶⁴. The findings of the SIDDR also agree with this position stating that ‘DDR is not a technical exercise delinked from the dynamics of a process but one of the elements in a peace processes’⁶⁵. The UN principles and guidelines on DDR of ex-combatants in Peace Keeping states that DDR programs should form a natural continuum in the peace process and hence requires a comprehensive, integrated and co-ordinated approach in their planning and implementation. Since the end of the cold war DDR can no longer be simply understood as a broadly technical term in the context of troop reductions of national armies but as an integral part of Peace Support Operations, positioned in the broad development perspective of today’s Post Conflict Peace Building⁶⁶. Waldorf adds that there has been a shift from looking at DDR as a short term technical process ‘guns camp cash’ (which has miserably failed) to looking at it as part of ‘the wider

⁶¹ DDR *Lessons Learned In Sierra Leone-DDR Coordination Section, UNAMSIL*, August 2003, pp. 4 and 12

⁶² UNDPKO. ‘*Second Generation Disarmament Demobilization and Reintegration (DDR) Practices in Peace Operations: A Contribution to the New Horizon Discussions on Challenges and Operations for UN Peace Keeping*’: New York: United Nations, 2006 p. 28

⁶³ Muggah, R. (2010). *Innovations in Disarmament Demobilization and Reintegration Policy and Research: Reflections on the Last Decade. NUPI Working Paper 774*. P.4

⁶⁴ Torjesen, S. (2006). ‘The Political Economy of Disarmament Demobilization and Reintegration (DDR)’. *NUPI, Working Paper: 709*

⁶⁵ Stockholm Initiative on Disarmament Demobilization and Reintegration (SIDDR). 2006. *Final Report*. Stockholm Ministry for Foreign Affairs, Sweden p. 14

⁶⁶ UNDPKO, ‘*Disarmament Demobilization and Reintegration of Ex combatants in a Peacekeeping Environment: principles and guidelines*’. United Nations December 1999 p. 5

peace recovery and development frameworks⁶⁷. DDR is no longer viewed as a post conflict activity and now goes on even during ongoing violence.

2.2 Second Generation DDR

Second generation DDR is an umbrella term for a set of practices that serve the same strategic goals as traditional DDR, it is used to describe the emerging practices in various operations around the world. The programmes of second generation DDR include, stabilization measures such as emergency employment and reinsertion, and often target at-risk youth and gangs. Suzuki states that ‘Second Generation DDR may be used to address unfinished or failed aspects of a traditional DDR programme... [o]r, it might also be implemented in parallel with these formal efforts to maximize the impact’.⁶⁸

Traditional DDR focused mainly on combatants, especially those within military structures, and involved a wide range of activities falling within each category. Contemporary conflicts however involve both military institutions that are authorized to use force and also non state military actors, such as militias and liberation armies, in which even civilians take part. In realization of this Second generation DDR shifts its focus from military structures towards the community, using evidence based approaches which make it easier and better able to adopt to any new development on the ground⁶⁹.

Another shift from traditional DDR is whereas it required certain pre conditions to be met in order for implementation to proceed. Second generation DDR

⁶⁷ Waldorf, L. ‘Linking DDR and Transitional Justice,’ A. C. Patel, P. Greiff and L. Waldorf (ed). *Disarming the Past* (Social Science Research Council New York: 2009)p. 18

⁶⁸ UNDPKO, ‘DDR in peace operations a retrospective’ (New York: United Nations)p. 14

⁶⁹ UNDPKO, ‘*Second Generation Disarmament Demobilization and Reintegration (DDR) Practices in Peace Operations: A Contribution to the New Horizon Discussions on Challenges and Operations for UN Peace Keeping*’: New York: United Nations, 2006p. 8

can be implemented when those pre conditions are not in place, in its effort to support the peace process and contribute to a secure environment. The preconditions required for traditional Peace Keeping are: signing of a negotiated peace agreement with a legal framework for DDR, willingness of conflicted parties to engage in DDR, trust in the peace process and a minimum guarantee of security⁷⁰. For instance Suzuki highlights that ‘where there is ongoing conflict or a fragile peace process, a traditional approach may not be appropriate ‘[s]econd Generation DDR may then be used to help build trust among the parties and contribute to a secure environment, and possibly pave the way for a more traditional approach’⁷¹.

Traditional DDR focused more on top down approach; during the 1980’s DDR activities, interventions and operations were carried out primarily by international agencies such as the UN⁷². Stankovic and Torjesen note that Second generation DDR has shifted its emphasis from externally designed top down interventions to more local level designed and executed bottom up approach⁷³. It is imperative that DDR is anchored at the local level in order for it to contribute to sustainable peace and development, because at the end of the day its success is dependent upon the communities trust on the program and they are the ones who own the problems and their solutions. It’s however important to note that Second generation DDR and traditional DDR have the same strategic aim that is to support the peace progress, create political peace and contribute to a secure environment.

⁷⁰ Ibid.

⁷¹ UNDPKO, ‘DDR in peace operations a retrospective’ (New York: United Nations)p. 14

⁷² The Cartagena Contribution to Disarmament, Demobilization and Reintegration (CIDDR). June 2009 Cartagena, Colombia. P. 15

⁷³Stankovic. T & Torjesen, S. ‘Fresh Insights on Disarmament Demobilization and Reintegration: A Survey for Practitioners’ p.13

According to a UN report Second Generation measures are grouped into three broad categories. The first is post conflict stabilization measures which include options such as: emergency employment programmes which is aimed at providing shorter economic incentives as an alternative to violence and also contributes to the reconciliation, reintegration and rehabilitation of infrastructure; reinsertion programmes that serve as early and quick interventions which are connected to the immediate security imperatives and longer-term reintegration needs and lastly sub national/ community approaches, a bottom up approach that is aimed at helping to eliminate the main drivers of violence and build social cohesion. The second category targeting of specific groups with different approaches and incentives includes disarmament and dismantlement of militias (DDM), commanders and senior officers incentive programmes, at-risk youth and gangs' programmes, pension schemes and psychosocial recovery strategies:

Several of these policy options focus on targeting undisciplined armed groups, and suggest means for more clearly identifying group needs, interests, agendas and capacities... [t]hese approaches respond to a recognized weakness in more traditional DDR models that have tended to target warring parties in a top-down manner and are not suited to addressing armed groups that may not be signatories to a peace agreement.⁷⁴

The final category is alternative approaches to addressing disarmament and unregulated weapons. The approaches used include sequencing flexibility which is aimed at achieving the overall goal of DDR through the flexible sequencing of different phases of DDR in context and commensurate with the progress in the political process; weapons management and reduction approaches which aims to organize, manage and control the proliferation of arms and involves measures such as

⁷⁴ UNDPKO. 'Second Generation Disarmament Demobilization and Reintegration (DDR) Practices in Peace Operations: A Contribution to the New Horizon Discussions on Challenges and Operations for UN Peace Keeping': New York: United Nations, 2006 p. 5

registries, licensing systems and legal restrictions on weapons ownership; and lastly weapons for development and weapons lotteries which involves voluntary (and incentive based) weapons collection in exchange for community development projects such as wells, schools, seed banks, media access the rationale of which is to make the disarmament process more sustainable and link it to the overall goal of development.⁷⁵

2.3 DDR and Peace building

The end of the cold war was marked with an increase in internal armed conflicts in many countries especially in Asia, Africa, and Eastern Europe and the international community's involvement in these conflicts. Disarmament Demobilization and Reintegration (DDR) programs/initiatives as functions of Peace building have become key security components of post conflict Peace building. Former United Nations secretary General Koffi Annan recognized that in civil conflicts of this post cold war era, a process of DDR has repeatedly proved to be vital to stabilizing a post conflict situation; to reducing the likelihood of renewed violence, either because of relapse into war or outbreaks of banditry and to facilitating a society's transition from conflict to normalcy and development⁷⁶. Knight and Ozerdem concur stating that DDR is an important element in the promotion of peace processes since it constitutes an activity of Peace building; it can therefore have an important effect on the wider process of transition as it plays a critical role in the transition from war to sustainable peace, its timely and effective implementation can greatly enhance or deter a society's move from war to peace. When effectively

⁷⁵ UNDPKO. *'Second Generation Disarmament Demobilization and Reintegration (DDR) Practices in Peace Operations: A Contribution to the New Horizon Discussions on Challenges and Operations for UN Peace Keeping'*: New York: United Nations, 2006 pp. 23-30

⁷⁶ United Nations General Assembly, Security Council, *Report of the Secretary-General on the Prevention of Armed Conflict A55/985-S/2001/574*

implemented DDR programs can bring a sense of reassurance to the conflicting parties that a permanent cessation of hostilities is achievable⁷⁷. Muggah agrees defining DDR as a process that is introduced to help end or follow a conflict as part of a peace process, it is viewed as a short term component of the post conflict period⁷⁸. Kingma also notes that the demobilization of ex combatants and their subsequent reintegration into civilian life are the critical steps of post conflict Peace building⁷⁹, further stating that DDR should form part of a broader reconciliation process one characterized by efforts to identify and support structures that will strengthen and solidify peace and avoid a relapse into conflict⁸⁰. Berdal finds that experience indicates that there is a symbiotic relationship between Peace building and the DDR process⁸¹, Ozerdem describes this symbiotic relationship by stating that sustainable recovery after a war cannot be achieved without a successful DDR process and also without a successful Peace building process the viability of DDR becomes questionable⁸².

Former UN secretary general Boutros Boutros Ghali also addressed the issue of disarmament in his 'Agenda for Peace' as an integral part of post conflict Peace building, where structures need to be put in place in a post conflict environment to support the peace while at the same time encouraging a sense of confidence among the people and this could be achieved in part through 'disarming the previous warring

⁷⁷ Knight M, Ozerdem A, "Guns Camps and Cash: Disarmament, Demobilisation and Reinsertion of Former Combatants in Transitions from War to Peace,' *Journal of Peace Research*, Vol 41, No 4 (2004) p.500

⁷⁸ Muggah R, 'Emerging From the Shadow of War: A Critical Perspective on DDR and Weapons Reduction in the Post Conflict Period,' *Contemporary Security Policy* 27:01 (2006)p.194

⁷⁹ Grundmann M, 'Symposium on Managing Process of Peace and Rebuilding Societies: Small Arms Disarmament and Reintegration of Combatants,' *Policy Sciences*, Vol. 30 (1997)p.115

⁸⁰ Kingma K, 'Demobilization of Combatants After Civil Wars in Africa and Their Reintegration into Civilian Life' *Policy Science*, Vol 30, (1997) p. 154

⁸¹ Berdal M, 'Disarmament and Demobilization after Civil Wars,' *Adelphi Paper* 303. London: International Institute for Strategic Studies.

⁸² Ozerdem A, 'Disarmament Demobilization and Reintegration of Former Combatants in Afghanistan: Lessons Learned from a Cross Cultural Perspective,' *Third World Quarterly* Vol.23, No 5 (2002) p.962

parties, the restoration of order, custody and possible destruction of weapons....⁸³ Knight highlights the importance of DDR programs in sustaining peace; he notes that DDR programs should form a natural continuum in peace processes and hence require a comprehensive approach from planning to implementation⁸⁴. DDR must be a part of a broader process of reconciliation for it to contribute to sustainable peace and development; it cannot be achieved in isolation or outside of an overall program of post conflict reconstruction. It is also necessary that it is incorporated in a wider process of national reconciliation⁸⁵. DDR is therefore part of a wide strategy of Peace building and is part of a broader agreement over justice, police reform, restructuring of armed forces and political change all as negotiated in a peace process. The success or failure of DDR ultimately affects the chances of long term Peace building in post conflict countries.

2.4 DDR and Peace Agreements

Although there is no clear blueprint for DDR programmes it has become commonly accepted that the inclusion of a detailed DDR program in peace agreements is important for implementation of DDR and also of great importance to achieving sustainable peace.

DDR should be undertaken under a peace framework that explicitly provides an institutional framework for the exercise⁸⁶. Lodgaard highlights that framework agreements between conflict parties are viewed as a necessary condition for the success of DDR. It is when these agreements have been reached that other actors can

⁸³ Boutros-Ghali Boutros, 1992. *An Agenda for Peace*, 2nd edn. New York United Nations p.11

⁸⁴ Knight W, 'Disarmament Demobilization and Reintegration and Post Conflict Peacebuilding in Africa: An Overview,' *African Security* 1:1 (2008)p.33

⁸⁵ Kingma K, 'Demobilization of Combatants After Civil Wars in Africa and Their Reintegration into Civilian Life' *Policy Science*, Vol 30, (1997) p.159

⁸⁶ Lodgaard S, 'Managing Arms In Peace Processes,' *Policy Sciences*, Vol 30, No 3 (1997) p.144

offer assistance in the implementation so as to ensure that both parties' comply with the terms of the agreement. DDR is among the very first steps in post conflict reconstruction if based on peace agreements. Kingma adds that not only is it important to deal with the details of the ceasefire but also include the specific details of the disarmament process, political and social reforms and the conditions and management of demobilization and reintegration support. In this context it is also important that necessary preparation is done and ensuring that all resources that are required are available to avoid any time being wasted in linking the demobilization and reintegration efforts⁸⁷.

Spear also emphasizes the importance of a peace agreement between the belligerents that should clearly define the DDR process, with terms that should be worked out and understood by all parties⁸⁸. Pouligny in agreement with Spears recognizes the importance of DDR as a key component in Peace agreements noting that it is important that peace agreements mention the need for DDR and also commit to carry out DDR as part of the peace process. It is only through this that consensus can be reached on the structure of programmes detailed to the highest level⁸⁹.

Although the signing of a negotiated peace agreement that provides a legal framework for DDR is viewed as being very important, due to the constant changes occurring in the international system the UN has come to recognize that there are cases and certain circumstances where this condition is not met yet DDR must take effect. In Haiti there was no agreement at all, Cote d'Ivoire on the other hand there

⁸⁷ Kingma K, 'Demobilization of Combatants After Civil Wars in Africa and Their Reintegration into Civilian Life' *Policy Science*, Vol 30, (1997) p.160

⁸⁸ Spear J. 'Implementation of Peace Agreements' Stedman, Rothchild and Cousens (ed), *Disarmament and Demobilization in Ending Civil Wars*.

