



Mainstreaming Conflict Prevention

A Study of EU Action in ACP Countries

Case Study - Uganda

The Quaker Council for European Affairs

Produced by the Quaker Council for European Affairs (QCEA)

This study is based on two years of research through questionnaires to European Commission delegations and NGO staff, through interviews with European Commission staff in Brussels, and through desk-based research. This report forms the main document of the study, and builds on six country case studies which are available to download at: www.quaker.org/qcea

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List of Acronyms

These are the main acronyms used in this report:

ACP	African, Caribbean and Pacific Group of States
APF	African Peace Facility
AU	African Union
DDR	Disarmament, Demobilisation and Reintegration
DRC	Democratic Republic of the Congo
EDF	European Development Fund
EIDHR	European Initiative for Democracy and Human Rights
EOM	Election Observer Mission
EPA	Economic Partnership Agreements
EU	European Union
ICC	International Criminal Court
LRA	Lord's Resistance Army
MDRP	Multi-Country Disarmament and Reintegration Programme
NGO	Non-governmental organisation
PEAP	Poverty Eradication Action Plan
QCEA	Quaker Council for European Affairs
SALW	Small Arms and Light Weapons
SSR	Security Sector Reform
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund

1 Introduction

The EU introduced the approach of ‘mainstreaming’ conflict prevention into all elements of its programming and policy-making through the European Commission Communication on Conflict Prevention of 2001 and the Partnership Agreement between the African, Caribbean and Pacific (ACP) countries and the EU signed in Cotonou, Benin in 2000 (the Cotonou Agreement). This country report is part of a project studying this new approach. The purpose of this project is to serve as an educational tool about ACP-EU conflict prevention rather than to evaluate what the EU is doing with regard to conflict prevention.

The EU is involved in a wide range of areas and this study has identified seven thematic areas on which to focus: disarmament, demobilisation and reintegration including child soldiers; small arms and light weapons; security sector reform; political dialogue, including good governance, elections and civil society consultation; gender; management of natural resources; and transitional justice. The main report of the study describes in detail what each of these areas entail and what the EU does in general in each of them.

A more thorough examination of EU policy and activity in the seven areas listed above was then conducted through six country case studies. The case study countries are:

- Republic of the Fiji Islands (Fiji)
- Republic of Haiti (Haiti)
- The Federal Republic of Nigeria (Nigeria)
- Somali Republic (Somalia)
- Republic of the Sudan (Sudan)
- Republic of Uganda (Uganda).

The main report and the other case studies are available at: www.quaker.org/qcea

This report begins with a short background of the situation in Uganda, describing the complex mix of regional and internal conflicts that affect the country. Next follows a more detailed analysis of the seven thematic issues listed above and of how the EU is involved in each of them. The report provides the results of a questionnaire conducted within this study, which was carried out with the European Commission Delegation and civil society organisations in Uganda. Finally, recommendations drawn from the results are presented.

2 The Ugandan Conflict

There has been violent armed conflict in Uganda almost continuously since its independence from Great Britain in 1962. The first decades of autonomy were marked by political instability; governments replaced each other, often through political force and often intimidating the population by committing grave human rights abuses in the process. According to International Alert, 'one of the factors sustaining violent conflict in Uganda is an economy that has fuelled and supported war, rather than peace'. The country's geographical position in an unstable region and a lack of national identity among its citizens complicates the issue further.¹

Yoweri Museveni took power in 1986 through the so-called "bush war" waged by the National Resistance Army, and has ruled the country since. He has been praised internationally for achieving economic growth and introducing multi-party democracy, but he has also been accused of corruption and intimidating the opposition in the 2006 elections. Museveni's leadership has also been fouled by Uganda's military involvement in the Democratic Republic of the Congo (DRC) and other conflicts in the region, as well as by the civil war raging in the northern parts of the country.²

2.1 Internal Tensions

The internal conflict is essentially two in one. The first, which is wreaking havoc on the Acholi people in the north of the country, is between the Lord's Resistance Army (LRA), led by Joseph Kony, and the Ugandan government. The second conflict is between the people in the north and the Ugandan government.

The original source of the north/south divide in Uganda was British 'divide and rule' colonialism, followed by post-colonial internal Ugandan politics. When current President Yoweri Museveni and his National Resistance Movement (NRM) took power in 1986, the government further alienated the northern population, which fuelled existing hostilities. The post-1986 insurgency against the Ugandan government began with rebellion of the Ugandan People's Democratic Army (UPDA) and evolved into the current terror spread by the LRA.

The LRA claims to be fighting to protect the Acholi people against discrimination from the Ugandan government, but in reality the Acholis themselves bear the brunt of the conflict. The LRA also claims to be fighting for the establishment of a government based on the biblical Ten Commandments.

The International Criminal Court (ICC) has issued an arrest warrant for Joseph Kony and several other members of the LRA. Following a 2001 amnesty law, LRA members can get amnesty in exchange for an end to the violence. However, the LRA leaders are exempted from this due to the ICC arrest warrants. On 29 August 2006, the LRA and the Ugandan government entered into a ceasefire agreement.

2.2 Sudan People's Liberation Army and Southern Sudan

By late 2000, the LRA had largely retreated to southern Sudan where it maintained its training bases and headquarters with the support of the Sudanese government. At the same time, the Ugandan government was supporting the Sudanese rebel organisation, the Sudan People's Liberation Army

¹ International Alert, *Uganda* [on-line] accessed 18 February 2008, available at http://www.international-alert.org/our_work/regional/great_lakes/uganda.php

² BBC, *Country profile: Uganda* (18 December 2007) [on-line] accessed 18 February 2008, available at http://news.bbc.co.uk/2/hi/africa/country_profiles/1069166.stm and Wikipedia, *Uganda* [on-line] accessed 18 February 2008, available at <http://en.wikipedia.org/wiki/Uganda>

(SPLA).³ In 2001-2002, the two governments agreed to mutually withdraw support for the LRA and SPLA. As a result, the LRA relocated into the Imatong Mountains in southern Sudan, looting food, destroying villages and displacing hundreds of families.

In March 2002, in response to LRA attacks in Sudan and with support from the Sudanese government, the Ugandan People's Defence Force (UDPF)⁴ launched a military offensive against the LRA called 'Operation Iron Fist.' This offensive was not successful, and it led to a new cycle of cross-border violence in both southern Sudan and northern Uganda.

2.3 The Conflict with the DRC

Uganda is just one of many parties involved in the war that began in the DRC in August 1998. The conflict is between the Congolese government, which is supported by troops from Angola, Zimbabwe and Namibia, and rebels backed by the governments of Uganda, Rwanda and Burundi.

Uganda, Rwanda and Burundi claim that their troops are in the DRC to protect their own national security by containing and eliminating insurgent groups that use eastern Congo as a base from which to attack them.

2.4 Peace Talks

Peace talks began between the Ugandan government and the LRA in Juba, southern Sudan, on 14 July 2006. A ceasefire agreement was signed on 26 August 2006. Originally, the talks were aiming for a permanent peace accord by September 2006 but as they stretched on, there were fears they would collapse. On 19 January 2007, the LRA formally refused to continue, accusing Sudanese officials of embezzling money given to fund the talks. The LRA stated that they would only continue negotiations in a new, neutral venue, such as Kenya or South Africa.

Peace talks recently resumed in Juba, in May 2007. The discussions have yielded a renewed cessation of hostilities agreement (originally signed in August 2006), and effective negotiations for comprehensive solutions to the conflict were completed in May 2007. The parties are now turning to point three in the following five-point negotiating plan:

1. cessation of hostilities,
2. comprehensive solutions to the conflict,
3. reconciliation and accountability,
4. a formal ceasefire,
5. disarmament, demobilisation and reintegration.⁵

However, a major problem that threatens to derail the entire peace process is the ICC arrest warrants for several LRA leaders that were issued in July 2005. The challenge is how to combine traditional Ugandan reconciliation ceremonies with retributive justice and make those responsible for serious war crimes and crimes against humanity accountable.

It is hoped rather than expected that these talks will be more fruitful than previous attempts, particularly as there are reports that the LRA is failing to respect the agreed ceasefire by continuing attacks against villages in south Sudan.