⁸⁹ Pouligny B, '*The Politics and Anti-politics of Contemporary Disarmament Demobilization and Reintegration Programs*' (Paris: CERI, 2004)

were multiple agreements with conflicting provisions for DDR. It has also been noted that in many scenarios not all the parties to the conflict are party to the peace agreement as not all are involved in the peace process and this will eventually pose a great threat to the entire DDR process; its therefore critical that in the absence of an all inclusive or effective peace agreement urgent attention is given to developing a coherent joint strategy with partners and the government on the DDR framework⁹⁰.

2.5 The Link between DDR and Transitional Justice

Transitional justice measures are becoming a part of the political package that is negotiated and agreed upon by conflict parties; transitional justice and DDR therefore do co-exist in the post conflict period. If implemented appropriately and effectively Transitional Justice and DDR can contribute to the ultimate and long term goal of achieving peace and reconciliation.

Transitional justice comprises ‘the full range of processes and measures associated with a society(s) attempts to come to terms with a legacy of large scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation’⁹¹. Waldorf states that while the Transitional Justice toolkit was initially known for truth commissions, international and internationalized criminal tribunals, local justice processes, reparations among other tools have also been included. Both judicial and non judicial measures are considered and put to use in Transitional Justice interventions/initiatives⁹².

⁹⁰ UNDPKO, ‘*Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Keeping Operations: A Contribution to the New Horizon Discussions on Challenges and Operations for UN Peace Keeping*’: New York: United Nations, 2006 pp.11

⁹¹ S/2004/616, ‘*Report of the Secretary General on the Rule of Law and Transitional Justice in Conflict and Post Conflict Societies*’.

⁹² Waldorf, L. ‘Linking DDR and Transitional Justice,’ A. C. Patel, P. Greiff and L. Waldorf (ed) *Disarming the past* (Social Science Research Council New York: 2009) p. 22

DDR and Transitional Justice initiatives often overlap in the post conflict period and their co-existence has implications for the success of both, since they share the long term goal of achieving sustainable peace and reconciliation in a post conflict environment⁹³. Failure to better understand the relationship between DDR and Transitional Justice may limit the extent to which societies achieve both reintegration and justice, thus DDR and Transitional Justice may either greatly contribute to or hinder the achievement of the others aims.

DDR can contribute to the stability that is required for the implementation of Transitional Justice. On the other hand Transitional Justice initiatives can strengthen DDR's legitimacy especially from the victims' perspective which can contribute greatly in reintegration of ex combatant. The proper coordination of DDR and Transitional Justice will stop or at least reduce the notion that 'violent behaviour is rewarded' for instance since ex combatants are given packages and certain benefits during reinsertion and this can pose a problem in reintegration, a situation that Waldorf finds can create a 'moral hazard' for the future⁹⁴.

SIDDR final report findings note that 'DDR programs should not only seek to minimize potential tensions with Transitional Justice measures but should capitalize on the potential complementarities with Transitional Justice measures to reconstitute civic trust and smooth the process of reintegration'⁹⁵. The United Nations in recognizing the importance of transitional justice and the rule of law in post conflict recovery adopted the United Nations Integrated Disarmament, Demobilization and Reintegration Standards (UN IDDRS) which requires UN DDR practitioners to

⁹³ Patel, C. A. (2010 February) 'Transitional Justice, DDR and Security Sector Reform.' *ICTJ* (Research Brief)p. 2

⁹⁴ Waldorf, L, op. cit p.22

⁹⁵ Stockholm Initiative on Disarmament, Demobilization and Reintegration (SIDDR). 2006. *Final Report*. Stockholm Ministry of Foreign Affairs, Sweden p.32

coordinate with other actors and practitioners such as Transitional Justice practitioners in designing and implementing their programs and sharing input whenever necessary.⁹⁶

The coordination between DDR and Transitional Justice should aim at seeking ways to contribute to sustainable peace in the long term while at the same time achieving their respective objectives of stability and accountability⁹⁷. It's crucial that DDR programs conform to International Humanitarian Law (IHL) and International Human Rights norms. From the perspective of DDR, Transitional Justice can greatly help in the reintegration of former combatants; DDR on the other hand can contribute to the provision of a secure and stable environment that is necessary for establishing Transitional Justice mechanisms. It should however be noted that a lot of care needs to be exercised so that neither DDR nor Transitional Justice is burdened with expectations that cannot be realized because neither can bring about peace and justice but working together they may bring those goals a bit closer⁹⁸.

2.6 The Link between DDR and Security Sector Reform (SSR)

SSR is 'the transformation of the security system which includes all actors, their roles, responsibility and actions, working together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance'⁹⁹. It aims at preventing crimes against humanity and violent conflict by changing or removing all together the structural conditions that

⁹⁶ Integrated Disarmament, Demobilization and Reintegration Standards 6.20 *Transitional Justice and DDR*, (UN: 2009)p.1

⁹⁷ "DDR and Transitional Justice" (Paper presented in the 2nd International Conference on DDR and Stability in Africa Kinshasa, Democratic Republic of Congo 12-14 June 2007) p. 15

⁹⁸ Waldorf, L. 'Linking DDR and Transitional Justice', A. C. Patel, P. Greiff & L. Waldorf (ed). *Disarming the Past*. (Social Science Research Council: New York 2009) p. 23

⁹⁹ OECD DAC (2007) *OECD DAC Handbook on Security Sector Reform*. (OECD DAC). www.oecd.org/dac/conflict/if.ssr

give rise to them in the first place¹⁰⁰. SSR is concerned with re-establishing the states legitimate control over the use of force and addressing deficits in both human security and physical security. It also seeks to provide effective and efficient state and human security within a framework of democratic governance. Close links have been acknowledged by experts of both fields and in recent years it has become increasingly understood that DDR programs should be considered and designed within the broad aims of an SSR framework since they both are connected on their focus on increased security and their implications for each other¹⁰¹. The Organization for the Economic Cooperation and Development-Development Assistance Committee (OECD-DAC) handbook states that issues of DDR and SSR “are often best considered together as part of a comprehensive security and justice development programme”¹⁰².

Some apparent linkages between SSR and DDR include: both activities concern the security sector and both are recognized as key elements of Post Conflict Peace building. DDR is often conducted before issues of SSR are addressed therefore it sets the terrain for future reform efforts¹⁰³. Since DDR is the first measure taken in limiting or bringing an end to violent conflict, its failure can greatly impact the security environment. A lack of coordination between DDR and SSR can cause problems if human right violators are incorporated into the security sector, a situation that leads the public to lose trust in the security sector.

Mc Fate in his report on the link between DDR and SSR in the conflict affected countries finds that ‘DDR and SSR share the same objective-the

¹⁰⁰ “*DDR and Transitional Justice*” (Paper presented in the 2nd International Conference on DDR and Stability in Africa Kinshasa, Democratic Republic of Congo 12-14 June 2007) p. 11

¹⁰¹ Bryden A, “*Linkage between DDR and SSR. Understanding the DDR-SSR Nexus: Building Sustainable Peace in Africa.*” (Paper presented in the 2nd International Conference on DDR and Stability in Africa Kinshasa, Democratic Republic of Congo 12-14 June 2007) p.5

¹⁰² OECD DAC op cit p.105

¹⁰³ Bryden, A. op cit p.6

consolidation of the states monopoly of force to uphold the rule of law and therefore they succeed or fail together and should be planned, resourced, implemented and evaluated in a coordinated way'. He further adds that DDR and SSR often intersect during reintegration as many ex combatants will seek and or find employment in the security apparatus that is created by SSR.¹⁰⁴

2.7 The Role of Women in DDR

Women play a very active role in conflict though they are hardly recognized for doing so. They join armed fighting groups for various reasons, either due to failure of the state to protect them or because they were directly targeted by the state. However not all women join armed fighting forces willingly, a majority are abducted and held against their will by armed groups as is the case in many intrastate conflicts in Africa. While conflicts inflict suffering on everyone it is the women and children who bear the heavier burden and are affected by both the long and short term consequences of war. The role women play in armed groups vary from cooks, porters, caregivers, sex slaves, to active combatants¹⁰⁵.

Women who have been associated with fighting forces need specialized assistance during the process of DDR, however they are often ignored a situation that Former UN Secretary General Koffi Annan recognized and stated that 'women combatants are often invisible and their needs are overlooked'. The UN Security Council resolution 1325 on women peace and security was adopted on October 31 2000. In realizing that women play an active role in the events that can lead to instability and conflict, take up arms during conflict and also play a crucial role in

¹⁰⁴ Mc Fate, S. 'The Link between DDR and SSR in Conflict Affected Countries.' *Special Report 238* (May 2010). United States Institute of Peace p. 1

¹⁰⁵ USAID (2007), 'Women and Conflict', p.6

trying to resolve the conflict, ‘the council adopted resolution 1325 as a gender perspective for the broad participation of women in peace building and post conflict reculturation’¹⁰⁶. Resolution 1325 is the first international formal and legal document that respects the rights of women and supports their equal participation in peace negotiations and security initiatives. On the matter of DDR the resolution has defined the roles of women and girls during armed conflict and emphasizes the importance of their participation in the implementation of peace agreements and activities of DDR in the transitional peace process; this has led to an increase of the participation of women in peace processes including DDR¹⁰⁷. The UN has further developed IDDRS module 5.10 that addresses the issue of women gender and DDR and offers guidelines to decision makers and practitioners on how to structure DDR programs while taking into consideration the needs of women and girls¹⁰⁸.

In recognition of this the SIDDR final report noted that it is important to design and implement DDR programmes in a gender sensitive way ensuring that parallel programs are established for those categories of women and children associated with armed groups but who not being ex combatants or posing a security threat will normally not qualify for reinsertion.¹⁰⁹

2.8 The Role of Children and Youth in DDR

The Cape Town Principles defines a child soldier as ‘any person under 18 years of age, who is part of any regular or irregular armed force in any capacity

¹⁰⁶ Pathak, B. ‘Women and DDR-Disarmament, Demobilization, Reintegration.’ *Transcend Media Services* p. 1

¹⁰⁷ American Society of International Law United Nations Security Council: Resolution 1325 (on women and peace and security): *International Legal Materials* Vol. 40 No. 2 (March 2001), pp. 500-502

¹⁰⁸ Integrated Disarmament, Demobilization and Reintegration Standards 5.10 *Women Gender and DDR* (UN: 2008)

¹⁰⁹ Stockholm Initiative on Disarmament, Demobilization and Reintegration (SIDDR). 2006. *Final Report*. Stockholm Ministry of Foreign Affairs, Sweden p.26

including but not limited to cooks, porters, messengers and those accompanying such groups, other than purely as family members. It includes girls recruited for sexual purpose and forced into marriage. It does not therefore only refer to a child who is carrying or has carried arms.’

Many soldiers in contemporary armed conflicts are children. Children are drawn into lives as soldiers due to a variety of reasons: forced recruitment, abduction (which has become increasingly common in African civil wars), as a means of acquiring food and security after losing loved ones, or to be with older siblings who have joined armed groups. Youth often join armed groups in order to earn money, or have a sense of power or out of disaffection with a political, social and economic system that has failed¹¹⁰. A child under international law is defined as a person less than 18 years of age¹¹¹. In view of this the UN developed IDDRS module 5.30 on children and DDR that offers guidelines on how to structure DDR programmes in a way that is responsive to the needs and aspirations of children. The UN IDDRS module 5.20 also dealing with Youth and DDR (young people between ages of 15 and 24) is intended “to give advice to policy makers and programme planners on the best ways to deal with the needs of a group that has historically been poorly served by ...DDR programmes”¹¹².

The Paris Commitments to Protect Children Unlawfully Recruited or used by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups which were adopted at the International

¹¹⁰ Wessells, M. ‘Child Soldiers, Peace Education, and Post Conflict Reconstruction for Peace’, *Theory into Practice* Vol 44 No.4 (Autumn 2005) pp. 363-369:364&365

¹¹¹ Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly Resolution 44/25 of 20th November 1989 entry into force 2nd September 1990 in accordance to article 49

¹¹² Integrated Disarmament, Demobilization and Reintegration Standards 5.20, *Youth and DDR*, (UN:2006)p.1

conference ‘Free Children from War’ in Paris on February 2007, are documents that underscore the humanitarian imperative for the unconditional release of children from armed forces and armed groups at all times even, in the midst of violent conflicts. The documents build on the Cape Town principles and best practices on the recruitment of children into armed forces and on demobilization and social reintegration of child soldiers in Africa which was adopted in 1997¹¹³. United Nations Security Council (UNSC) resolution 1379 on Children and Armed Conflict was adopted by the Security Council on 20th November 2001; in recognition of the harmful effect armed conflict has on children and the long term consequences this has on durable peace, security and development. The resolution requests the agencies, funds and programmes of the UN to “devote particular attention and adequate resources to the rehabilitation of children affected by armed conflict, particularly their counselling, education and appropriate vocational opportunities, as a preventive measure and as a means of reintegrating them into society”¹¹⁴.

2.9 Conclusion

DDR programs play a critical role in the transition from war to peace and their timely and effective implementation can greatly enhance or hinder a society’s transition from war to sustainable peace. DDR has evolved from being simply a set of activities executed for military establishments to an important element in the promotion of peace processes that seeks to improve the lives of not only ex combatants but their families and the wider community as well. While the shift of DDR to an integrated approach is welcome, there is the danger of DDR becoming too ambitious in its goals and too unfocused in its methods. There is therefore a need to

¹¹³ Child Protection from Violence Exploitation and Abuse www.unicef.org/./57929_58012.html

¹¹⁴ American Society of International Law, ‘United Nations (U.N.) Security Council: Resolution 1379 (on “children and armed conflict”)', *International Legal Materials*, Vol 41:2 (March 2002) pp. 507-510:509

scale back the expectations of what DDR can accomplish. DDR is an encouraging trend and it is better to work with trends than against them as Lodgaard puts it ‘that which develops should be sustained’¹¹⁵.

¹¹⁵ Lodgaard S, ‘Managing Arms in Peace Processes’, *Policy Sciences* Vol. 30:3 (1997)p.144

CHAPTER THREE

THE DISARMAMENT DEMOBILIZATION AND REINTEGRATION OF REPORTERS IN NORTHERN UGANDA

3.0 Introduction

One of the objectives as outlined is to describe the conflict in Northern Uganda. This chapter will focus on: the historical background of the armed conflict in Northern Uganda, tracing its roots from post colonial Uganda up to the emergence of the LRA; the regional implications of the conflict will also be discussed including the approaches that have been adopted by both government and non government actors in trying to bring an end to the conflict and lastly this chapter will focus on the DDR of LRA ex combatants in Uganda under the Amnesty Act.

3.1 Background to the conflict in Northern Uganda

Violent conflict has been a feature of Ugandan politics since it attained independence from the British in 1962. The country's post colonial history is marked by a series of violent coups and armed rebellions with leader's acquiring power through violence as is evident in the country's political system, that has had a strong military character. This considerable political instability has been accompanied by a widening socio-political and economic gap between the North and South and a rapid militarization of politics¹¹⁶.

The conflict in Northern Uganda has gone through a series of changes, with what initially began as a revolt by Uganda National Liberation Army (UNLA) soldiers angered by the NRA's breach of the Nairobi Peace Accord that had been

¹¹⁶ Jackson P, 'The March of the Lord's Resistance Army: Greed or Grievance in Northern Uganda' *Small Wars and Insurgencies* 13:3 (2002)pp. 29-52:35

agreed by Gen. Tito Okello and Yoweri Museveni in Nairobi under the mediation of Kenyan president Moi; to unconventional rebel activity which combines Christianity with traditional Acholi spiritualism and the killing of civilians.¹¹⁷

In 1986 when the NRA took over Kampala in total disregard to the Nairobi Peace Accord, members of the national army (UNLA) fled to the North fearing reprisal attacks by the NRA as was the norm with the previous regimes, others fled to south Sudan to reorganize with the belief that they could get back power as the previous Obote and Amin regimes had been successful in doing. Many of the Acholi feared that the NRA would seek vengeance for violent acts committed by previous regimes, that were not necessarily led by the Acholi but whose army's were Acholi dominated, including the atrocities committed in the Luwero triangle that attracted international attention¹¹⁸, this anxiety was further fuelled by the breaching of the Nairobi Peace Accord by the NRA.

The UNLA forces that fled to south Sudan to regroup were joined by other anti government elements including former Obote supporters and some of Amin's west nilers. Together they established the Uganda people's Defence Army (UPDA) in an attempt to oust Museveni from power¹¹⁹. The UPDA had a lot of support from the Acholi community, as it was considered a protection¹²⁰. The ultimate reason for the start of the rebellion was to recapture power from the NRA/M. UPDA launched its first attacks in the districts of Gulu and Kitgum. Despite their initial success, the UPDA could not sustain itself. They started running out of ammunition and as a

¹¹⁷ Hovil L& Lomo Z, '*Behind the Violence: Causes, Consequences and the Search for Solutions to the War in Northern Uganda*', (2004) Working paper no. 11 (Refugee Law Project, Faculty of Law Makerere University Kampala Uganda) p.4

¹¹⁸ T Ofcansky, '*Uganda Tarnished Pearl of Africa*', (Boulder CO: Westview Press 1996)

¹¹⁹ Vinci A, '*Existential Motivations in the Lord's Resistance Army Continuing Conflict*,' *Studies in Conflict and Terrorism Vol 30* (2007)pp. 337-352: 338

¹²⁰ Doom R & Vlassenroot K, '*Kony's Message: A New Koine? The Lord's Resistance Army in Northern Uganda*' *African Affairs Vol.98*, No. 390 (1999) p.15

result some of the senior UPDA officials opened negotiations with the NRA/M on the 17th March 1988 reaching a peace deal brokered by Museveni's brother Caleb Akandwanaho the 'Gulu Peace Accord' on the 3rd June 1988. Some UPDA soldiers saw the futility of continuing the rebellion and accepted amnesty offered by Museveni thus leaving the battlefield resulting in 2000 former UPDA soldiers being integrated into the NRA.¹²¹

3.1.1 The Holy Spirit Movement (HSM)

By the time the UPDA had reached an agreement with the NRA an unusual force had already emerged within the Acholi; the Holy Spirit Movement (HSM) led by Alice Auma who had become a significant figure towards the end of 1986¹²². The HSM was a 'spiritual movement' fighting a holy war to purify the Acholi of their sins. It had significant following and support from the Acholi, Alice also recruited some UPDA units¹²³. The HSM used initiation rituals and 'Holy Spirit Tactics' based on Christianity and indigenous Acholi beliefs, to create a unique religious military organization. The HSM won a major battle near Kilak Corner in November 1986 which convinced the populace that she indeed had powers; her success was however short lived as the HSM were eventually defeated in November 1987 near Jinja. Alice Lakwena fled to neighbouring Kenya where she lived until her death in January 7th 2007 in the Ifo refugee camp near Dadaab.¹²⁴

¹²¹ C.C.M. Lamwaka, 'Civil War and the Peace Process in Uganda, 1986-1997.', *East African Journal of Peace and Human Rights*, Vol. 4, No. 2 (1998), p. 155.

¹²² Allen T, 'Understanding Alice: Uganda's Holy Spirit Movement in Context,' *Journal of the International African Institute*, Vol. 61 No. 3 (1991)pp.370-399:371

¹²³ Borzello A, 'The Challenge of DDR in Northern Uganda: The Lord's Resistance Army,' *Conflict Security and Development* 7:3 (2007)pp.387-415: 390

¹²⁴ RLP WP No. 11, 'Behind the Violence: Causes Consequences and the Search for Solutions to the War in Northern Uganda' February 2004 p.6

The gap that had been left after Alice Lakwena's defeat and the UPDA peace deal was quickly filled by Joseph Kony, whose movement emerged in 1987. His early campaign was not a particularly significant affair, however this quickly changed in 1988 when Museveni's government signed an agreement with the UPDA, the Gulu Peace Accord, those who were unwilling to surrender turned to Kony, and the group at the time went by the name the Uganda People's Democratic Liberation Army (UPDLA) it was later renamed as the Lord's Resistance Army in 1991¹²⁵. Like Alice, Kony believed that the Acholi were on the brink of extinction and the only answer would be achieved through radical transformation of the Acholi from within like Alice he also claimed to be possessed by several spirits. In addition he instituted cleansing rituals rights of initiation and practised mystical acts¹²⁶. On the ground however the LRA operations were not as successful as the UPDA and HSM as the group did not have popular support among the Acholi.

3.1.2 The Lord's Resistance Army

Major transformation of the LRA occurred in the early 1990's when the government of Sudan started offering its support to the group, eventually changing it from a 'ragtag' group of rebels into a coherent well supplied military force, largely through training, sharing logistics and the introduction of more powerful and sophisticated weaponry such as landmines and rocket propelled grenades¹²⁷:whereas initially Kony fought a guerrilla war using small guns, independent armed groups

¹²⁵ Allen T, *Trial and Justice: The ICC and the LRA*, (New York: Zed books, 2006) p. 39

¹²⁶ Vinci A, 'Existential Motivations in the Lord's Resistance Army Continuing Conflict,' *Studies in Conflict and Terrorism Vol 30* (2007)pp. 337-352: 339

¹²⁷ Van Acker F, 'Uganda and the Lord's Resistance Army: The New Order No One Ordered,' *African Affairs Vol. 103* (2004)pp. 335-357:338

whose area of operation was mostly Northern Uganda and South Sudan¹²⁸. The government of Sudan was at the time engaged in a proxy conflict with the government of Uganda which was offering its support to the Sudan People's Liberation Army (SPLA) of South Sudan. Khartoum therefore sought to use the LRA to achieve two goals: to destabilize Uganda and to fight the SPLA in the South. Kony set up camp at Juba and stepped up attacks against the SPLA¹²⁹, while he initially targeted mostly government fighters, Kony soon turned against civilians. He felt betrayed by the Acholi people particularly after the government set up the 'bow and arrow' civil defence militias and the Acholi participation was quite high. It was after this period that the LRA directed brutal violence towards the Acholi, responding by cutting off lips, ears and noses of civilians¹³⁰ and committing major atrocities across various regions. These attacks against the Acholi led to further decline in any support that the LRA may have had among the Acholi. The LRA therefore turned to massive child abductions in order to increase recruitment in the group and also to replenish the organization. The reliance of abducted children further enabled Kony to maintain his grip on the LRA as children are easily influenced and trained. From 1996-2001 it was reported that over 28000 people had been abducted, a third were children who formed the core of the fighting force.¹³¹ In 1999 the dimensions of the conflict changed once again, when the governments of Sudan and Uganda signed an agreement that committed them to cease hostilities against each other and to stop harbouring, sponsoring or offering any military support to any elements from each

¹²⁸ Dunn K, 'The Lord's Resistance Army and African International Relations,' *African Security* 3:1 (2010)pp. 46-63:48

¹²⁹ Doom R & Vlassenroot K, 'Kony's Message: A New Koine? The Lord's Resistance Army in Northern Uganda' *African Affairs Vol.98*, No. 390 (1999)pp. 5-36: 25

¹³⁰ Borzello A, 'The Challenge of DDR in Northern Uganda: The Lord's Resistance Army,' *Conflict Security and Development* 7:3 (2007)pp.387-415: 391

¹³¹ Ibid

other's territory.¹³² At the height of the violence, over 1.8 million people were displaced making the small region of Northern Uganda home to the world's third largest population of IDP's, after Sudan and Colombia in 2005.

The government of Uganda has undertaken several military operations to try and eliminate the LRA including: Operation North under the minister of state for defence Major General David Tiniefuza, In 2002 Operation Iron Fist, and Operation lightning thunder launched in 4th December 2008 and incorporated three armies: UPDF, Sudan People's Liberation Army (SPLA) and the Armed Forces of the DRC with technical support from the USA. Though these military operations have been successful in significantly curtailing the LRA's movements and activity they have not brought an end to the crisis and in some cases even made the situation worse as in the case of Operation Iron Fist; which had the unintended impact of forcing the LRA back into Northern Uganda and other areas in Eastern Uganda that had not previously been affected by the conflict started being attacked by the LRA, leading to even more displacement. Allen states that if operation Iron Fist was really aimed at resolving the situation once and for all, it has to be judged a failure, far from ending it at the end of 2002 as promised the fighting spread into new areas and the scale of displacement in Northern Uganda was massively increased¹³³.

3.1.3 The Juba Peace Process

The GoU has also changed tactics on several occasions and engaged in formal peace talks with the LRA. In 1993 the government seized an opportunity to start formal peace talks with the LRA spearheaded by Betty Bigombe an Acholi who was Minister for the North with the support of the local Acholi chiefs and elders. The

¹³² Mayanja V, 'Sudanese Army now Assisting Kony, Uganda,' *The East African*, June 23-29, 2003, p.8

¹³³ Allen T, *Trial and Justice: The ICC and the LRA* (Zed Books 2006)

peace talks however collapsed in 1994 when Museveni issued an ultimatum demanding the LRA to hand over its weapons within a week or otherwise face eradication. The most successful peace initiative to date however was the 2006-2008 internationally supported peace process referred to as the 'Juba Peace Process' mediated by the (Government of South Sudan) GoSS between the GoU and the LRA. A change in the dynamics of the North-South Sudan conflict was one of the factors that contributed to creating a favourable environment for peace¹³⁴. On the 26th August 2006 the LRA and GoU reached an agreement on Cessation of Hostilities. It required that all LRA forces assemble at two points in South Sudan, at Ri-Kwangba and Owiny Kibul in order to be monitored by the Sudanese army¹³⁵. There was however numerous cease fire violations from both sides and the LRA failed to assemble in the required areas. In January 2007 the LRA withdrew from the talks citing bias from South Sudan in favour of GoU, the group demanded replacement of the mediator and the involvement of more countries¹³⁶. The talks resumed in April of the same year with the signing of a new cease fire agreement, this time requiring the LRA to assemble only at Ri-Kwangba closer to its base in Garamba DRC¹³⁷. Another agreement was reached in May 2007 on 'Comprehensive Solutions to the North Uganda Conflict'. This agreement set out the general principles to govern a final peace agreement¹³⁸. This was followed closely by another breakthrough in the talks in June 2007 when an agreement on 'Reconciliation and Accountability' was

¹³⁴ (2008) 'Uganda's Elusive Peace Deal,' *Strategic Comments*, Vol 14 No.8, 1-2:2

¹³⁵ Agreement on Cessation of Hostilities between the Government of the Republic of Uganda and Lord's Resistance Army/Movement Juba, Sudan, 26th August 2006

¹³⁶ (2008) 'Uganda's Elusive Peace Deal,' *Strategic Comments*, Vol 14 No.8, 1-2:2

¹³⁷ Ri-Kwangba Communique 13th & 14th April 2007

¹³⁸ Agreement on Comprehensive Solutions between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement Juba, Sudan, 2nd May 2007

signed¹³⁹. It provided for the establishment of alternative justice systems to try War Crimes and Crimes against Humanity. On the 29th of February 2008 yet another achievement was made when the parties signed the agreement on ‘Disarmament Demobilization and Reintegration between the GoU and the LRA’: the agreement provided for measures to ensure that all necessary action is taken to achieve the overall purpose of the DDR by building on mechanisms for receiving and resettling former combatants that the GoU already had in place¹⁴⁰. Despite achieving such great strides in the peace talks, and finally reaching a peace agreement that was signed by the GoU, Kony failed to turn up and finalize the deal on numerous occasions. After a lengthy standstill in negotiations Kony broke off contact with the government, LRA troops then moved en masse into the DRC.¹⁴¹

3.2 Regional Implications of the LRA

Although they have been inactive in Northern Uganda since 2006 the LRA have become a regional problem and are currently operational in the DRC, CAR and South Sudan. In 2012 communities and humanitarian organizations reported 180 LRA attacks, 138 which occurred in the DRC and 42 in CAR. These attacks left 39 civilians dead, and approximately 443,000 people are currently displaced due to the violence perpetrated by the LRA¹⁴². The rebel group’s activity has significantly reduced especially after regional efforts by the African Union (AU) and USA’s deployment of its military advisors; they however cannot be ruled out as a threat just yet. According to recent reports the Sudan government is being accused of resuming

¹³⁹ Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord’s Resistance Army/Movement Juba, Sudan, 29th June 2007

¹⁴⁰ Agreement on Disarmament Demobilization and Reintegration Juba, Sudan, 29th February 2008.