³ For more information on the SPLA see the background chapter in the Sudan country report, available at: www.quaker.org/qcea

⁴ The National Resistance Army (NRA) began as a guerilla army of Uganda in the 1980s, led by Yoweri Museveni. After the presidential elections of 1996 to legitimate the rule of Museveni, the NRA was renamed the Uganda People's Defence Force.

⁵ Enough Project, *Northern Uganda: Summary*, p. 2 [on-line], accessed 25 June 2007, available at http://www.enoughproject.org/reports/pdf/may_uganda.pdf

3 Disarmament, Demobilisation and Reintegration

Although it is impossible to calculate exactly how many Ugandans have been involved in armed conflict in Uganda, one can be sure very many of them have. Both adults and children, female and male, have been known to serve in the military, in government militias, and in rebel groups like the LRA. This section on Disarmament, Demobilisation and Reintegration (DDR) focuses especially on children.

The United Nations Children's Fund (UNICEF) reports that the LRA has abducted more than twenty-five thousand children since 1986.⁶ One of the aims of the government's 2002 military operation (Operation Iron Fist) was to recover children captured by the LRA. However, for the two thousand children successfully recovered during the campaign, another five thousand were captured during the same period.⁷

It is not only the LRA that uses child soldiers, however. UNICEF reports that the government's military and militias also recruited children to fight against the LRA. The government has always denied such active recruitment, blaming the children's parents for lying about their ages to secure a military wage. As well as fighting on the front line, it is reported that children are often made to kill other child soldiers and civilians.

To avoid being captured by the LRA, tens of thousands of children flock to the larger villages each night in search of a safe place to sleep. They are known as 'night commuters'. Also, a large number of young girls have been abducted by the LRA. Some are required to fight, while others are forced into domestic servitude. When these girls reach puberty, many are forced to be 'wives' to LRA commanders. Human rights organisations report that the girls are often raped and beaten. If they become pregnant, their offspring are eventually exposed to the risk of fighting for the LRA themselves.

3.1 National Work on DDR and Child Soldiers

3.1.1 Amnesty Commission

The Amnesty Commission is a body established by the Ugandan Parliament to provide overall leadership, guidance and coordination in the implementation of amnesty to all 'reporters' (ex-combatants and others) who meet the conditions for amnesty under the Amnesty Act of 2000. Within the framework of the Act, any Ugandan who has been involved in the insurgency against the Ugandan government at any time since 26 January 1986 is entitled to amnesty. He or she is consequently eligible for demobilisation and reintegration assistance.⁸

In December 2001, the government launched a disarmament programme in the Karamoja district of Uganda. It was managed by the Amnesty Commission and, according to a United Nations (UN) report, had two phases: the first voluntary and the second forcible. The voluntary phase involved the surrender of weapons in exchange for assets like ploughs (contributed by the EU and British High Commission), water wells and grain.

⁶ UNICEF, *Uganda* [on-line], accessed 26 June 2007, available at http://www.unicef.org/infobycountry/uganda_background.html

⁷ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004* [on-line], accessed 25 June 2007, available at http://www.child-soldiers.org/document_get.php?id=801

⁸ 'Engagement in insurgency' is defined by UNDDR as actual participation in combat, collaboration with the perpetrators of war or rebellion or assistance in any way to the war or rebellion. Non-Ugandans do not qualify for amnesty and a person cannot be granted amnesty twice. Ugandans who report to the authorities to be granted amnesty are referred to as "reporters" in the terminology of the Amnesty Act.

UNDDR, *Uganda country programme* [on-line], accessed 26 June 2007, available at <http://www.unddr.org/countryprogrammes.php?c=37#approach>

Initially, the forceful disarmament phase 'ended prematurely and registered only limited success'.⁹ The Amnesty Commission attributed this to 'inadequate funding and facilitation for implementing the priority actions for amnesty.'¹⁰ In 2004, a special Presidential Assistant on Disarmament was appointed and forcible disarmament resumed in September 2004.

3.1.2 United Nations Development Programme and the Multi-Country Disarmament and Reintegration Programme

Most United Nations Development Programme (UNDP) and Multi-Country Disarmament and Reintegration Programme (MDRP) funding goes to projects implemented by the Amnesty Commission. The following example of a 'Repatriation, Rehabilitation, Resettlement and Reintegration' project, led by the Ugandan Amnesty Commission, is provided on the MDRP website:¹¹

Repatriation, Rehabilitation, Resettlement and Reintegration of 'Reporters'

The aim of the project is to assist approximately 15,300 ex-combatants in their reintegration into civilian life, within the context of Uganda's Amnesty Act of 2000. The largest part of that target group is composed of ex rebels and/or ex abductees from the Lord's Resistance Army (LRA). Other groups are ex-members of the Allied Democratic Forces (ADF), West Nile Bank Front (WNBF), Force Obote Back/Nineth October Movement, Uganda National Democratic Alliance Front (UDA/F) and the Uganda National Freedom Movement/Army (UNFM(A)).

The project consists of five components:

- Sensitisation and dialogue. Sensitisation efforts target the public and political leadership with messages on conflict resolution through reconciliation and promote dialogue among the government and potential ex-combatants, ex-combatants and the community, and amongst ex-combatants themselves. The Amnesty Commission also seeks to inform combatants of the possibility of amnesty.
- Demobilisation and processing of Amnesty Applications. This component includes disarmament and decommissioning of weapons (not financially supported by MDRP); identification, screening and documentation of ex-combatants; issuance of certificate of amnesty; and - in some cases - repatriation.
- Reinsertion (resettlement) support. The ex-combatants report to reception centers, where the formal procedures for applying for amnesty take place, as well as other activities, such as the psycho-social and health status assessment of ex-combatants, and the provision of counselling and referral services. Ex-combatants that have been registered and granted amnesty will receive their documentation and initial reinsertion assistance - in-kind and some cash.
- Longer-term social and economic reintegration. Social reintegration activities of the Amnesty Commission thus far include direct counselling and the facilitation of reporters to find access to economic and educational opportunities or other support programs.
- Institutional strengthening of Amnesty Commission. This component includes the recruitment and training of staff, implementation of financial management system, and procurement of equipment.

⁹ Natalie Pauwels and Marta Martinelli, *Addressing the Problem of SALW in the Great Lakes Region of Africa: Existing Initiatives and Options for the EU* (United Nations Institute for Disarmament Research: 2003), p. 16 [on-line], accessed 29 March 2007, available at

http://www.unidir.org/pdf/EU_background_papers/EU_BGP_16.pdf

¹⁰ Government of Uganda, quoted in: Pauwels and Martinelli, *Addressing the Problem of SALW in the Great Lakes Region of Africa: Existing Initiatives and Options for the EU*

¹¹ MDRP, *Uganda Fact Sheet* (updated 2007) [on-line], accessed 12 November 2007, available at <http://www.mdrp.org/uganda.htm>

In 2005, when these project activities were launched, the number of backlog reporters, who had not received reinsertion assistance at the time they received amnesty, stood at almost 11,200. By the end of August 2006, the Amnesty Commission had delivered resettlement services and payments to 11,851 'reporters'. The cumulative total of those resettled is 14,600, of which 3,728 were adult women, 1,777 were young girls and 3,773 were young boys.

Due to the cross-border nature of the conflict in Uganda, UN DDR operations in the Democratic Republic of the Congo have also had an effect on DDR efforts in Uganda. In December 2003, the United Nations Mission in the Democratic Republic of the Congo (MONUC) began to repatriate 250 Ugandan ex-combatants from the DRC, along with 147 dependents.¹² The EU has declared its support for MONUC both politically and financially, contributing an annual sum of forty-five million US dollars (approximately 33.5 million euros) to its operations.¹³

3.1.3 Programmes Specific to Child Soldiers

Until fairly recently there was no formal DDR process for ex-LRA child soldiers. According to a UNICEF report, they were usually debriefed, given medical care and sent to an NGO-run rehabilitation centre. The centre would then try to trace their families and reintegrate them back into their communities, in a process similar to that of adult ex-combatants.¹⁴ Having identified this shortfall, UNICEF is currently carrying out a series of DDR projects more specific to children.