¹⁴¹ Dunn K, ‘The Lord’s Resistance Army and African International Relations,’ *African Security* 3:1 (2010)pp. 46-63:50

¹⁴² United Nations Security Council, ‘Report of the Secretary General on the Activities of the United Nations Regional Office for Central Africa and the Areas Affected by the LRA’ 13 December 2012 p.7

assistance to Joseph Kony and the LRA. According to a new joint report by: The Resolve, Enough Project and Invisible children in which they state that between 2009 and February 2013 Kony has been living in the disputed border area of Kafia Kingi that is currently under Khartoum's control. This they say is according to reports by LRA defectors and other sources, the NGO's however acknowledge that they have no evidence to incriminate the government of Sudan in supplying arms to the LRA¹⁴³; similar allegations were made by the UPDF¹⁴⁴.

3.3 Initiatives to combat the LRA

Regional and International organizations have also adopted initiatives to help combat the LRA. A military operation to pursue the LRA was authorized by the AU Peace and Security Council on the 22 November 2011. The initiative is meant to coordinate the efforts of the armies of the affected areas who have been fighting the LRA for some time; it is supported by the UN and USA. It allows for cross border operations and is meant to improve the cooperation and intelligence sharing between state security forces that are active in the region and also between them and UN missions based in South Sudan (UNMISS) and DRC (MONUSCO).¹⁴⁵ The UN regional strategy to address the threat and impact of the activities of the LRA was endorsed by the Security Council on 29th June 2012. The strategy focuses on five key objectives: implementation of the AU led Regional Cooperative Initiative against the LRA (RCI-LRA), enhancement of efforts to promote the protection of civilians, expansion of current DDRRR activities to cover all LRA affected areas, promotion of a coordinated humanitarian and child protection response in all LRA affected areas

¹⁴³ Butagira T, 'Sudan still Assisting LRA's Kony' *Daily Monitor*, posted Saturday 27th April 2013. www.monitor.co.ug/./index.html

¹⁴⁴ www.bbc.co.uk/./world-africa-17890432

¹⁴⁵ Department of Political Affairs, *United Nations and Partners Build Momentum in the Fight Against the LRA*, DPA E-News, July 2012

and lastly provision of support to LRA affected governments in the fields of peace building, human rights, rule of law and development, so as to enable them to establish state authority throughout their territory¹⁴⁶.

3.4 The Amnesty Act

The Amnesty Act was passed in Ugandan law in November 2002 and enacted in January 2000 following persistent lobbying from various activists¹⁴⁷. According to the Refugee Law Project the initiative for establishing amnesty came from within Northern Uganda an area that has been the most affected by the LRA. The idea was spearheaded by religious and cultural leaders and was a clear rejection of the governments preferred and failed military approach to bring an end to the conflict¹⁴⁸.

The Amnesty Act was established to provide Amnesty for Ugandans involved in acts of war like nature in various parts of the country and for other connected purposes since 26th January 1986¹⁴⁹. The act defines a reporter as ‘a [p]erson seeking to be granted Amnesty under this Act.’¹⁵⁰ Receiving of amnesty is dependent upon, reporting to a recognized official, renouncing any involvement in the conflict and surrender of weapons and completion of an application form that requires them to provide limited information including: the organization they belonged to, whether they joined by choice or they were forced, what position they held and their role in the organization, where they were based and the time spent with the rebel forces; this elaborate screening process was used to ascertain if the individual was indeed a

¹⁴⁶ United Nations Security Council, ‘*Report of the Secretary General on the Activities of the United Nations Regional Office for Central Africa and the Areas Affected by the LRA*’ 13 December 2012 p.7

¹⁴⁷ Allen, T., *Trial and Justice: The International Criminal Court and the Lord’s Resistance Army*, (Zed Books, 2006) p.74

¹⁴⁸ Hovil L & Lomo Z, RLP Working Paper No. 15 ‘*Whose Justice? Perceptions of Uganda’s Amnesty Act 2000: The Potential for Conflict Resolution and Long Term Reconciliation*’ February 2005 p.6

¹⁴⁹ Part 2 Section 3(1) Amnesty Act 2000

¹⁵⁰ Part 1-Preliminary Amnesty Act 2000

combatant and not someone pretending just to claim the reinsertion package¹⁵¹. After which the reporter is issued with a certificate of amnesty.

The Amnesty Commission was established under the Act, constituting of seven members including ‘a chairperson who shall be a judge of the high court or a person qualified to be a judge of the high court’¹⁵². According to the Amnesty Commission handbook the basic goals of the commission are to ‘persuade reporters to take advantage of the amnesty and to encourage communities to reconcile with those who have committed the offences and to consolidate the progress so far made in amnesty implementation and ensure that more insurgents respond to the amnesty and that the community is ready to receive them’¹⁵³. The main functions of the Commission include: to monitor the demobilization, reintegration and resettlement of Reporters, Sensitizing the public on the amnesty law, promote dialogue and reconciliation and perform any other duty connected with the functions stipulated in the Act¹⁵⁴.

The Act also established a Demobilization and Resettlement Team (DRT) with the main functions of: decommissioning arms, demobilizing, resettlement and reintegration of reporters¹⁵⁵. The DRT functions at a regional level with its headquarters in Kampala and regional offices in: Gulu and Kitgum (Northern region), Arua (Northwestern region), Kasese (Western region), Mbale (Eastern Region) and Kampala (Central region)¹⁵⁶. The DRT is responsible for the implementation of

¹⁵¹ Muhereza E. F. (2011), *An Analysis of Disarmament Experiences in Uganda*. Regional Centre on Small Arms (RECSA) Nairobi, RECSA p.81

¹⁵² Part 3-Amnesty Commission Amnesty Act 2000

¹⁵³ Amnesty Commission Handbook Section 3.11

¹⁵⁴ Part 3-Amnesty Commission Section 9 Amnesty Act, 2000

¹⁵⁵ Part 3-Amnesty Commission Section 13 Amnesty Act, 2000

¹⁵⁶ Mallinder L, ‘Uganda at a Crossroads: Narrowing the Amnesty?’ (2009) *Working Paper No. 1*. From *Beyond Legalism: Amnesties, Transition and Conflict Transformation* (Institute of Criminology and Criminal Justice Queens University Belfast) p.28

Amnesty under the direct supervision of the commission. The Amnesty Commission is designed to focus on DDR and promotion of reconciliation in Uganda. The process of DDR and Amnesty in the case of Uganda are combined as this has the potential to provide an efficient mechanism for responding to the need of the former combatants. All DDR type activities undertaken in Uganda since 2000 occur within the framework of the Amnesty Act.¹⁵⁷

The Amnesty Act has been amended a number of times since it was approved. The first amendment done in 2002 stipulated that reporters could receive amnesty only once, it provides that ‘if after receiving an amnesty certificate a person commits another act falling within section 3 of the Amnesty Act 2000 relating to crimes of war or armed rebellion, they cannot then be granted amnesty for that act and will be liable for prosecution for that act, although not for acts that were previously amnestied¹⁵⁸.’ The Act however provides for some room to the Commission permitting it grant amnesty to re-offenders if it regards that their crimes were committed in ‘exceptional circumstances’ that is if they were forced to do so or they were abducted after being granted amnesty. The second amendment added in 2006 extended the term of amnesty to 2008 and was also intended to give the Minister for Internal Affairs power through a statutory instrument to name persons ineligible for amnesty.’¹⁵⁹ Originally meant to last for six months the Amnesty Act has been renewed subsequently for over seven years. In early 2008 the Act was extended until 2010 in anticipation of signing of a peace agreement between the GoU and the LRA. On 25th may 2012 the Act was once again renewed for a period of 12 months but this time part 2 of the Act on the ‘declaration of amnesty’ was not included thus leaving the Amnesty Commission to

¹⁵⁷ Ibid.

¹⁵⁸ Amnesty (Amendment) Act 2002

¹⁵⁹ Justice and Reconciliation Project, ‘Who Forgives Whom? Northern Uganda’s Grassroots View on the Amnesty Act’. *Policy Brief* June 2012 p.3 www.justiceandreconciliation.com

focus mainly on the reintegration of rebels who have already received amnesty a process which had stalled due to lack of funds¹⁶⁰. A decision which was met with a lot of dissatisfaction from civil society groups and the local population especially of LRA affected regions. The Minister of Internal Affairs Hilary Onkuma stated that the move “followed a judicial review of the act, which found it to be in contravention of both domestic and international law... [n]ew legislation on justice and accountability will be drafted over the coming year”¹⁶¹. Stephen Oola, a transitional justice and governance analyst at Makerere University’s Refugee Law Project, told IRIN he believed “the process of ending blanket amnesty had been irregular and the lapse of blanket amnesty means there is no more opportunity for those fighting against the government to renounce rebellion”¹⁶².

The Acholi Religious Leaders Peace Initiative (ARLPI) also expressed dissatisfaction with the development with Bishop John Baptist Odama stating “The Act has been fruitful. It has been encouraging those who were taken by force to manoeuvre ways of escaping from the bush in order to benefit from the law... If they stop the law, many of those people will perish in the bush with nowhere for them to go”. The withdrawal of what has been described as the heart of the amnesty resulted in a situation where “Dozens of Ugandans have escaped or defected from the LRA and returned home, only to find themselves in a legal limbo, unable to receive amnesty”.

The Ugandan parliament was petitioned by several organizations including members of the national Civil Society Organization (CSO) Platform for Transition

¹⁶⁰ IRIN, ‘Lack of Funds Stalls Ex Combatants’ Reintegration’, Kampala/Gulu 18th June 2012 <http://allafrica.com/stories/201206190041.html?viewall=1>

¹⁶¹ IRIN, ‘Uganda: No more amnesty certificates for rebels’ (Kampala) 1st June 2012 www.irinnews.org/report/95569/uganda-no-more-amnesty-certificates-for-rebels.

¹⁶² Ibid

Justice in Uganda to reinstate part 2 of the Amnesty Act. A committee was established ‘the committee of defence and internal affairs’ which reached a decision that it was important to reinstate part 2 of the amnesty act as a first measure of ensuring that peace is realized in Uganda. The move was welcomed by the CSO, Religious leaders and the community. CSO’s released a joint press statement congratulating the Defence and Internal Affairs Committee for reaching its decision and stated that they ‘are confident that the restoration of the amnesty will make a positive contribution to the cause of peace in Uganda and the region, by facilitating the defection of rebels, and encouraging other rebel groups to settle their grievances peacefully with the Government.’¹⁶³ All of the individuals interviewed support the Amnesty Act and believe that the Amnesty Commission has been very effective in its mission to demobilize and reintegrate former LRA fighters: ‘the commission has been effective in the DDR of reporters because many people have surrendered and been rehabilitated due to the history of conflict in Uganda, many people went to the bush unwillingly to fight against the government and the Amnesty Act when enacted made it easy for them to come out of the LRA’¹⁶⁴. Another respondent stated that “the Amnesty Commission has done a commendable job in enabling the mass return of LRA fighters and facilitating reconciliation with the communities”¹⁶⁵.

In implementing its mandate the Amnesty Commission works in partnership with various organizations and agencies including: Gulu Support the Children Organization (GUSCO), Kitgum Concerned Women Association (KICWA), Participatory Rural Action for Development (PRAFOD), World Vision, Catholic Relief Services, International Rescue Committee, CARITAS, Save the children

¹⁶³ Press Statement from Civil Society Organizations ‘Welcoming the Resolution of Parliament to Restore the Amnesty Act’. Wednesday 22nd May 2013

¹⁶⁴ Telephone Interview with Alex Kakuru, August 4th 2013

¹⁶⁵ Telephone Interview with Solomon Kadukulu, July 23rd 2013

Denmark, The World Bank, UNDP, IOM, WFP, and UNICEF. They provide funding expertise and other related services.

The amnesty as provided by the Amnesty Act provides both assurance and incentives for those wishing to abandon rebellion to do so without fear of retribution or revenge. The act presents a radical response to ongoing conflicts within the country and seeks to balance the more immediate needs of resolving the conflict with the longer term demands for justice¹⁶⁶. It has been instrumental in fostering and encouraging the return of thousands of ex combatants and abductees and is strongly supported and considered vital for sustaining the prevailing peace, reconciliation and rehabilitation¹⁶⁷. The long term aim of the Amnesty Act is to allow for the reintegration of former combatants in such a way as to allow for long-term peace and reconciliation. In 2008 21,783 reporters had been demobilized and received amnesty out of them 12,119 were LRA reporters comprising of 56% the largest number of reporters to be amnestied. As at 21st July 2013 a total of 26,288 reporters from 27 different rebel groups had received amnesty, of these, 12,873 are former combatants from the LRA and they account for the highest percentage that is 49.29%.¹⁶⁸

3.5 Return, Reception and Disarmament

Reporters returned from the insurgency in different ways and this had a direct impact on who would receive them and therefore how they would be demobilized as well. According to the TDRP beneficiary assessment report in some cases there were formally negotiated returns with the GoU whereas in others reporters returned in an

¹⁶⁶ Hovil L & Lomo Z, RLP Working Paper No. 15 'Whose Justice? *Perceptions of Uganda's Amnesty Act 2000: the potential for conflict resolution and long term reconciliation*', February 2005 p.4

¹⁶⁷ Otwilli A. E. et al, '*To Pardon or to Punish: current perceptions and opinions on Uganda's Amnesty Act in Acholiland*', (December 2011) Situational Analysis (Justice and Reconciliation Project) p.2
www.justiceandreconciliation.com

¹⁶⁸ Numbers Provided by the Amnesty Commission

informal, uncoordinated and partially ad hoc way which has been the case for most LRA reporters. Some were received by reception centres, others by an agency, the army, their family/friends or community and others were not received by anyone¹⁶⁹. According to a survey conducted by the MDRP, ½ of the LRA reporters on their survey went directly to the UPDF barracks, 1/3 went to an NGO reception centre and just under a tenth went to a local council¹⁷⁰. According to a TDRP report, 66.7% of LRA reporters were received by the army, 14.5% by civilians such as family, friends and the community, 9.1% were received by charities and NGO's, 2.4% by the Amnesty Commission and 0.0% by local government or land councillors. In addition 2.4% of reporters cited neighbouring governments, military and/or police as receiving them whereas 2.4% were not received by anyone. Upon their return from the bush and being received reporters were placed in different locations to facilitate the process of reinsertion and since a majority of LRA returnees were received by the army, a significant number of them were placed in reception centres to facilitate reinsertion.

Disarmament of the reporters was handled by the UPDF although reporters were not required to surrender any ammunition in order to be accepted in the demobilization program. The Amnesty Commission was not mandated to handle disarmament of former combatants; however some of the former combatants who returned seeking amnesty were sometimes in possession of arms and ammunition. Some of the ex-combatants who were received by the Amnesty Commission came straight from rebellion with their arms and ammunition which they would hand over to whomever received them first. Some guns were therefore received by DRTs in all

¹⁶⁹ Finn A. *'Uganda Demobilization and Reintegration Project: Beneficiary Assessment'*, (2011). The International Bank for Reconstruction and Development/The World Bank p.78

¹⁷⁰ MDRP, *'The Status of LRA Reporters'*, MDRP Dissemination Note, (Feb-March 2008) p.2 www.mdrp.org

the regions, for onward submission to the UPDF¹⁷¹. The DRT office in Arua reported that weapons were sometimes stored temporarily in their offices...in such cases the DRT reportedly records each of the weapons and they are collected by the UPDF who take them to the local armoury¹⁷². According to the UPDF, ‘weapons collected as part of the amnesty process or seized from captured rebels are registered within the UPDF records and then stored securely at the local UPDF armoury and later destroyed’¹⁷³. With regard to disarmament the Amnesty Act states that a reporter should “report to the nearest Army or Police Unit, a Chief, a member of the Executive Committee of a local government unit, a magistrate or a religious leader within the locality... surrender at any such place or to any such authority or person any weapons in his or her possession”¹⁷⁴.

In a preliminary analysis of reporter profiling from the Amnesty Commission 27% of LRA reporters indicated that they had access to or possessed a weapon during their time in the bush, yet in the same analysis only 40% of LRA reporters were disarmed with 60% not having returned their weapons.¹⁷⁵

3.6 Reception Centres

Reception centres were set up to provide space for people returning from the LRA and were at the core of demobilising returning LRA fighters. Though they differed greatly in the approach to their work and availability of resources, they had a common goal to provide a safe area, basic supplies and counselling so as to enable the

¹⁷¹ Muhereza E. F. (2011) *‘An Analysis of Disarmament Experiences in Uganda’*, Regional Centre on Small Arms (RECSA) Nairobi, RECSA p.68

¹⁷² Finnegan L et al, *‘Disarmament Demobilization and Reintegration in Uganda: Mini Case Study’*, (July 2008). Saferworld: University of Bradford p.15

¹⁷³ Ibid

¹⁷⁴ Part 2: Declaration of Amnesty para 4, Amnesty Act, 2000

¹⁷⁵ Bean, J. (2008) *Preliminary Analysis: Reporter profiling from the Amnesty Commission of Uganda ICRS database*. P. 18

former abductees to return to their communities; the centres emerged out of necessity in response to a terrible situation. They also offered other valuable services as well such as: assistance to deal with physical wounds, family tracing, and provision of advice and commodities that can make the transition to civilian life somewhat easier. One of the first reception centres to be established, World Vision Rehabilitation Centre provided the following services: HIV/AIDS education, provision of food and medical treatment, psychosocial counselling, vocational training and spiritual nurture. The centre is a Christian based organization and has been able to successfully rehabilitate and resettle over 14,000 children back into their communities of origin¹⁷⁶.

Once in reception centres reporters were identified, vocational information gathered from them, and basic assistance kit provided¹⁷⁷. Out of an initial six reception centres in northern Uganda only two remain: Gulu Support the Children Organization (GUSCO) and World Vision reception centre which interestingly were the first two reception centres to be established at the height of the conflict. World Vision which offered medical support and reintegration services for adult males formerly in the LRA, was considering closing the reception centre by March 2013. World Vision programme manager Paddy Mulagula told the Daily Monitor that despite considering closure the relief agency ‘would continue supporting the former captives whenever it is necessary adding that their focus is now on health, child protection, education and livelihood’¹⁷⁸. IRIN news reported that ‘managers of the rehabilitation centres say this and previous closures have been occasioned by a lack of

¹⁷⁶ Templeton S. Esaku P, ‘Northern Uganda Continues Recovery after Kony’s Reign of Terror’ March 9 2012 www.worldvisio.org/news/uganda-continues-recovery-after-konys-reign-terror

¹⁷⁷ Allen T and Schomerus M, (2006) ‘A Hard Home Coming: Lessons Learned from the Reception Centre Process in Northern Uganda’. Management Systems International, UNICEF & USAID, Washington DC p. 41

¹⁷⁸ Posted Wednesday October 24 2012 at 09.50 THE DAILY MONITOR www.monitor.co.ug/./index.html

funds. Operating the centres is expensive and though they continue to provide important services, just a handful of new returnees are currently being received¹⁷⁹. GUSCO which receives funding from UNICEF to house young mothers and children, who return from the LRA, seems to have stopped offering such support due to lack of funds and the small number of returnees defecting from the LRA¹⁸⁰. Currently only the ICRC has remained to carry out direct reintegration, in that it reunites those who have come out with their families without offering any medical, psychosocial or financial support¹⁸¹.

3.7 The Amnesty Commission Special Program (ACSP)

The World Bank's MDRP for the great lakes region has been supporting the work of the amnesty commission particularly in the area of demobilization, reinsertion, reintegration and sensitization around the Amnesty Act since January 2005.¹⁸² The World Bank through the MDRP started a special project on Repatriation, Rehabilitation, Resettlement, and Reintegration of reporters in Uganda also known as the Amnesty Commission Special Project (ACSP); it provided \$4.2 million to aid the Amnesty Commission carry out its duty. The project aimed at assisting approximately 15,300 ex combatants in their reintegration into civilian life within the context of the Amnesty Act and to strengthen the capacity of the Amnesty Commission. The project came to a close in June 30th 2007 having assisted the GoU in reception and processing of 16,256 rebels who applied for amnesty and distributing

¹⁷⁹ IRIN, 'Rehabilitation Centre for LRA Returnees to Close', Gulu 18th January 2013
www.irinnews.org/report/92726/rehabilitation-centre-for-lra-returnees-to-close

¹⁸⁰ Lancaster P, Cakaj L, 'Loosening Kony's Grip: Effective Defection Strategies for Today's LRA', (The Resolve: July 2013)p.24

¹⁸¹ Ibid

¹⁸² MDRP, 'The Status of LRA Reporters', MDRP Dissemination Note 2 (Feb-March 2008) p. 1

14,816 reinsertion packages¹⁸³. Under this project, reporters were generally pleased and positive about the amnesty process and felt that the conditions generally met their expectations¹⁸⁴.

3.8 Uganda Emergency Demobilization and Reintegration Program (UgDRP)

A follow up project for the demobilization and reintegration of former combatants was established by the World Bank funded through the Multi Donor Trust Fund (MDTF) in January 2008, the project known as the Uganda Emergency Demobilization and Reintegration Program (UgDRP) had a budget of \$8.2 million and was to run through to 2010 however the closing date of the project was later revised to 30th June 2011. Though the project arose mainly from the Juba Final Peace Agreement (FPA) with an initial arrangement set for an organised mass return of 5000 combatants, it was later restructured to handle trickle in¹⁸⁵. The project had five main activities to be undertaken which were: demobilization and repatriation of members of the LRA and the ADF, reinsertion of new and backlogged caseload of reporters, support for socio-economic reintegration of up to 28,800 reporters, dialogue and reconciliation promotion and project implementation and capacity building¹⁸⁶. The overall objective of the project was to ‘socially and economically reintegrate former rebel combatants into communities which they return within the context of the GoU Amnesty Act of 2000¹⁸⁷. Under the UgDRP a total of 3342 reporters were

¹⁸³ MDRP Uganda factsheet p.1 www.mdrp.org

¹⁸⁴ World Bank, ‘Project Information Document (PID Appraisal Stage)’ Report No. AB3608 para q

¹⁸⁵ Damian Kato (Secretary Amnesty Commission) *the Amnesty Commission DDR in Uganda* pdf.

¹⁸⁶ News&Noteworthy No. 9 July 30, 2008, ‘In Uganda New \$2.85million grant supports demobilization and reinsertion of over 28,000 reporters’ p. 3-4 www.mdrp.org

¹⁸⁷ World Bank, ‘Project Information Document (PID Appraisal Stage)’ Report No. AB3608.

demobilized, 3360 received reinsertion packages of whom 3052 were backlog and 308 were trickle in and had offered reintegration assistance to 6,030 reporters.¹⁸⁸

Under the UgDRP reporters received reinsertion packages composed of a cash payment and physical items and tools. Each reporter received a cash payment of Uganda shillings 263,000 paid as lump sum. This payment was composed of transport (Sh. 20,000) and reporter resettlement and support fund (Sh. 243, 000). In addition reporters received physical resettlement items consisting of both agricultural and domestic items which included 3 hoes, a mattress, a blanket, jerry can, basin, 2 saucepans and 2 plates. They also received 5kg package of maize seeds and 5kg package of beans seeds¹⁸⁹. The Amnesty Commission issued standard reinsertion packages to all reporters: men, women and children above the age of 12.

According to the TRDP assessment 85% of LRA respondents in their survey rated the reinsertion packages as good, 17.2% identified that their primary needs were met during reinsertion to a large extent while 49.5% to a small extent. They also found that receipt of reinsertion packages has been cited as a cause of conflict between the reporters and the community members and also between them and their families although only a small percentage of reporters in their survey reported experiencing such incidences(9.2%); either with the family wanting to seize the reinsertion payments, accusation that payment to reporters is unfair, having to share the reinsertion payment with the family or being accused of seeking free handouts from the government¹⁹⁰. The Amnesty Commission also sensitizes or facilitates the

¹⁸⁸ *Demobilization and Integration in Uganda: Laying the Foundation for Post-Conflict Recovery by Building Regional Peace* <http://www.worldbank.org/en/results/2013/03/20/demobilization-and-integration-in-uganda-laying-the-foundation-for-post-conflict-recovery-by-building-regional-peace>

¹⁸⁹ Finn A. 'Uganda Demobilization and Reintegration Project: Beneficiary Assessment', (2011). The International Bank for Reconstruction and Development/The World Bank p.82

¹⁹⁰ Ibid p.84-85

sensitization of reporters and the community on various issues as part of its demobilization, reinsertion and reintegration process.

Reintegration mainly entailed helping reporters to efficiently reinsert back into their communities of origin or new preferred areas of their choice, and to support them to settle in, including making it possible for the recipient communities to take them in without any reprimand¹⁹¹. Some reporters experience reintegration difficulties especially with regard to reinsertion packages. The survey also finds that reporters' families have generally been receptive and supportive during reintegration. Reception by the community is also positive therefore reporters and community members in Uganda are largely successfully reintegrated. According to the TDRP survey, 92.6% of LRA reporters in their sample reported that their family was accepting of them when they returned with only 1.2% stating that the family was not accepting. When it came to community acceptance of the reporters, 51.9% of LRA reporters in the TRDP sample indicated that the community was totally accepting of them in their return while 4.3% indicating that the community was not accepting of them¹⁹². Borzello hints that the community is receptive of the reporters because the war is 'one in which victim and perpetrator is often one and because every extended family has been affected by abduction'.¹⁹³

While the community in general welcomes returnees, stigmatisation is common: there are cases of discrimination as reported by IRIN 'Reintegration has been difficult for the ex-combatants, with many being rejected by their communities

¹⁹¹ Muhereza, E. F op cit p.69

¹⁹² Finn A. '*Uganda Demobilization and Reintegration Project: Beneficiary Assessment*', (2011). The International Bank for Reconstruction and Development/The World Bank p.89

¹⁹³ Borzello A, 'The Challenge of DDR in Northern Uganda: The Lord's Resistance Army', *Security and Development*, Vol. 7:3 p. 399

as murderers; some people in northern Uganda do not think they deserve any support from the government¹⁹⁴.

The Amnesty Commission has been facing challenges in the reintegration of former rebels since the closure of the World Bank funded UgDRP in June 2011. Just 5,335 out of 26,288 ex-combatants - mainly former Lord's Resistance Army (LRA) fighters - who renounced and abandoned rebellion, had been reintegrated into their communities as of 14 March 2012, according to statistics from Uganda's amnesty commission. Nathan Twinomugisha, principal legal officer with the amnesty commission, told IRIN "We are operating on consolidated funds under the Ministry of Internal Affairs. The funds allocated to us... are not enough... This is affecting us badly... [i]f we do not resettle and reintegrate the former combatants they will be a problem to the communities they have gone back to." This is not a new complaint as back in 2010 it was reported that the Commission was underfunded with the chairman Justice Onega stating that the 'sh.1.6 billion received from the government every year is inadequate, and that though the commission has resettled thousands of former combatants, the socio-economic reintegration is still lacking¹⁹⁵. The Amnesty Commission is now reintegrating former rebels under the governments Peace Recovery and Development Programme (PRDP) and involves 'picking some former rebels and people in the community to train them in agriculture, carpentry, salon work [hairdressing], mechanics and others skills to enable them cope up... giving them some seedlings, pesticides, sprayers and some little money.'¹⁹⁶

¹⁹⁴ IRIN, 'Uganda: Lack of funding stalls ex-combatants' reintegration', Kampala/Gulu 18th June 2012 <http://allafrica.com/stories/201206190041.html?viewall=1>

¹⁹⁵ Mugabi F, 'Amnesty Commission Underfunded' *New Vision*, 26th April 2010

¹⁹⁶ Ibid

3.9 Conclusion

The LRA crisis still remains an unresolved issue even with relative peace being enjoyed in Northern Uganda. The Amnesty Act of 2000 has been very instrumental in encouraging thousands of rebels to leave the insurgency and come back home. With the ending of the Juba peace process without signature to the Final Peace Agreement from the principle actors to the conflict, DDR intervention in the region has been undertaken through the MDRP supported ACSP and UgDRP which has assisted the Amnesty Commission to carry out its mandate with the help of NGO funded reception centres that offer a myriad of services to returnees and are a crucial actor in reporter demobilization and reinsertion back into the community however as noted the process has not been without its challenges.