The UNICEF DDR projects have helped to provide more medical care, psychological counselling and family-tracing support in reception centres. More than 5,000 Ugandan children have been aided in this way.¹⁵ UNICEF projects have also provided emergency shelter and support for more than thirty thousand 'night commuters'. UNICEF projects further aim to help child soldiers return to a 'normal' life by providing resources for those who failed to gain a basic standard of education due to their abduction or due to the conflict in general. They also provide medical care for the thousands of children suffering from HIV/AIDS or for those orphaned by the disease.

3.2 EU Contribution to DDR

According to a UN report, the EU provided seventy per cent of total funding to the Uganda DDR programme.¹⁶ Generally the EU is involved in DDR activity through missions led by the World Bank or UNDP, and it offers financial support to these missions via a Trust Fund mechanism. Its specific involvement in child soldier DDR programmes is through the UNICEF programme outlined above.

¹² Relief Web, *DRC: 2003 chronology of events* (5 January 2003) [on-line], accessed 26 June 2007, available at <http://www.reliefweb.int/rw/rwb.nsf/db900SID/SKAR-649B7G?OpenDocument>

¹³ Council of the European Union, *Javier SOLANA and Louis MICHEL launch EUPOL and reiterate EU support for transition in the Democratic Republic of Congo*, S174/05 (30 April 2005), p. 2 [on-line], accessed 25 June 2007, available at http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/en/declarations/84748.pdf

¹⁴ *ibid.*

¹⁵ UNICEF, *Uganda*

¹⁶ Ben Lucy, 'The EU, Northern Uganda, and the Prevention of Violent Conflict', *African Security Review*, vol. 9, no. 5/6, Institute for Security Studies (Pretoria), (2000), as footnoted in Darryl Whitehead, United Nations Institute for Disarmament Research with funding by the European Union and the United Kingdom, *SALW Proliferation Pressures, The Horn of Africa and EU Responses*, p. 5 [on-line], accessed 28 March 2007, available at http://www.unidir.org/pdf/EU_background_papers/EU_BGP_06.pdf

3.2.1 MDRP

According to 2007 MDRP figures, the total cumulative multi-donor trust fund budget by September 2006 was approximately 153 million euros, of which the EU contributed 22 million.¹⁷ According to the latest MDRP quarterly report, as of September 2006 approximately 3.2 million euros (eighty-nine per cent of which has been disbursed) was granted to the Ugandan Amnesty Commission for its work with 'reporters.'¹⁸ The EU's contribution to DDR in the Great Lakes region through the trust fund therefore forms 14.4 per cent of the total budget.

3.2.2 UNDP

In 2004, the EU provided 10.3 per cent of the total budget of the UNDP Trust Fund for Crisis Prevention and Recovery. The UNDP spent a total of around 227,226 euros in 2004 and 478,723 euros in 2005 on Small Arms, Disarmament and Demobilisation efforts in Uganda.

UNDP DDR activities include support to ex-combatants' economic and social reintegration with, for example, training programmes for livelihoods creation. However, UNDP's broad focus also includes the wider community, with programmes on armed violence reduction and weapons management. Nationally, UNDP also plays a coordinating role and provides financial assistance to DDR programmes carried out by other organisations.

3.2.3 UNICEF and Child Soldiers

The European Commission Humanitarian Aid Office (ECHO) contributed approximately 33.5 million euros to UNICEF in 2005, approximately 31 million of which was allocated to emergencies. ECHO was the largest contributing international organisation that year.¹⁹

¹⁷ MDRP, *Uganda Fact Sheet*

¹⁸ MDRP, *Quarterly Progress Report* (July - September 2006) [on-line], accessed 3 December 2007, available at <http://www.mdrp.org/PDFs/2006-Q3-QPR-MDRP.pdf>

¹⁹ UNICEF, 'Finances: Income', *2005 Annual Report* [on-line], accessed 25 June 2007, available at <http://www.unicef.org/about/annualreport/2005/finances/income.html>

4 Small Arms and Light Weapons

There is only limited information accessible on the availability of small arms and light weapons (SALW) in Uganda. According to a 2003 Small Arms Survey, it is estimated that there are 630,000 to 950,000 small arms in Uganda, or 3 to 4.5 small arms per 100 people.²⁰ While this statistic is fairly low in comparison with other countries, the distribution is remarkable as 60.1 per cent (475,000) are in civilian hands, while armed forces hold 34.2 per cent (270,000) and police 3 per cent (24,000). Figures vary regarding how many weapons are possessed by armed insurgents and tribal populations. Some sources suggest the Karamojong alone, an ethnic group of agro-pastoral herders who live in the region of Karomoja, may possess 100,000 small arms.²¹

Truly accurate numbers are impossible to acquire due to the constant flow of arms in and around Uganda. The internal LRA conflict, the conflict between Eritrea and Ethiopia, the conflict in Sudan, and the collapse of Somalia have increased regional tensions and added to the proliferation of SALW in the region. According to a UN report, there is an increasing trend towards an 'inter-group arms race', whereby communities abandon all hope of reconciliation and peace, and instead try to 'gain superiority through arms.'²² The report also explains that owning a weapon is seen to increase one's status in society, particular for a man, as a provider with the ability to protect his family.

4.1 SALW at the National Level

4.1.1 The UN Programme of Action

According to a 2006 report by Ambassador Butagira, Permanent Representative of Uganda to the United Nations, the transfer of SALW to non-state actors, particularly to insurgent groups fighting the government, constitutes a major challenge to the implementation of the UN Programme of Action.²³ The report explains that the LRA is one example of a group that has been sustained through arms transfers from other states. As such, the government of Uganda expresses its support of the establishment of international norms for so-called 'hard cases', where some states feel that arms transfers might be justified in principle.

A Saferworld report evaluates that the government of Uganda has made progress in implementing the UN Programme of Action and the Nairobi Protocol (a Great Lakes Region and Horn of Africa treaty for the prevention, control and reduction of small arms).²⁴ A National Focal Point (NFP) was formed, a multi-sectoral body consisting of twenty people in all; it included a number of government ministries and departments and four civil society organisations. The NFP was established to lead and co-ordinate national SALW action. It went on to develop a National Action Plan (NAP) on small arms control which deals with a wide range of issues, including weapons collection and destruction, and the development of socio-economic alternatives to illegal firearms use. Furthermore, the NAP favours the promotion of non-violent (traditional) conflict resolution mechanisms and the mainstreaming of small arms control within all national development frameworks.

²⁰ Andrew D. Pinto, Peter Olupot-Olupot and Victor R. Neufeld, *Health implications of small arms and light weapons in eastern Uganda*, p. 2 Footnote 1 [on-line], accessed 3 March 2007, available at <http://www.ipnw.org/PDF%20files/PintoOlupot-Olupot.pdf>

²¹ *ibid.*, p. 2 Footnote 37

²² Darryl Whitehead, *SALW Proliferation Pressures, The Horn of Africa and EU Responses*, p. 5

²³ Ambassador Francis K. Butagira, Permanent Representative of Uganda to the United Nations, *Statement on United Nations conference to review progress made in the implementation of the United Nations Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects* (New York: 27 June 2006) [on-line], accessed 3 March 2007, available at <http://www.un.org/events/smallarms2006/pdf/arms060628uganda-eng.pdf>

²⁴ Saferworld, *Briefing for House of Commons International Development Select Committee visit to Uganda* (February 2006) [on-line], accessed 3 November 2007, available at www.saferworld.co.uk/images/pubdocs/060127-SCID-Uganda-Briefing.doc

The NAP was developed using a mapping exercise carried out by SaferAfrica and Saferworld, which had been commissioned by the Ugandan government to assess the extent and nature of the SALW problem in Uganda. Regional task forces have been set up and trained to implement the NAP at local level. The destruction of surplus and illicit SALW is the responsibility of the NFP with UNDP assistance.

According to a UN report, the UNDP has also assisted in the establishment of a comprehensive weapons collection, stockpile management and destruction programme for the country.²⁵ However the report observes that, as pointed out in a recent Ugandan Parliamentary Committee report, insufficient funding for SALW and the lack of a separate budget line for SALW initiatives 'will make Uganda lag behind other countries in the region, indeed draw others back.'²⁶

Uganda has also been working at a regional level in co-operation with the Regional Centre on Small Arms, based in Nairobi, to support efforts to implement the Nairobi Protocol and develop best practice guidelines.

A UN report claims that Uganda is making good headway in terms of legislation since its accession to the UN Firearms Protocol.

In April 2005, the government of Uganda announced plans to carry out a census of legally owned weapons and to launch a voluntary weapons collection programme. Regulations on import, export and transport of SALW are also reportedly under review.

However, despite various laudable achievements, the Saferworld report mentioned above does not support the steady increase in defence spending by the government of Uganda, which is diverting resources away from development. Equally disappointing are claims that the Ugandan government is producing arms at its Nakasongola factory, which are being sold commercially within East Africa.

At the same time, according to Ambassador Butagira's report, the government of Uganda is also collecting and smelting thousands of weapons, raising public awareness of SALW issues, and promoting reduction and control measures. According to the report, the weapons were collected through seizures by national security agencies, voluntary and amnesty programmes, and DDR programmes.²⁷ The Nairobi-based Regional Centre on Small Arms reports that, since 2002, a military-driven disarmament mission has collected over 10,000 SALW in the Karamoja region.²⁸ During 2003, 684 firearms and 45,000 rounds of ammunition were seized from the LRA, and 400 firearms and large quantities of ammunition were voluntarily surrendered in Yumbe District. Military and police weapons rendered obsolete, redundant or unserviceable were also destroyed.

Ambassador Butagira stated that preparations have been completed to destroy over 300 tons of redundant stocks of ammunition and explosives in state possession, and that a joint disarmament project with the Kenyan government has been designed in order to address the cross-border element of SALW issues. His report explains that the Uganda Police Force has systematically carried out the marking of all firearms owned and controlled by the police, including arms issued to private security organisations.

UN-backed disarmament programmes have not always received universal support, however. It is important to remember that large quantities of confiscated and destroyed weaponry and ammunition are not necessarily a positive achievement if the means of collection was not in keeping with peaceful ends. According to one report, United Nations gun control is the cause of a massive

²⁵ Pauwels and Martinelli, *Addressing the Problem of SALW in the Great Lakes Region of Africa*

²⁶ Ugandan Parliamentary Committee, Defence and Internal Affairs Committee Report on the Ministerial Policy Statement and Budget Estimates for the Financial Year 2004/05, Sessional Committee Reports, 2004-2005 Budgetary Proposals, quoted in Pauwels and Martinelli, *Addressing the Problem of SALW in the Great Lakes Region of Africa*, pp. 15-16

²⁷ Ambassador Francis K. Butagira, *Progress made in the implementation of the United Nations Programme of Action*

²⁸ Regional Centre on Small Arms, *Achievements by Member States to the Nairobi Declaration: Uganda Destroys Explosives* [on-line], accessed 3 December 2007, available at <http://www.recsasec.org/uganda.htm>

humanitarian crisis in East Africa. A campaign of ‘forcible disarmament’ in the Kenyan and Ugandan borderlands has displaced tens of thousands of people and led to a series of human rights abuses. The report gives the example that in Kotido, on May 16, the Ugandan army engaged armed civilians and recovered about thirty rifles. However, thirteen civilians and two soldiers died; one death for every two guns confiscated.²⁹

Another harsh reality seems to be that even when participating voluntarily with the government disarmament process, compliant civilians effectively render themselves defenceless and more vulnerable to attack by those who still have weapons. An Associated Press report in the Washington Post reported that the UNDP had sent a letter to the Ugandan government on 26 June 2006, announcing the halt of UN financial assistance for the disarmament program in Karamoja. The letter supposedly noted the ‘killings, beatings, arbitrary detention, intimidation and harassment’ perpetrated by Ugandan ‘security’ forces. It was reported that this is the first time that the United Nations has ever criticised human rights abuses in a disarmament program. No mention of this letter was made in Ambassador Butagira’s report to the UN.

4.2 Regional Cooperation

In response to the huge cross-border dimension to SALW and cattle-rustling in the Horn of Africa, a sub-regional approach to SALW issues has been initiated. It is facilitated by the UNDP, and involves Uganda, Kenya and Sudan. This Karamoja Integrated Disarmament and Development Plan (KIDDP) requires the Karimojong to hand in weapons in return for their involvement in community-based security initiatives such as:

- establishing police posts at strategic locations along the border and joint border patrols;
- improving 17 facilities for storing SALW and the public destruction of SALW;
- sensitising and raising awareness among citizens of the adverse effects of SALW and about disarmament processes through cross border community radio programmes;
- enlisting the support of politicians at all levels for community based voluntary disarmament;
- facilitating and supporting cross-border peacebuilding efforts and cross-border NGO collaboration.³⁰

4.3 Civil Society Involvement

The Uganda Action Network on Small Arms (UANSA) is primarily responsible for civil society involvement. Current projects include research and public awareness-raising, collecting and analysing data, and in-country network and capacity-building including organising workshops and training civil society on SALW issues.³¹

4.4 EU and SALW

The EU supports the UNDP financially, which in turn works on SALW in Uganda.³² The European Commission’s programme in Karamoja is in line with the strategic objectives of the KIDDP, but it is not yet officially launched.³³

²⁹ David B. Kopel, Paul Gallant, Joanne D. Eisen, *Human Rights Atrocities: The Consequences of United Nations Gun Confiscation in East Africa* (Golden, Colorado: Independence Institute, June 2006) [on-line], accessed on 3 November 2007, available at <http://www.davekopel.com/2A/Foreign/kenya-uganda.htm>

³⁰ Pauwels and Martinelli, *Addressing the Problem of SALW in the Great Lakes Region of Africa*, p. 17

³¹ Pauwels and Martinelli, *Addressing the Problem of SALW in the Great Lakes Region of Africa*, p. 17

³² See section on SSR Uganda for more information on the EU’s support to the UNDP, and this report’s general document on SALW for more information in the EU’s involvement in ACP countries.

³³ Lehtinen, Terhi, EC Delegation to Uganda. Contribution to study received by e-mail, 11 January 2008

5 Security Sector Reform

A 2003 Human Rights Watch publication reported a series of human rights abuses and atrocities committed by the Uganda People's Defence Force (UPDF) during the internal conflict with the LRA.³⁴ The report outlines a history of torture and ill-treatment of civilians including rape and sexual abuse, the forced displacement of civilians, and the recruitment of children (including former-LRA child soldiers) into the UPDF and Local Defence Force (LDU). It explains that, although government investigators have pursued some cases of abuse by UPDF soldiers, prosecutions have been unsuccessful and 'wrongdoers continue to enjoy virtual impunity'.³⁵ The EU has no clear strategy for Security Sector Reform (SSR) yet, and SSR is not mentioned in the working document on the Horn of Africa Strategy.³⁶

5.1 National Government and SSR

The Uganda Defence Review Programme (UDRP) is a policy initiative of the Ugandan government that aims to reform Ugandan defence systems. The purpose of the Defence Review was to help 'understand better the surrounding environment, analyse security needs taking into consideration the available resources, and appreciate the complimentary roles defence plays in support of other policy instruments to enhance national security'.³⁷ The outcome of the assessment was the Security Policy Framework (SPF), a consultative document outlining a new concept for security in Uganda. In the future the SPF could form the basis for national policymaking on security issues. In a 2004 report by the Organisation for Economic Cooperation and Development (OECD), the SPF was identified as a useful entry point to address broader security reform issues within Uganda, beyond simply matters of defence over time.³⁸

Although there is no specific national action on SSR in Uganda at present, this defence review is certainly a step in the right direction. An International Crisis Group report agrees that if the recommendations of the review are followed, the results should be:

- a more professional, non-political army;
- improved and transparent procurement;
- a rationalised command structure with separate political-strategic, operational and tactical levels of responsibility;
- more effective field operations.³⁹

The reform of the security sector is envisaged to take place over fifteen years with a projected first-year cost of 222 million US dollars, an increase of 28 to 30 per cent of the current defence budget (approximately 2.6 per cent of GDP). In addition to the elements listed above, it is also hoped that the SSR will help provide better organisation and strategies for dealing with the LRA. The US has pledged training and support for the Ugandan army which it is hoped will also lead to a more structured, professional, transparent and accountable UPDF.