CHAPTER FOUR

A CRITICAL ANALYSIS OF DDR IN NORTHERN UGANDA

4.0 Introduction

The previous chapter focused on the case study of Northern Uganda, tracing the background to the conflict in the region and the emergence of the LRA including the measures taken by the GoU, regional and international bodies to bring an end to the LRA crisis. Chapter four will focus on the analysis of DDR in Northern Uganda based on the information acquired from the previous chapters to see if DDR has been effectively executed in line with the mandate of the Amnesty Act, including the challenges and setbacks experienced.

4.1 Amnesty Act

When parliament introduced an amnesty bill back in 1998, it was revisiting an old political formula of offering pardons to insurgents as a means of ending intractable conflict. The National Resistance Movement has in previous occasions offered both de facto and de jure amnesties to groups that had engaged in rebellion. The Amnesty Act which has now been operational for 13 years has had a great impact on the conflict in Northern Uganda. Though it was initially set to expire after 6 months, the Act has been extended on numerous occasions so as to cater to the needs of the rebels who were still in the insurgency but would desire to come back home. Lomo and Hovil argued that the Amnesty Act was ‘a primarily tactical device for ending conflict rather than a device based on a genuine desire to end the conflict through peaceful means’¹⁹⁷. Sanz cites the subsequent extension/ renewal of the Act

¹⁹⁷ Hovil L & Lomo Z, Working Paper No. 15 *Whose Justice: Perceptions of Uganda’s Amnesty Act 2000: The Potential for Conflict Resolution and Long term Reconciliation*, February 2005 p.19-20

as evidence of the tactical nature of the Amnesty Act¹⁹⁸. Despite any reservations one may have on the Amnesty Act it has been beneficial in encouraging LRA rebels out of the bush as is evident from numerous studies. Since the introduction of Amnesty in the year 2000 12, 873 former LRA combatants have been demobilized and received amnesty of the 28 different rebel groups listed in the Amnesty Commission data base. In Uganda they account for the highest number of reporters to have received amnesty to date as illustrated in the table 4.1 below:

¹⁹⁸ Carames, A. & Sanz E., DDR 2009. *Analysis of Disarmament, Demobilization and Reintegration (DDR) Programmes in the World during 2008*. Bellaterra: School for a Culture of Peace, 2009. P.114

Table 4.1 Reporters by Rebel Groups¹⁹⁹

Rebel group	Number of reporters	Percentage
Action Restore Peace	20	0.08%
Allied Democratic Forces	1,929	7.39%
Anti Dictatorship Forces	2	0.01%
Citizen Army for Multi Party Politics	6	0.02%
Force Obote Back Again	226	0.87%
Force Obote Back Again/Uganda People's Army	70	0.27%
Former Uganda National Army	6	0.02%
Holy Spirit Movement	41	0.16%
Lord's Resistance Army	12,873	49.29%
National Democratic Alliance	5	0.02%
National Freedom Army	4	0.02%
National Union for Liberation of Uganda	198	0.76%
Not Specified	187	0.72%
People's Redemption Army	68	0.26%
Uganda Federal Democratic Front	23	0.09%
Uganda Freedom Front	1	0.00%
Uganda Freedom Movement	21	0.08%
Uganda National Democratic Army	3	0.01%
Uganda National Freedom Movement/Army	163	0.62%
Uganda National Independence Liberation Army	1	0.00%
Uganda National Liberation Army	4	0.02%
Uganda National Liberation Front	36	0.14%
Uganda National Rescue Front 2	3250	12.44%
Uganda People's Army	438	1.68%
Uganda People's Democratic Army	37	0.14%
Uganda Salvation Army	3	0.01%
Uganda Democratic Alliance/Front	5	0.02%
West Nile Bank Front	6,498	24.88%
TOTAL	26,118	100.00%

Although the LRA are no longer active in Northern Uganda they have become a regional threat and the offer of amnesty remains one of the positive ways that the GoU can employ/ has employed in trying to bring an end to the suffering of the communities in Northern Uganda and also neighbouring countries as well. The Amnesty Commission receives not only rank and file rebels but also middle level and senior commanders.

¹⁹⁹ Provided by the Amnesty Commission

The presence of Amnesty has also benefitted some former rebels in terms of experiencing limited stigmatization, as opposed to the situation they would have experienced in the absence of Amnesty²⁰⁰. The AC has sensitized communities on the issues surrounding reporters as well as their reintegration into communities, making members of the community understand and accept them instead of stigmatizing them. Muhereza notes that the Amnesty Commission has done a commendable job of sensitizing communities prior, during and after disarmament through FM stations aired in the regions where rebels were operating. On the AC radio programmes reporters would be brought on air to speak about their experiences, which encouraged those who were still in the bush to abandon rebellion²⁰¹.

Despite the many setbacks the Amnesty Act has faced it continues to remain a very relevant tool especially to the LRA affected Northern Uganda where there are blurred lines between perpetrator and victim in the LRA conflict since most of the crimes and atrocities were committed by abducted children and youth under coercion.

4.2 Emerging issues on the Amnesty Commission

The Amnesty Act has been very beneficial and successful in encouraging thousands of combatants to leave the rebellion and renounce it however the performance of the AC has been on a steady decline since 2006 when the LRA abandoned Northern Uganda, as the rate of defection and the number of returnees trickling in has reduced. The AC offices in Northern Uganda where most defectors return to are currently closed²⁰².

²⁰⁰ See Chapter Three pp. 52 and 59

²⁰¹ Muhereza E. F. '*An Analysis of Disarmament Experiences in Uganda*'. Regional Centre on Small Arms (RECSA) Nairobi, RECSA p.97

²⁰² Lancaster P, Cakaj L, '*Loosening Kony's Grip: Effective Defection Strategies for Today's LRA*' (The Resolve :July 2013)p.23

The AC seems to focus more on the reporters, concentrating mainly on rehabilitating, reintegrating and assisting the former combatants with little support for the conflict affected victims and the community; an approach that is inherently wrong. As noted in the previous chapters DDR activities have evolved with their focus shifting solely from the ex combatants to the community, especially with regard to second generation DDR²⁰³. Such one sided focus has been a cause of animosity between reporters and the community, with some members feeling that ‘ex combatants are being rewarded for their wrong doing’²⁰⁴. For DDR to be effective and to contribute to sustainable peace both the needs of the ex combatants and the communities (victims) need to be catered to. In a series of grass roots focus group discussions held by the Justice and Reconciliation Program on Northern Ugandans view on amnesty, one of the finding was the view that the Amnesty Act should be amended to better include the victims ‘both in terms of their participation and decision making as to who receives amnesty and in terms of victims and affected communities receiving material benefits and sensitization from the Amnesty Commission’²⁰⁵. Many were of the opinion that the government should compensate them because it was the government’s responsibility to protect them during the conflict and it failed. Another finding was the need for reparations and compensation for the tangible and intangible losses suffered during the war. Many of the respondents in the FGD’s viewed reinsertion packages as a reward given to ex combatants instead of the intended purpose to enable the reporters to resettle and start to rebuild their lives²⁰⁶.

²⁰³ See Chapter Two pp. 20 and 23

²⁰⁴ See Chapter Two p.31 and Chapter Three p.59

²⁰⁵ Otwili A. E. Et al, *‘To Pardon or to Punish: Current perceptions and opinion son Uganda’s Amnesty Act in Acholiland’*, (Dec 2011) Situational Analysis (Justice and Reconciliation Program) p.2

²⁰⁶ Ibid

The Amnesty Commission has also received a lot of criticism on what appears to be a seemingly haphazard way of applying the Amnesty Act whereas some senior level LRA combatants have in the past been issued with amnesty certificates, and even enjoy life with resources provided by the government, there are other middle level and ‘foot soldier’ LRA combatants who are denied amnesty and are even prosecuted a situation that sends mixed signals to both those reporters who have already received amnesty and to those rebels still in the LRA and may desire to surrender but are afraid that they may face prosecution. A good example is the case of Dominic Ongwen and Thomas Kwoyelo: Kwoyelo was charged in August 2009 in a local court with six counts of murder and kidnapping with intent to murder, and in October 2010 he was charged by the War Crimes Division of the Uganda High Court with fourteen counts of killings, abductions and destruction of property. Due to such incidences the current DDR process is seen as rewarding the chief perpetrators while neglecting those foot soldiers who have suffered the most²⁰⁷.

The short-term nature of the Amnesty Act is also a major concern and hampers the credibility and efficiency of the Amnesty Commission. Its time specific nature poses a lot of questions on just how genuine/sincere the government is in trying to bring an end to the LRA crisis. As noted in the previous chapter it is evident that the mandate of the AC can end at any moment at the behest of the government²⁰⁸. On the 23rd of May 2012 the Minister for Internal Affairs declared a lapse of the amnesty of Uganda, in June of the same year the Act was renewed but with a crucial component missing out (Part 2); the section of the act relating to the reintegration and resettlement of those granted amnesty remained in force and the mandate of the AC

²⁰⁷ Cakaj L, *‘Too Far from Home, Demobilizing the Lord’s Resistance Army’*, (February 2011) Enough Project p.9

²⁰⁸ See Chapter Three p. 50

was extended for one year to facilitate the completion of those activities²⁰⁹. And although the full amnesty was reinstated it is unclear whether the GoU will invest the resources and political will that is necessary to implement the full range of activities in its original mandate. The short-term mandate of the AC also disfavors any long term reintegration and planning²¹⁰.

It is also evident from the findings in the previous chapters that the AC relies heavily on support from international donors and multilateral agencies to finance implementation of its mandate. Between 2000-2004 the commission was financed by the GoU and direct bilateral contributions from Belgium, Canada, Denmark, Great Britain, Italy, Ireland, Netherlands, Norway, the US and EU²¹¹. By far the most crucial support the AC has received to date is from the World Banks MDRP through the MDTF which is a very unique intervention in the DDR field as it offers a ‘central funding mechanism for international donors and multilateral agencies, to support demobilization and reintegration processes in a number of countries in a coordinated manner’²¹². The UgDRP also funded by the MDRP was successful in its objectives however since its time lapsed the AC has been facing major funding challenges and is yet again unable to function effectively especially with regard reintegrating reporters²¹³. This limitation in terms of finance coupled with limited human resource in some AC offices denies the commission the opportunity to implement sustainable programmes.

²⁰⁹ See Chapter Three p.51

²¹⁰ Muhereza op cit p.13

²¹¹ See Chapter Three pp. 52, 57 and 58

²¹² Finnegan L, et al ‘*Disarmament Demobilization and Reintegration in Uganda: Mini Case Study*’, (July 2008). SaferWorld: University of Bradford p.5

²¹³ See Chapter Three p.60

Lastly although giving amnesty has had its advantages some may argue that since most of the people from Northern Uganda who participated in the rebellion did so out of coercion and are victims of abduction, giving them amnesty in a legal sense is to criminalize them and a way for the government to look innocent in its participation in the conflict. While the returning abductees come out and ‘own up’ to the responsibility of the crimes committed during the conflict, the government presupposes innocence and is thus not held accountable for its role in the conflict.

4.3 Disarmament

Disarmament aims to contribute to the prevention of recurrence of armed violence by removing fire arms and other weapons from the ex combatants, civilians as well as demobilized troops. The process not only entails the physical collection of arms but also includes the development of responsible arms management programmes. In a post conflict environment it is crucial that there is not a proliferation of arms that could easily destabilize the post conflict environment. From the case study it is apparent that the process of disarmament of former rebels in Northern Uganda has not been well executed. Although the UPDF is the one with the mandate to handle disarmament, some reporters felt more confident handing over their weapons to the AC and not the army. According to Bean only 40% of LRA reporters in their survey who had weapons actually disarmed, thus raising the question where did the rest (60%) who had weapons but did not disarm²¹⁴ keep them? According to the findings of a 2008 report by Erin Baines et al a substantial number

²¹⁴ See Chapter Three p.55

of arms are not being turned over, returnees have hidden a substantial number of weapons.²¹⁵

This poor disarmament has had a negative impact on the community as some of the reporters who are still in possession of arms especially SALW often perpetuate violence with others threatening to use arms to resolve land issues. A situation that led the Acholi Religious Leaders to embark on a disarmament mission mobilizing former LRA fighters still in possession of arms bombs or grenades to voluntarily hand them over to the authorities.²¹⁶

Borzello had noted that the disarmament in Northern Uganda in general was ‘unproblematic’²¹⁷ but the findings in the previous chapter are on the contrary showing that disarmament is problematic, a situation which could be as a result of the informal nature of the DDR in Northern Uganda; Bean suggests that this could be due to the fact that the LRA do not have a formal peace agreement in place to act as an incentive to hand over weapons.²¹⁸ There appears to be a lack of transparency on how exactly disarmament is handled by the UPDF, how many weapons have been collected so far and how those weapons which have been collected are handled.