³⁴ Human Rights Watch, *Abducted and Abused: Renewed Conflict in Northern Uganda*, (Human Rights Watch: 2003) [on-line], accessed 28 March 2007, available at <http://www.hrw.org/reports/2003/uganda0703/>

³⁵ *ibid.*, Summary

³⁶ See this report's general document on SSR for more information on EU SSR work in ACP countries. Available at: www.quaker.org/qcea

³⁷ Colonel Robert Rusoke, 'Defence Reform in Uganda: A Case Study', in Anicia Lalá and Ann M Fitz-Gerald, ed. *Providing Security for People: Security Sector Reform in Africa*, (Global Facilitation Network for Security Sector Reform: 2003) [on-line], accessed 28 March 2007, available at http://www.ssronline.org/ebooks_pages.cfm?b=1&id=5&p=5

³⁸ OECD, *Security System Reform and Governance: Policy and Good Practice*, DCD/DAC(2003)30/REV3 (31 March 2004), p. 30 [on-line], accessed 28 March 2007, available at <http://www.oecd.org/dataoecd/40/58/31526562.pdf>

³⁹ International Crisis Group, *Northern Uganda: Understanding and Solving the Conflict* (14 April 2004), pp. 21-23 [on-line], accessed 28 March 2007, available at http://www.crisisgroup.org/library/documents/africa/central_africa/077_uganda_conflict.pdf

6 Political Dialogue

6.1 The EU's Role in Political Dialogue

Critics have reported that the EU sent mixed messages about political dialogue with Uganda in the past. In 2000, Human Rights Watch reported that while the EU has become 'increasingly vocal' about human rights issues in Uganda, the reports made by EU Member States were often contradictory, reflecting a lack of consensus within the EU on how to promote dialogue over issues such as human rights.⁴⁰ However, seven years into the Cotonou Agreement, the EU has been taking steps to improve and further political dialogue in Uganda using a variety of instruments.

6.1.1 EU Election Observer Missions

There was no EU Election Observer Missions (EOMs) mission present for the 2001 Ugandan elections, but in the annual report from the EU Delegation in Uganda, the EU recognised that Ugandan civil society organisations and other international observers were present to monitor the electoral process.⁴¹ Although concern was expressed about the conduct of the security services, the clarity of voting regulations, and the management of the electoral register, the observers found that these 'irregularities were not sufficient to affect the outcome of the Presidential elections, nor a large majority of parliamentary polls.'

A Human Rights Watch report argues that the statements of concern about Ugandan democracy in the run up to the 2001 elections issued by the international community (particularly the US and the EU) marks a 'clear change from the past'.⁴² However, in contrast to this laudable behaviour, the report criticises the fact that the international community did not publicly protest when free and fair elections were not achieved.

The EU deployed a team of election observers to monitor the February 2006 Ugandan presidential elections, following an invitation from the electoral commission of Uganda. Eight core team observers, eight long-term observers, and over sixty short-term observers were deployed in Uganda several weeks prior to election day to oversee the run-up. The EU made two million euros available under the European Initiative for Democracy and Human Rights (EIDHR) for the EOM in Uganda.⁴³

The EOM final report stated that the elections were 'generally transparent, relatively peaceful, and were held in an atmosphere in which freedoms of expression, assembly and association were more widely respected than hitherto.'⁴⁴ Despite these advances compared with previous elections, the EOM report underlined concerns about the bias towards the sitting president throughout the campaign in terms of media coverage, material resources and such. 'The elections fell short of full compliance with international principles for genuine democratic elections, in particular because a level playing field was not in place.'⁴⁵

The European Commission Delegation to Uganda has since followed up on the EU EOM report by supporting a stakeholder dialogue on strengthening multi-party democracy and electoral systems through the parliament. A conference on the topic was organised in November 2007, and will be

⁴⁰ Human Rights Watch, 'Uganda: Human Rights Developments', in *Human Rights Watch World Report 2000* (HRW: 2000) [on-line], accessed 26 June 2007, available at <http://www.hrw.org/wr2k/>

⁴¹ Delegation of the European Commission to Uganda, *2001 Annual Report* [on-line] accessed 27 April 2007, available at http://www.deluga.cec.eu.int/en/eu_and_uganda/annual_report_2001.htm

⁴² Human Rights Watch, *Uganda: Human Rights Developments*

⁴³ European Commission Directorate General External Relations, *European Union deploys Election Observation Mission to Uganda for Presidential and Parliamentary Elections*, (February 2006) [on-line], accessed 27 April 2007, available at

http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/uganda/index.htm

⁴⁴ European Union Election Observation Mission, *Uganda Presidential and Parliamentary Elections*

(23 February 2006) [on-line], accessed 27 April 2007, available at

http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/uganda/final.pdf

⁴⁵ *ibid.*

followed by other activities in 2008. These initiatives are funded through the 9th European Development Fund (EDF) Human Rights and Good Governance Programme.⁴⁶

6.1.2 The European Commission Delegation

Political relations between the Ugandan government and the EU are maintained primarily through dialogue between the EU Ambassador and the Ugandan executive arm of government. The objective of this dialogue is 'to maintain good relations between the EU and Uganda, based on mutual respect and the understanding of each others' values and principles.'⁴⁷ Article 8 dialogue under the Cotonou Agreement also involves the European Commission, the EU presidency and the EU Member States. The EU delegation is also involved in dialogue with civil society and parliamentarians.⁴⁸

The European Commission Delegation to Uganda runs a programme called the 'Human Rights and Good Governance Programme.' The main objectives of the programme are to improve the capacity of Ugandan institutions to ensure the respect of human rights, the rule of law, and access to justice, as well as to increase awareness among Ugandan citizens about their human rights.⁴⁹

The European Commission has also been running regional micro-projects and programmes in the Acholi and Karamoja regions, supporting the delivery of basic services in the key sectors of poverty alleviation (education, health, water) in conformity with the provisions of the Local Government Act.

6.1.3 Support to Civil Society

The European Commission Delegation to Uganda's website states that 'civil society involvement is required to ensure the legitimacy of government's policies, to hold government of Uganda to account, and to monitor their performance in implementing policies'.⁵⁰ Therefore, the Delegation runs a targeted programme to strengthen the capacity of civil society organisations for this role. Since 2005, a Civil Society Capacity Building Programme has been running. It is essentially a capacity-building programme to provide Ugandan CSOs with the skills and abilities to increase and enhance the role of civil society in the development process. It aims at creating conditions that will allow CSOs to be more productively engaged in the implementation and monitoring of development programmes for poverty eradication.⁵¹

6.1.4 Political Pressure in Support of the Peace Process

In March 2007, the EU Special Representative (EUSR)⁵² for the Great Lakes Region, Roeland Van De Geer, stated publicly that the EU will exert pressure on the countries blocking the Juba peace talks between the Uganda government and the LRA.⁵³ The EU has also asked Uganda and the LRA, as well as other parties involved, to show greater commitment to the peace process. The Commission will provide 2.1 million euros under the Stability Instrument to support the Juba peace process. Another 2.1 million euros will target other actions related to conflict resolutions in the North of Uganda.⁵⁴

⁴⁶ Lehtinen, Terhi, EC Delegation to Uganda. Contribution to study received by e-mail, 11 January 2008

⁴⁷ Delegation of the European Commission to Uganda, *Introduction* [on-line], accessed 26 June 2007, available at <http://www.deluga.cec.eu.int/en/introduction/index.htm>

⁴⁸ Lehtinen, Terhi, EC Delegation to Uganda. Contribution to study received by e-mail, 11 January 2008

⁴⁹ Delegation of the European Commission to Uganda, *Related programmes* [on-line], accessed 23 January 2008, available at <http://www.deluga.cec.eu.int/en/programmes/index.htm>

⁵⁰ Delegation of the European Commission to Uganda, Good Governance and Human Rights, in *About us* [on-line], accessed 25 June 2007, available at http://www.deluga.cec.eu.int/en/eu_and_uganda/gov_human_rights.htm

⁵¹ The Uganda National NGO Platform, *The EU Civil Society Capacity Programme Take Shape* [on-line], accessed 23 January 2008, available at http://www.ngoforum.or.ug/partners/acp_eu_cssc.htm

⁵² For more information on EUSRs, please see this report's general document on Political Dialogue.

⁵³ Anne Mugisa, 'EU to pressure states blocking Juba talks', *The Sunday Vision*, 24 March 2007 [newspaper on-line], accessed 8 May 2007, available at <http://www.sundayvision.co.ug/detail.php?mainNewsCategoryId=7&newsCategoryId=123&newsId=555944>

⁵⁴ Personal correspondence with the European Commission, e-mail dated 21 November 2007

The European Institutions have all exerted political pressure in an attempt to keep the peace process on track through various public statements, decisions, resolutions and/or communications.⁵⁵

6.1.5 Dialogue with Uganda through EU-Africa Fora

EU-Africa Ministerial Troika Meeting

African and EU ministers meet twice yearly as a part of the structured dialogue between the continents that was established at the first EU-Africa summit in Cairo in 2000. In 2006, the ministers met to assess the progress of the 2005 EU Strategy for Africa. With regard to Uganda, ministers welcomed the recent creation of a Joint Monitoring Committee (in which the EU will fully participate) and the steps taken by the government of Uganda to improve the situation in the north of the country. Both sides agreed on the need to strive for a peaceful resolution to the conflict and called on the international community for further support, particularly in the areas of DDR and the return of IDPs. Both sides also stressed the need for regional cooperation, including assistance in the arrest of those members of the LRA indicted by the International Criminal Court.⁵⁶

ACP-EU Joint Parliamentary Assembly

The ACP-EU Joint Parliamentary Assembly is another useful forum where the EU is able to express concern, praise or offers of assistance to Uganda over a range of issues. For example, at a 2005 Joint Parliamentary Assembly meeting, the EU expressed great concern about the activities of the Lord's Resistance Army in southern Sudan and Uganda, but welcomed the cross-border cooperation between the Sudanese and Ugandan governments regarding the LRA.⁵⁷

EU Regional Political Partnership with the Horn of Africa⁵⁸

The EU partnership with the Horn of Africa outlines regional initiatives for discussion with the countries in the Horn of Africa and within Intergovernmental Authority on Development (IGAD).⁵⁹ It also introduces a regional programme of action focusing on three main areas:

- Encouraging effective regional political cooperation and integration, particularly through regional organisations such as the African Union and IGAD.
- Addressing country-level strategic political issues which have regional ramifications.
- Addressing regional cross-cutting and cross-border challenges in the Horn of Africa, focusing on Governance and security, the development of border regions and natural resources. It should guide EU external action in the region and the formulation of Country and Regional Strategy Papers.⁶⁰

⁵⁵ For examples see: http://www.europa-eu-un.org/articles/en/article_5961_en.htm or http://www.europa-eu-un.org/articles/en/article_6459_en.htm

⁵⁶ 6th EU-Africa Ministerial Troika Meeting, *Final Communiqué* (Vienna, 8 May 2006) [on-line], accessed 8 May 2007, available at http://www.europe-cares.org/africa/docs/11_vienna_communicu_21.pdf

⁵⁷ ACP-EU Joint Parliamentary Assembly, *Resolution on the situation in the Sudan*, ACP-EU 3777/05/fin. [on-line], accessed 8 May 2007, available at http://www.europarl.europa.eu/intcoop/acp/60_09/pdf/re_sudan_en.pdf

⁵⁸ European Commission, *Strategy for Africa: An EU regional political partnership for peace, security and development in the Horn of Africa*, COM(2006) 601 final [on-line], accessed 8 May 2007, available at http://ec.europa.eu/development/body/tmp_docs/com2006601_en.pdf

⁵⁹ The IGAD countries are Djibouti, Ethiopia, Eritrea, Kenya, Somalia, Sudan, and Uganda.

⁶⁰ Europe Cares, *New EU partnership for the Horn of Africa* [on-line], accessed 8 May 2007, available at http://www.europe-cares.org/Africa/partnership_horn_en.html

7 Gender

7.1 Legislation

Uganda is a 1985 signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).⁶¹ The Convention defines what constitutes discrimination against women and outlines a national agenda for combating such discrimination. By signing the Convention, Uganda has legally committed itself to its implementation. This includes abolishing all discriminatory laws against women, establishing bodies to ensure the protection of women against discrimination, and promoting the role of women in both public and political life.

In keeping with these commitments, the 1995 constitution of the Republic of Uganda is often referred to as being one of the few gender-sensitive constitutions in Africa. Its articles provide for equal treatment in all spheres of life under the law regardless of sex (Article 21), entitle women and men to equal rights during and after marriage (Article 31(1)), and commit the state to the provision of facilities and opportunities necessary to enhance the welfare of women (Article 33(4)).

The Ugandan government also established what is now known as the Ministry of Gender, Labour, and Social Development (MGLSD), previously the Ministry of Women in Development. The Ugandan government describes MGLSD as the 'national machinery for advancement of women and gender mainstreaming.'⁶² Two of the major contributions of this Ministry to mainstreaming gender equality in Uganda have been the National Gender Policy (NGP) and National Action Plan for the Advancement of Women (NAPAW), both of which recognise the need for a gender-sensitive approach to policies on issues such as sustainable development, health, education and income generation.

7.2 Education

According to the 1991 population and housing census, thirty-five per cent of an estimated 22 million Ugandans cannot read or write. Women accounted for seventy-five per cent of illiterates.⁶³ A survey by the International Fund for Agricultural Development (IFAD) reported that in 2000, 55.1 per cent of Ugandan women were illiterate, compared with 36.5 per cent of men.⁶⁴

There could be several factors responsible for the imbalance in the literacy of men and women in Uganda. It is reported that the majority of parents, especially in poor families, do not consider women's education to be as important as men's education in general. An addition, as bride price is a major source of income for many families, girls are usually married as soon as possible, often at the expense of their education.

However, the government is offering financial support to promote the inclusion of girls in primary and secondary education through its Universal Primary Education Policy.⁶⁵

⁶¹ For the full text of the Convention, visit <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

⁶² Government of Uganda, UN Committee on the Elimination of Discrimination against Women, Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Third periodic reports of State parties: Uganda, p. 10 [on-line], accessed 10 April 2007, available at

<http://daccessdds.un.org/doc/UNDOC/GEN/N00/523/73/IMG/N0052373.pdf?OpenElement>

⁶³ Literacy Aid Uganda, *Demographics* [on-line], accessed 5 April 2007, available at

<http://www.geocities.com/literacyaiduganda/demographics.html>

⁶⁴ The International Fund for Agricultural Development (IFAD), *Uganda - Empowerment of Rural Women Through Functional Adult Literacy* [on-line], accessed 5 April 2007, available at

<http://www.ifad.org/gender/learning/sector/extension/52.htm>

⁶⁵ Integrated Regional Information Networks (IRIN) *UGANDA: Focus - Little change for women despite affirmative action* [on-line], accessed 10 April 2007, available at <http://www.irinnews.org/about.aspx#abo>

7.3 Women as Decision-Makers

Under the National Resistance Movement's administration, a new policy of 'affirmative action' was introduced to ensure that women are included in the country's development and decision-making process, and that they are able to compete with men in elections. The policy dictates that at least one third of legislative and civic positions must be reserved for women.

According to a 2004 report by Julie Ballington, 24.6 per cent of Ugandan parliamentarians are women, the sixth highest figure on the continent.⁶⁶ Globally, the average figure for female representation in parliament is 15.2 per cent, which makes the Ugandan level of representation look impressive. However, according to the same report, research has shown that for women to influence policy outcomes effectively, they must attain at least a thirty per cent representation. This is the same figure set by the UN in 1992.

Although the introduction of the quota system means that there are more women occupying parliamentary seats in Uganda than ever before, not everyone agrees that this means women have more political weight. In her study on implementing quotas, Julie Ballington concludes that "what we have are women in power without power!"⁶⁷ Many argue that the quota system is merely a symbolic gesture to include women in the decision-making process without actually rendering them any power; a 'descriptive' rather than 'substantive' representation.⁶⁸ President Museveni himself is said to refer to the role of quotas as simply a 'symbolic gesture' to please women.⁶⁹

7.4 The Poverty Eradication Action Plan

The government of Uganda has gone to some lengths to recognise the linkages between poverty and gender, and has integrated a degree of gender-sensitivity into its national poverty reduction plans.