Under the Juba agreement on DDR agreed upon by the GoU and the LRA, a Cease Fire Monitoring Team was to adapt a Disarmament Operations Plan and among the activities that they would conduct included: the establishment of disarmament sites, specification of onsite measures, putting weapons beyond immediate use,

²¹⁵ Baines E, et al. *‘With or Without Peace Disarmament, Demobilization and Reintegration in Northern Uganda’*, (Justice and Reconciliation Project and Quaker Peace and Social Witness) March 2008 p.3

²¹⁶ Ocowun C, ‘Clerics ask ex-LRA fighters to return arms’, *New Vision* (Kampala) 4th January 2012

²¹⁷ See Chapter One p. 10

²¹⁸ Bean, J. (2008) *Preliminary Analysis: Reporter Profiling from the Amnesty Commission of Uganda*. ICRS Database p.17

collection and management of information, weapons collection, retrieval and offsite storage, stockpile management and cost estimates and budgeting.²¹⁹

4.4 Demobilization

Demobilization involves two stages, the first a formal and controlled discharge of active combatants from armed forces or other armed groups and the second stage which encompasses reinsertion, a support package offered to ex combatants during demobilization and prior to the longer term process of reintegration. It is basically the process of taking combatants out of the command structures so as to reduce or eliminate the possibility of combatants reverting to rebellion.

In the case of the LRA, most of the reporters escaped from the insurgency / left captivity, whereas others were captured by the UPDF. The demobilization process was really determined by how the reporter left the insurgency and was thus as Blattman had noted 'incidental to the process of return'²²⁰. After being received, the reporters are placed in different structures to facilitate the process of reinsertion as shown in the table below; for those captured by the UPDF or received by them and then taken to the barracks the demobilization process began at the Child Protection Units where the reporter is fed and given first aid and also questioned, thereafter the reporters are moved to reception centres.²²¹

²¹⁹ Agreement on Disarmament Demobilization and Reintegration Juba, Sudan

²²⁰ See Chapter One p.11

²²¹ Allen T and Schomerus M, (2006) '*A Hard Home Coming: Lessons Learned from the Reception Centre Process in Northern Uganda*'. Management Systems International, UNICEF & USAID, Washington DC p.27

Table 4.2 Receiving Agency of LRA Reporters

Reception centre	87.4%
Host family	3.8%
Other	1.9%
Own home	4.4%
Own family home	2.5%
Army Barrack	0%
Total	100.0%
	159

Source: content from TDRP Uganda Beneficiary Assessment 2011

Some reports suggest that this is however not the case for all LRA reporters. There is some indication that not all LRA returnees who are captured by the UPDF are transferred to reception centres after debriefing. Some are absorbed into the ranks of the UPDF through coercion, Allen notes that:

‘There is a policy of actively recruiting younger men into local defense forces or the UPDF allegedly with a degree of compulsion. A special Battalion of the UPDF, the 105th has been established specifically for this purpose. By the end of 2004 almost 800 had been integrated in this way.’²²²

Cajak also noted that, a majority of former combatants who survive all the hazards associated with abandoning rebellion are pressured into joining the Ugandan Army to fight against the LRA with no training and no salary. Whereas in the past there were formal channels available which former fighters could be integrated into the army currently those channels no longer exist²²³. It is clear from the research that organized demobilization is limited and it is basically a ‘trickle in’ phenomenon with a significant number of returnees going straight home without reporting to the relevant authorities²²⁴.

²²² Allen, T., *Trial and Justice* (London: Zed Books 2006) pp. 77-78

²²³ Cajak L, ‘*Too Far from Home, Demobilizing the Lord’s Resistance Army*’, (February 2011) Enough Project p.8

²²⁴ See Chapter One p. 11 and Chapter Three p. 53

4.4.1 Reinsertion Packages

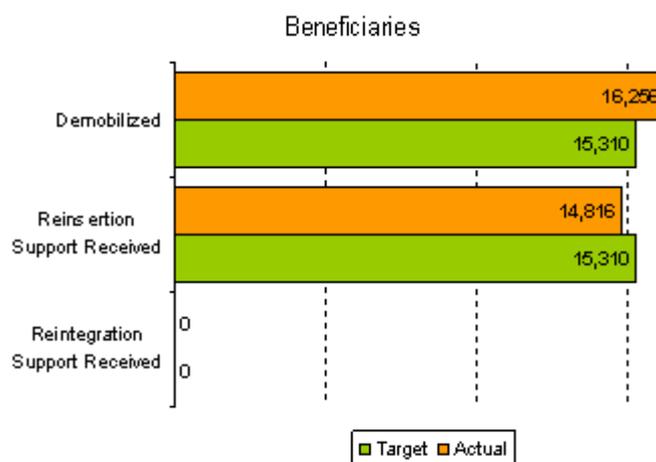
Prior to 2005 most reporters received reinsertion packages from reception centres. Different reception centres offered different services and packages to reporters an issue that posed a great challenge as some centres were viewed as being more 'generous' than others²²⁵. An example is Rachele which is a reception centre that offered generous packages to the family of the abducted as well as school fees for the ex combatant/ Formerly abducted person, privileges that others (non abducted) did not have in the community at the time.

Since 2005 the AC having received funding from the MDRP through the ACSP has been responsible for issuing reinsertion packages to reporters. Unlike in the previous occasions when the reception centres issued reinsertion packages the AC offers standard packages for all reporters who have been registered and applied for amnesty including the backlog case of reporters with amnesty certificates but no reinsertion packages. The ACSP was successful in its key objectives as by the time it lapsed it had achieved 105% of its demobilization target (16,256) and distributed 95% (14,816) reinsertion packages as illustrated in the graph below.²²⁶

²²⁵ Allen T and Schomerus M, (2006) *'A Hard Home Coming: Lessons Learned from the Reception Centre Process in Northern Uganda'*. Management Systems International, UNICEF & USAID, Washington DC p.8

²²⁶ See Chapter Three p.57

Figure 4.1 Amnesty Commission Special Programme Beneficiaries



Source: MDRP Uganda Fact sheet²²⁷

From the findings of the TDRP the reinsertion packages served their purpose with opinions varying as to the extent to which the reinsertion packages met the needs of the reporters²²⁸.

The reinsertion packages offered though beneficial to the reporters a major criticism that emerges is that the package is the same for everyone, male or female with dependants or without and children over the age of 12 years.²²⁹ It does not take into consideration the extra burden and challenge that, women who come back with children born in captivity face.²³⁰

4.4.2 Criticism Emerging from Issuance of Reinsertion Packages

In a survey carried out by Allen and Schomerus in 2005, they found that the packages given to reporters by reception centres upon leaving were a ‘cause of resentment among people who had not been abducted’. The situation is still the same from the TDRP findings although only to a small extent as only 9.2% (of all the armed

²²⁷ MDRP Uganda Fact Sheet www.mdrp.org

²²⁸ See Chapter Three p.59

²²⁹ See Chapter One p.11 and Chapter Three p.59

²³⁰ See Chapter One p.11

groups in the survey) of respondents in their survey reported receiving reinsertion packages as a cause of conflict between them and their families and/or the community²³¹: With some of the reasons behind the resentment being accusations that payment to reporters is unfair or being accused of seeking handouts from the government. Such resentment is worth taking note of as it can pose a great problem during reintegration, and this is where the link between DDR and Transitional Justice really applies; their proper coordination as noted in chapter two can help reduce or stop such incidences from occurring.²³² The SIDDR final report findings state that ‘it is important to implement programmes running concurrently with DDR that serve the needs of other war affected groups’²³³. In a survey conducted by Berkley University in Northern Uganda, 97% of the respondents in the survey said that victims should be granted reparations for a variety of reasons: 49% stated that victims needed reparations because they were poor and they needed it, 24% as a form of acknowledgment or recognition of their suffering and 19% to help them forget.²³⁴

4.4.3 Reception Centres

Though reception centres were useful, they were not well distributed with some areas having more than one reception centre and other areas without resulting in the services offered in reception centres being offered in DRT.²³⁵ Reception centres also failed to standardize their objectives: counseling, go home packages and length of stay among other things.²³⁶ The centres have played an important role, in the

²³¹ See Chapter Three p.59

²³² See Chapter Two p.31

²³³ See Chapter Two p. 31

²³⁴ Pham P, Vinck P (2010). *Transitioning to Peace: A Population Based Survey on Attitudes about Social Reconstruction and Justice in Northern Uganda*. Human Rights Centre; University of California Berkley p.4

²³⁵ Muhereza E. F. ‘An Analysis of Disarmament Experiences in Uganda’. Regional Centre on Small Arms (RECSA) Nairobi, RECSA p.81

²³⁶ See Chapter Three p.55

absence of government support, in helping reporters/former combatants' transition into civilian life; they have facilitated the first contact between the reporters and the community.²³⁷

The closure of most of these reception centres creates a gap in the reintegration of those fighters yet to return from the insurgency, the services of these centres is still required because there are LRA abductees who are still returning from the DRC and CAR.

4.5 Reintegration

An essentially socioeconomic process that has an open time frame, it takes place primarily in communities at the local level and involves the reinsertion of former combatants into the community and resettling them from a 'military life' to life as a civilian²³⁸. The successful reintegration of combatants is indeed the corner stone for lasting peace.

In the past the notion of reintegration in Northern Uganda was greatly put into question by numerous scholars and practitioners of DDR, this was due to the great displacement of populations that was witnessed at the height of the conflict with over 1.8 million of the population in the region living in displacement camps²³⁹. The situation in the displacement camps was dire with poor water and sanitation and a high mortality rate (among the highest in the world at the time), people in the camps were denied a livelihood. The situation improved with the Cessation of Hostilities Agreement between the GoU and the LRA and the subsequent commencement of the Juba peace talks. Peace has returned to Northern Uganda and as at 2010 most people

²³⁷ See Chapter Three p.55

²³⁸ Muhereza op cit p.81

²³⁹ See Chapter One p.12 and Chapter Three p.44

had returned back to their areas of origin or resettled in new locations and the displacement camps that hosted most of the populations have been dismantled. The dynamics of reintegration in Northern Uganda have since changed; people are rebuilding their lives and cultivating their lands. The region which was previously a devastated and dangerous region with little or no economic activity is now reviving; however recovery after such a long period of conflict takes time, commitment and a lot of resources as well. The security situation in the region has also improved and people no longer live in fear of ambush or abduction. The priority of many people has changed from a previous focus on peace and security to sustenance and fulfillment of basic needs.

From the study it is apparent that the reintegration of reporters back into the community is generally positive with both family and community members welcoming and accommodating the reporters.²⁴⁰

Table 4.3 Acceptance of LRA reporters by Family and Community

Was your family accepting of you when you returned:	LRA	Was your community accepting of you when you returned	LRA
Yes Totally	92.6%	Yes Totally	51.9%
Yes Partially	6.1%	Yes Partially	43.8%
No	1.2%	No	4.3%
Total	100.0%	Total	100.0%
	163		162

Source: content from TDRP Uganda Beneficiary Assessment 2011

The challenges faced are more ‘symptomatic of the rebuilding of ties with the community in the state of uncertainty by all parties and the perceived caution of the

²⁴⁰ See Chapter Three pp. 59-60

community in accepting back some reporters'²⁴¹. A university of Berkley survey's findings noted that respondents in their survey did not mention having any major challenges in the reintegration of ex combatants into their communities. The survey found encouraging results with majority of the respondents comfortable in most of the situations they find themselves with LRA ex combatants.²⁴²

4.5.1 Role of Traditional Ceremonies in Reintegration

Traditional and religious ceremonies are an integral part of reintegration in Northern Uganda.²⁴³ Traditional chiefs (Rwodi) contribute through the mediation of the reconciliation process, *mato oput*, which many Acholi's believe can bring true healing in a way that a formal justice system cannot. The process incorporates the acknowledgement of wrong doing, offering of compensation by the offender and culminates in the sharing of a symbolic drink. Another symbolic traditional practice incorporated is the 'stepping on the egg' (*nyono tong gweno*). This is intended to welcome home family members who have been away from the homestead for a long time. This is due to the belief that people who have been away from home for a long period of time can contract spirits which if not cleansed will bring misfortune to the whole community. This ceremony helps restore confidence in the traditional approaches for justice and is a precursor to the eventual '*mato oput*' where applicable. Almost all LRA returnees have undergone this ceremony²⁴⁴. In a 2010 survey conducted by the Initiative for Vulnerable populations at the university of California Berkley's human rights centre, 53% of the respondents in the survey viewed

²⁴¹ Finn A. '*Uganda Demobilization and Reintegration Project: Beneficiary Assessment*', (2011). The International Bank for Reconstruction and Development/The World Bank p.20

²⁴²Pham P and Vinck P, op cit p.30

²⁴³ See Chapter One p.12

²⁴⁴ Latigo, J. O., 'Northern Uganda: traditional based practices in the Acholi region', in *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences* (International Institute for Democracy and Electoral Assistance 2008) pp.104-106

traditional ceremonies as being useful to deal with the LRA combatants and ex combatants, the ceremonies helped the community to reconcile and forgive the wrong doer.²⁴⁵

Reintegration is being hampered due to a lack of funds with the AC currently depending on resources from the Ministry of Internal Affairs that are not adequate to enable the commission effectively reintegrate and resettle former combatants. Reintegration is a long term process that requires a lot of commitment as well as a lot of resources from the government.

4.6 Transitional Justice

The GoU has drafted a National Transitional Justice Policy in response to the country's legacy of violations. The National Transitional Justice Policy aims to offer reconciliation and accountability through a combination of mechanisms/methods such as: traditional justice, truth telling, reconciliations, reparations and amnesty. The government proposes the establishment of a national truth telling process that takes into consideration the gender needs and concerns of survivors. It also proposes to establish a reparations program for victims of conflict.²⁴⁶

The policy which was set out from the Agreement on Accountability and Reconciliation reached by the GoU and the LRA on the 29th June 2007 that sets out a national framework to address serious crimes, human rights violations and adverse socioeconomic and political impacts of the conflict and to promote peace and

²⁴⁵ Pham P, Vinck P (2010). *Transitioning to Peace: A Population Based Survey on Attitudes about Social Reconstruction and Justice in Northern Uganda*. Human Rights Centre; University of California Berkley p.3

²⁴⁶ Ederu O, 'TJ Monitor: The Ugandan Draft Transitional Justice Policy 2013: a case of courting survivors of conflict or accountability at last' June 17th 2013

reconciliation²⁴⁷. The agreement provided for the prosecution in Ugandan Courts of those who bear particular responsibility for the most serious crimes to be complemented by traditional justice and other informal processes and reparations to be established in law. The challenge is to understand and utilize all different approaches in ways that complement each other synergistically rather than working against each other²⁴⁸. As earlier noted if implemented appropriately both DDR and Transitional Justice can contribute to the ultimate and long-term goal of achieving peace and reconciliation²⁴⁹.