- In 2002, the government of Uganda established a Poverty Eradication Action Plan (PEAP)⁷⁰ Gender Team to coordinate and manage the integration of gender as one of the cross-cutting issues within the PEAP.
- In 2002 the government of Uganda commissioned the Uganda Participatory Poverty Assessment Process/Second Participatory Poverty Assessment (UPPAP/PPA2). The Assessment highlighted that there is a distinct gender gap with regard to control over resources and decision-making power, that the labour burdens of women are greater than that of men, and that the implications of these gender-based disparities are far-reaching, complex and multi-dimensional.
- In 2002, the Ministry of Justice carried out an extensive gender analysis of the Justice, Law and Order Sector.
- In 2003 and 2004, the government commissioned three research papers dealing with:
 - i) A gender analysis of poverty, which found that households headed by women are poorer than others.
 - ii) The linkages between gender and growth, indicating that Uganda's high fertility rate - which is closely linked to gender gaps in education, employment, bargaining power at the household level, and unequal access to credit - is a major burden for women and reduces their ability to participate in the economy.

⁶⁶ Julie Ballington ed., *The Implementation of Quotas: African Experiences*, Quota Report Series, (Stockholm: International Institute for Democracy and Electoral Assistance (IDEA), 2004), p. 40 [on-line], accessed 10 April 2007, available at http://www.quotaproject.org/publications/Quotas_Africa.pdf

⁶⁷ *ibid.*

⁶⁸ Sylvia Tamale, in Ballington, *The Implementation of Quotas: African Experiences*, p. 29

⁶⁹ Ballington, *The Implementation of Quotas: African Experiences*, p. 41

⁷⁰ For the full text of the PEAP, visit

[http://siteresources.worldbank.org/INTPRS1/Resources/UgandaPEAP\(2005-Apr\).pdf](http://siteresources.worldbank.org/INTPRS1/Resources/UgandaPEAP(2005-Apr).pdf)

- iii) The poverty and social impact of Uganda's Strategic Exports Initiative, recognising that the household shift from subsistence to market-oriented production affects women and men differently.
- In July 2003, the Ministry of Finance, Planning and Economic Development (MFPED) issued the PEAP Revision Guide, which presents all gender issues under each pillar of the PEAP, strategies to address the issues, and indicators to monitor outputs and outcomes.⁷¹

7.5 Civil Society

There are over seventy-seven women's NGOs and over 1,000 women's community based organisations in the country.⁷² The National Association of Women Organisations in Uganda (NAWOU) is the national umbrella organisation of women's groups in the country.⁷³

7.6 The Changing Role of Women in the Context of the LRA

With the number of men caught up or dying in the conflict with the LRA, more and more women have to adapt to new, traditionally male roles in the absence of male family. In addition to their changing role in the family as a result of the conflict, women and girls are also more directly affected. A 2005 report by UNICEF estimated that, out of 25,000 children abducted in northern Uganda since the conflict began, 7,500 (thirty per cent) were girls, and 1,000 of those girls had become pregnant during their captivity.⁷⁴

Young women and girls serve a variety of roles within the LRA. According to one survey, the top three primary roles undertaken by girls were porters (forty-one per cent), food producers (twenty-two per cent) and fighters (twelve per cent). However, half (fifty-one per cent) of those interviewed reported serving as 'wives' in either primary or secondary roles during their time in captivity, and seventy-two per cent reported receiving weapons and military training.⁷⁵ Many young girls who are pregnant or with small children are still required to fight for the LRA, although this number is decreasing as many have used this as a means of escape.

According to the same study, eighty-seven per cent of those interviewed had been abducted during their primary school years. Even though primary education is free in Uganda, forty-eight per cent of these had not returned to school after leaving the LRA. The report explains that this could be because of shame of being taught alongside much younger students, because all of their books and belongings had been destroyed, or because schools had been closed down due to rebel activity. Many who do re-attend primary school are too impoverished to subsequently pay for secondary education. In addition, many young women returning from the LRA are mothers themselves, who

⁷¹ Roy S. Canagarajah, 'Uganda: Integrating Gender into Policy Actions', in *Findings*, no. 249, (Washington: World Bank, April 2005) [on-line], accessed 10 April 2007, available at <http://www.worldbank.org/afr/findings/english/find249.htm>

⁷² Mary Ssonko Nabacwa, *Working in Gender and Development in the Ugandan Context, Gender and Development Policy* (Swansea: University of Wales Swansea, School of Social Sciences and International Development, 2004), p. 15 [on-line], accessed 10 April 2007, available at <http://www.wougnet.org/documents.html>

⁷³ For more information on NAWOU, visit <http://www.nawou.interconnection.org/index.htm>

⁷⁴ Florence Tercier Holst-Roness, *Conflict-driven violence against girls in Africa*, (Geneva: International Committee of the Red Cross, May 2006), p. 24 [on-line], accessed 4 April 2007, available at [http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/violence-girls-conference-110506/\\$File/International-Policy-Conference.pdf](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/violence-girls-conference-110506/$File/International-Policy-Conference.pdf)

⁷⁵ Susan McKay and Dyan Mazurana, *Where are the Girls?*, (Montreal, International Centre for Human Rights and Democratic Development, 2004), p. 73 [on-line], accessed 4 April 2007, available at http://www.dd-rd.ca/site/_PDF/publications/women/girls_whereare.pdf

have to work to support their families and who are more concerned about providing an education for their children than themselves. Due to displacement, these girls can no longer rely on family and friends to assist with caring for these children.

Another issue which female returnees have to face is sexually transmitted diseases (STD), including HIV/AIDS. According to one report, almost eighty percent of girls coming back from long periods in captivity return with STDs.⁷⁶ According to a UNICEF report, 880,000 children up to the age of fourteen were infected with HIV/AIDS at the end of 2001 in Uganda. In terms of treatment and rehabilitation, very few girls are diagnosed with HIV due to limited access to medical care, poor resources in clinics, or simply ignorance. According to the aforementioned survey, forty per cent of girls interviewed had not passed through a rehabilitation centre or medical clinic. Of those forty percent, twenty-one percent said no such centre existed in their area and eighteen per cent did not know that such centres existed. In turn, the children of these young women suffering from HIV are susceptible to infection through breast feeding or during birth.

In terms of rehabilitation, girls are increasingly observed to be left out of DDR programmes.

‘Even if there is a DDR process, girls may shy away from the options it offers because they do not want to be known or registered as former fighters. In other cases, they stay away because they have not been released by their partners or abductors, because they believe - rightly or wrongly - that they do not meet the admission criteria or because they are dissuaded by the insecurity prevailing in the gathering centres. The fact that most formal DDR programmes are narrowly conceived as opportunities to disarm individual men and that the surrender of weapons is a criterion of eligibility often leads to the exclusion of children, especially girls.’⁷⁷

⁷⁶ McKay and Mazurana, *Where are the Girls?*

⁷⁷ Tercier Holst-Roness, *Conflict-driven violence against girls in Africa*

8 Natural Resources

8.1 Diamonds, Copper, Ivory, Coltan and Gold from the DRC

Uganda does not have gold, coltan or diamonds on its own soil, yet there are still visible exports from the country. It is widely understood that these natural resources are smuggled from the DRC. Many have reported that this is due in large part to Uganda's former 'support' for the rebel factions in the country. Even though Ugandan forces have now withdrawn from the DRC, mechanisms are still in place whereby it can exploit natural resources from its neighbour. According to one report,

'In Uganda, DRC resources have directly contributed to growth of GDP and of the military budget. In addition to benefits generated by means of barter and taxation, the re-exportation of Congolese goods has ensured substantial revenues.'⁷⁸

In particular, the increased GDP of Uganda (boosted by the export of DRC natural resources) has meant that Uganda's military budget has also expanded.

'DRC resources have thus indirectly spurred the growth in Uganda's military spending, which in turn has facilitated Ugandan control in the vast areas across the western border.'⁷⁹

The International Monetary Fund (IMF) officially reported that Uganda was 'smuggling' gold from the DRC.⁸⁰

Compounding the problem is the fact that such smuggling is not actually illegal in Uganda. Ugandan gold companies do not operate illegally, but simply benefit from loose legislation surrounding import documentation. Companies do not need official documentation, nor do they need to specify the origin of the gold.