4.7 Moving forward: how to deal with the LRA

The region of Northern Uganda as previously stated has come a long way in terms of attaining peace and security. People are currently focused on cultivating their lands and rebuilding their lives after many years of conflict. However without the ultimate resolution of the conflict that led to the death, abductions and mutilation of thousands of individuals is the current peace in northern Uganda one that is likely to last or is it merely an uneasy peace that is characterized by the absence of violence? From the interviews conducted opinion varied as to whether the peace currently enjoyed in the region would last. Those of the opinion that the peace would last stated so due to the LRA being dispersed/scattered in other countries as one respondent stated: “Yes, the peace will last, because all the rebellions have been crushed, Kony is thousands of miles away in CAR”²⁵⁰. Some felt that the peace in the region would last because of the general fatigue that the populace displays with regard

²⁴⁷ See Chapter Three p.45

²⁴⁸ Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord’s Resistance Army/LRA Juba, Sudan

²⁴⁹ See Chapter Two p. 30

²⁵⁰ Telephone Interview with Solomon Kadukulu, July 23rd 2013

to war, people just want to move on as one respondent notes “People are tired of war, they want peace and the government is ready to reconcile.”²⁵¹

Other respondents felt that although there is currently peace in Northern Uganda, much is yet to be achieved, “There is a long way to go to attaining meaningful peace, and despite the programs initiated by many NGO’s for the past decade little has been achieved”.²⁵² One respondent was of the opinion that the governments initiatives are contributing to peace in the region, he notes that “government initiatives like the PRDP are taking shape and contributing to relative peace”.²⁵³ For others as long as the LRA remains active in other countries and Kony is still at large, the peace in Northern Uganda will not last as the LRA may return.

The Juba peace talks which had opened a window of hope for many as the surest way of bringing an end to the conflict between the LRA and the GoU, the failure of the principals to the conflict to sign the Final Peace Agreement (FPA) opened the way for a wave of military operations against the LRA from the GoU with the collaboration of the Governments of Sudan, the DRC with the backing of the USA in Operation Lightning Thunder. The LRA have been under heavy siege but despite being weakened significantly are yet to be completely crushed and Kony is yet to be apprehended. The LRA has shown on many previous occasions that it has the ability to rise from the ashes, regroup and orchestrate renewed attacks on civilians. Despite the peace in Northern Uganda, the LRA still remain a threat to the area and to the Great Lakes region and the Horn of Africa as well. In light of this one of the questions asked during the interviews was on what is the best way of dealing with the LRA in order to bring an end to the LRA crisis; despite the fact that as noted in

²⁵¹ Telephone Interview with Edwin Omondi 23rd July 2013 2.58pm

²⁵² Telephone Interview with Alex Kakuru, August 4th 2013

²⁵³ Interview with Winnie Ooko, Ngong, 23rd July 2013

chapter three previous military efforts and negotiations have failed thus far in dealing with the LRA, most respondents felt that the GoU should combine both measures. As one respondent stated “the government should improve on the rules of engagement, negotiation tactics and finally scale up the hunt and capture of LRA commander Joseph Kony”.²⁵⁴

Other respondents were of the opinion that the GoU should scale up military pressure in order to force the LRA leadership to the negotiating table, for a negotiated settlement to bring an end to the conflict²⁵⁵. In addition to the military tactics and negotiation the Amnesty that has been offered since the year 2000 under the Amnesty Act is also seen as a sufficient tool to bring an end to the LRA as it is viewed as ‘a means of ending the conflict and promoting reconciliation’. One respondent stated that “the government should keep both options on the table military pressure, negotiations and amnesty”.²⁵⁶

4.8 Conclusion

The Amnesty Act has been rocked with a lot of controversy first on the issue of its application to individuals who did not willingly participate in a rebellion against the government and secondly on how it is issued irregularly with some top commanders being granted amnesty and government protection while some mid level and foot soldiers are denied amnesty and face prosecution. It has however been beneficial in making thousands of LRA fighters come out of the rebellion to claim the amnesty and with it benefit from DDR through the Amnesty Commission which has managed to handle its mandate to demobilize and reintegrate reporters with the

²⁵⁴Telephone Interview with Edwin Omondi 23rd July 2013 2.58pm

²⁵⁵ Telephone Interview with Alex Kakuru, August 4th 2013

²⁵⁶ Interview with Winnie Ooko, Ngong, 23rd July 2013

support of the World Banks MDRP despite the numerous challenges it has encountered along the way. A major cause of concern is the lack of attention given to the victims of the conflict who are neglected at the expense of the reporters, a situation which if not addressed can interfere with the long term reintegration of reporters and also be a probable cause of future tensions and conflict in the region.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter will focus on the findings of the study, discussion of each of the findings which the conclusions of the research will be based on; the recommendations, both academic and policy, will also be highlighted in this chapter.

5.2 Summary of Findings

The study finds that: Northern Uganda has undergone numerous changes since 2005; the dynamics of the LRA conflict have changed however a peaceful resolution to the conflict still remains the most preferred way of ending the conflict by northern Ugandans, the DDR process in Northern Uganda is unique, the AC is plagued with numerous challenges but has managed to work despite them, DDR activities focused mainly on returning LRA reporters while neglecting the victims, reception centres have been very instrumental in the demobilization and reintegration of returnees and lastly the draft transitional justice policy is a great step and can help deal with the country's history of violence.

5.3 Discussion of Findings

One of the objectives of the study was to describe the conflict in Northern Uganda: the study finds that Northern Uganda has experienced numerous changes since 2005 when the LRA exited the region. People have now shifted their focus to rebuilding their lives; the dynamics of the conflict have changed. The LRA are now active in DRC, CAR as well as South Sudan and are thus a regional threat to the Horn of Africa as well as the Great Lakes Region. The LRA can easily be used to

destabilize other countries in the region if a conclusive solution to the LRA problem is not reached before the dynamics of the conflict shift again. A peaceful resolution to the conflict still remains the most preferred by Northern Ugandans because most of the Ugandans in the LRA did not join the rebellion willingly and therefore should not be punished for Kony's mistakes, NGO's such as invisible children encourage defection from the LRA in addition to all other efforts and because all other efforts have not been very successful so far.

The second objective of the study was to examine the process of DDR in Northern Uganda under the Amnesty Act 2000. The study shows the DDR process unlike other conventional DDR that takes place after a conflict has ended has been taking place both within the context of an ongoing conflict and still continues in post conflict Northern Uganda. This is in part due to the nature of the conflict, where abductions were a very common tactic of recruiting combatants and some of those abducted stayed with the rebels for a short while before being released or escaping. Prior to the year 2000 DDR type activities in the region were handled by NGO's, after passing of the Amnesty Act (AA) and establishment of the Amnesty Commission (AC) the mandate to conduct DDR activities formally rested on the AC. The AC is responsible for demobilization and reintegration and does not handle disarmament however there are cases where defectors have come straight from the rebellion to the AC offices with their arms. The commission's activities are heavily dependent on donor support and funding without which the commission's activities are crippled. The short term mandate of the AC hampers its credibility and efficiency and also disfavors any long term reintegration and planning.

NGO funded Reception centres have played a critical role in the demobilization and reintegration of returnees by offering services that are

instrumental in the transition from rebel to civilian. They filled the gap left by the government in terms of offering psychosocial and medical support to returnees; most of them have closed down since 2006, when the LRA left Northern Uganda, due to the dwindle in the number of returnees and a lack of funds to facilitate their smooth running.

The reintegration of reporters back to the community is generally positive with both families and the community accepting the reporters; however there are still cases of stigmatization. Reintegration is hampered by a lack of funds; the GoU does not offer adequate financial support to aid in the reintegration of reporters especially with the end of the MDTF funded UgDRP. If reintegration is not done appropriately and effectively it can reverse all the gains of DDR.

The study reveals that a lot of attention is given to the returning rebels at the expense of the community members who were victims of the conflict; an issue that breeds a lot of animosity between the reporters and the community members. Issuing of reinsertion packages to reporters is cited as one of the causes of this resentment as it is viewed as rewarding wrong doing. The proposed draft Transitional Justice policy if implemented can help bridge this gap by offering reparations to the victims of the LRA conflict, and also addressing the root causes of the conflict in order to bring closure to both victims and perpetrators.

The third objective of the study was to determine the extent to which DDR under the Amnesty Act has contributed to peace in Northern Uganda. The study finds that the AA has been very instrumental in encouraging defections from the LRA. The AC has been very instrumental in sensitizing communities on the need to accept those returning from the rebellion thus reporters experience limited stigma. Numerous

studies show that a lot of Northern Ugandans credit the Amnesty provided to contributing to the peace they currently enjoy in the region.

5.4 Conclusions

The absence of the LRA in Northern has contributed to peace in the region but as long as they remain active in other countries of the Horn and Great Lakes region and a conclusive end to the LRA crisis is yet to be reached they still pose a threat to the peace in Northern Uganda. The Horn of Africa is a very volatile region and the LRA can be used by some countries to destabilize others, as noted the pattern of mutual destabilization is very common in the horn thus leading to further chaos in the region; and if the recent claims that the LRA is receiving support from Sudan is anything to go by then a conclusive solution is urgently needed. The LRA is losing its cohesion due to the pressure that has been building up over the years as a result of aggressive military action by the UPDF and the USA, the best time to deal with the LRA is now, when they are still weak and scattered. Over the years different strategies have been employed each with a degree of success and failure, actors should seek whichever way possible to deal with the LRA with the least civilian casualties: in my opinion actors should encourage defections from the LRA while the UPDF and other militaries in LRA affected regions scale up military tactics to pursue Kony and other senior LRA commanders.

The Amnesty Act has been very instrumental in encouraging defections from the LRA and thus the reason numerous actors agitated for its reinstatement. The Amnesty Commission has done a good job in demobilizing and reintegrating LRA reporters despite the numerous challenges and setbacks it has encountered since its inception as revealed in the study. The study concludes that DDR in Northern

Uganda though not a product of a negotiated peace agreement has made a positive contribution to the peace in the region; if proper guidelines and procedures are put in place that can support the implementation of DDR under the Amnesty Act then greater gains in achieving sustainable peace and development will be attained in Northern Uganda.

5.5 Recommendations

With the development of the draft Transitional Justice Policy in Uganda, if implemented, further studies should be conducted to determine if transitional justice will have any positive implications on the DDR process in Northern Uganda.

The situation in Northern Uganda has changed over the past few years; people are enjoying a peace that had been elusive for over 20 years. However the LRA crisis is far from over and has only shifted base to DRC and CAR thus becoming a regional matter and not all the people who had been abducted and forcefully conscripted into the LRA and are still alive have returned. It is therefore important that the amnesty offered by the Amnesty Act stay in force as it is still relevant and may encourage those abductees still in captivity to come back home. The reintegration of reporters is a long term process and does not end merely after reinsertion, it is therefore crucial that the AC mandate is carried out for a long period of time for it to be able to oversee and facilitate the effective long term reintegration and resettlement of reporters back into the society so as to achieve the long-term aim of DDR which is to facilitate the achievement of peace and development.

The AC should extend its focus to the victims affected by the conflict instead of focusing solely on the reporters. It is evident from the findings that focus on the reporters has been cited as a source of tension and animosity between the reporters

and community members, with reinsertion packages given to reporters being viewed as some sort of reward for their involvement with the LRA. It is therefore pertinent that improvements are made to the current DDR practice to ensure that significant rehabilitation and support is provided at the community level to benefit the combatants and recipient communities. This will also assist in accomplishing the long term reintegration of the reporters back into the community. In addition the AC should sensitize the community members on the purpose of the reinsertion packages not as rewards but as a short term basic assistance to the reporters to enable them restart their lives as civilians after a long period in captivity.

The GoU should provide steady financial support to the AC to enable it to carry out its mandate effectively; it can also make a formal request to the World Bank or any other donor to assist it to provide such funding. The process of reintegration and resettlement of former combatants is a long term and costly endeavor which if done efficiently can reap great rewards of long term peace and stability; more effective reintegration of people who return from the LRA is not only a moral imperative but also acts as a critical incentive for LRA members to undertake the risk of defecting. The government should also take a clear stand on its position regarding the Amnesty Act: DDR is a Peace building initiative and therefore a politically driven process and for it to succeed there has to be good political will. The AC is also very dependent on donor support and hence international agencies and organizations should continue to offer their valued support to enable the AC meet its obligations.

With regards to the disarmament process, the UPDF should ensure transparency on how it is handled, where the arms are kept and how they are disposed off. The practice by the army to coerce returnees into joining the UPDF and without

pay should stop and proper channels to integrate those reporters who would wish to join the army should be open or revisited by the UPDF.

The reinsertion packages offered to reporters should be revised to take into consideration the needs of female reporters, that is, they should be gender sensitive. In this way they would be better able to cater to the needs of both men and women and their dependants.

Reception centres have played a crucial role in assisting returnees from the bush to transition into civilian life. The services they have offered are very important and still remain relevant to date as they aim to ease transition from LRA membership to civilian life. It is therefore important that agencies assisting them financially continue to do so, to enable them to remain open so that they can continue to those abductees still in the CAR and DRC and also to offer follow up services to those reporters who have returned and are reintegrating back into the community. The government should have a contingency plan to enable it fill the gap left by NGO's that pull out of the region.

The governments draft National Transitional Justice Policy, a first of its kind in Africa, is a step in the right direction for the country. Matters of Transitional Justice are very crucial and if not applied appropriately can interfere with the objectives of DDR. As noted from the research the issue of reparations and compensation for victims is a running theme and as such a matter that cannot be ignored. The National Transitional Justice Policy should strive to ensure that all the mechanisms it intends to apply complement each other and work to further the efforts of justice and reconciliation.

Lastly it is important that the root causes of the conflict are addressed and that all the main perpetrators of the violence including the GoU through the UPDF are brought to account it is therefore important that the amnesty is accompanied by measures to address the crimes perpetrated by the GoU: even the most comprehensive DDR approach amounts to nothing if the root causes of conflict are not addressed.

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