'The trade in gold allows armed groups to transform the gold into money to sustain their operations. Without the proceeds from the gold trade, armed groups in Ituri would face serious difficulties in carrying out their military operations; activities which frequently include widespread human rights abuses.'⁸¹

Human Rights Watch reports that the two biggest gold companies in Uganda freely admit that at least ninety per cent of their gold imports come from the conflict-ridden area of Ituri in the DRC.

Even if the companies are not in breach of import legislation, a UN group of experts has concluded that companies 'in financial relationships with Ituri armed groups might be in violation of the UN arms embargo on eastern Congo.'⁸² Furthermore, any entity that buys this smuggled gold from Uganda could also be contributing to the perpetuation of human rights abuses in the DRC.

Following the report from the UN group of experts, the Ugandan government set up the Porter Commission to investigate Ugandan involvement in the illegal exploitation of resources from the DRC. It limits the issues under examination to those addressed in the UN report. In the Porter Commission's final 2002 report, it concluded that certain high-ranking individuals had been involved in exploiting Congolese resources but that the government as a body had not. It singled out Army

⁷⁸ Ingrid Samset, 'Conflict of Interests or Interests in Conflict? Diamonds & War in the DRC', *Review of African Political Economy* No.93/94:463-480, (Sheffield: ROAPE Publications Ltd., 2002), pp. 475-476 [on-line], accessed 18 July 2007, available at http://www.cmi.no/publications/2002%5Csamset_in_roape.pdf

⁷⁹ *ibid.*, p. 472

⁸⁰ Gunnar Willum and Bjørn Willum, *Uganda "Plunders" DRC* (Washington: World Bank, June 2000) [on-line], accessed 18 July 2007, available at <http://www.willum.com/articles/monitor21jun2000/index.htm>

⁸¹ Human Rights Watch, 'Chapter VIII: Trade in tainted gold', *The Curse of Gold*, 2005 [on-line], accessed 18 July 2007, available at <http://hrw.org/reports/2005/drc0505/index.htm>

⁸² *ibid.*

General Kanzini and the brother of President Museveni, Salim Saleh, for disciplinary action. Neither of these individuals has ever been prosecuted, and supporting documentation has been 'lost'.⁸³

In January 2004, the Ugandan government and the World Bank signed an agreement for a twenty-five million US dollar loan, to be used to explore Ugandan mineral deposits.⁸⁴ It is possible that eventually domestic mineral production could mean less exploitation of DRC resources. For the moment, this seems a long way off.

8.2 Timber

Although not in the same quantities as gold or diamonds, timber is another Congolese resource which is exploited by Uganda. According to one BBC report, the theft of timber has been a cause of the cross-border violence between the DRC and Uganda.⁸⁵ Back in 2003, fighting between the Lendu and Alur communities in north-western Ugandan district of Nebbi was sparked off by the theft of timber. It is estimated that thirteen people were killed and thousands forced to flee in the violence. While relatively small and isolated, the incident is a good example of cross-border conflict between countries.

8.3 Water

'Uganda is largely situated within the Nile Basin, with more than ninety-eight per cent of the total land area in the basin. It is in the equatorial lakes region, contributing flow to Lake Victoria and other lakes, while the outflow from the lakes also passes through Uganda before flowing into Sudan.'⁸⁶

Certain areas of Uganda are more susceptible to floods or droughts than others. Although there has never been any serious conflict over water from the Nile - it is understood that there is great potential for this both nationally and continentally. The Nile Basin Initiative website reports that 'vigorous steps' have been taken over the last ten years to help manage and develop Ugandan water resources in a sustainable and equitable way.⁸⁷

8.4 Oil

Although the nature of the conflict in Uganda is complex, oil has not been considered as one of the contributing factors to it. However, since President Museveni announced in October 2006 that Hardman Resources Ltd. had discovered oil in Uganda, there has been a growing sense of fear that the discovery could bear on Ugandan conflicts in the future. The President announced that oil production is expected to begin in 2009, with an initial production of six to ten thousand barrels per day, dismissing fears that oil production could lead to further conflict:

⁸³ *ibid.*, Chapter IX: 'International Initiatives to address Resource Exploitation in the DRC'

⁸⁴ *ibid.*

⁸⁵ BBC News, *Uganda timber theft sparks ethnic clash* (12 February 2003) [on-line], accessed 19 July 2007, available at <http://news.bbc.co.uk/2/hi/africa/2752899.stm>

⁸⁶ Nile Basin Initiative, *Uganda* [on-line], accessed on 3 November 2007, available at http://www.nilebasin.org/index.php?option=com_content&task=view&id=42&Itemid=96

⁸⁷ *ibid.*

"There is a lot of nonsense that the oil will be a curse. No way. The oil of Uganda cannot be a curse. Oil becomes a curse when you have got useless leaders and I can assure you that we don't approach that description even by a thousandth of a mile," Museveni said. "The oil is a blessing for Uganda and money from it will be used for development."⁸⁸

The Bunyoro Kingdom in the mid-west of Uganda is an area of particular vulnerability to future conflict over oil resources. The prime minister of the Kingdom, Byenkya Erisa Kagoro, has warned journalists that some people in the area may choose to oppose the oil business if adequate investments in social services are not made. He commented that many people may not appreciate seeing the oil from their region benefiting others, while they themselves remain in abject poverty.⁸⁹

There is also growing concern over whether planned drilling could result in the forced displacement of many homes. Others have expressed concern that traditional income-generating sectors, such as farming and agriculture, will be neglected in favour of oil production. This has been the case in other oil-producing African countries, and the livelihoods of many people and families have been lost as a result. Ogenga Latigo, leader of the opposition party, has called for measures to be put in place to prevent such a scenario in Uganda. Prime Minister Apollo Nsibambi has pledged that this will be done.

In terms of the current conflict with the LRA, some have suggested that the discovery of oil could be the metaphorical carrot that motivates the government to action. In 2006, the First Post magazine reported that the discovery of oil in Uganda might be behind President Museveni's renewed motivation to hold peace talks with the LRA.⁹⁰ There have been rumours of oil deposits in the northern regions of Hoima and Arua, where LRA attacks have brought about intense instability over the last two decades. Therefore, the full exploitation of Uganda's oil reserves depends to some extent on the resolution of the LRA conflict in the north.

However, others fear that the LRA may be more reluctant to scale down their fighting now that they know there is much more at stake. Indeed, there are reports that two other rebel forces, the Allied Democratic Force rebels and the People's Redemption Army, have recommenced attacks against Uganda from the DRC; these attacks may be caused by the high stakes of oil wealth. Some political critics have argued that the discovery of oil could represent enough of a personal triumph for President Museveni that he could hold on to power longer.

'Experience from other African countries shows that striking oil tends to increase the personal standing of the head of state immensely, providing him with a rich source of foreign exchange and also legitimising his claim to be leading his country into a better future.'⁹¹

As the LRA's rebellion has been waged against Museveni's government, any hope of a fresh governmental approach (or political multi-partyism for that matter) helping to resolve the conflict is looking more and more unlikely.

⁸⁸ International Herald Tribune, *Uganda's president announces oil discovery after years of exploration* (8 October 2006) [newspaper on-line], accessed 23 June 2007, available at http://www.ihf.com/articles/ap/2006/10/08/business/AF_FIN_Uganda_Oil.php

⁸⁹ Gerald Rulekere, *Oil Production in Uganda: Is the Nation Ready?* [on-line], accessed 23 June 2007, available at <http://www.ugpulse.com/articles/daily/Business.asp?id=496>

⁹⁰ The First Post, *The Ugandan bargain: oil for peace* (7 November 2006) [magazine on-line], accessed 23 June 2007, available at <http://www.thefirstpost.co.uk/index.php?storyID=2538>

⁹¹ Dominic Johnson, *Shifting Sands: Oil exploration in the Rift Valley and the Congo Conflict* (Goma, DRC: Pole Institute, March 2003) [on-line], accessed 24 June 2007, available at <http://www.pole-institute.org/documents/heritage05.pdf>

8.5 The National Government and Natural Resource Management

8.5.1 Water

In 1999, the Ugandan government introduced a National Water Policy. Its objective is 'to manage and develop the water resources of Uganda in an integrated and sustainable manner, so as to secure and provide water of adequate quantity and quality for all social and economic needs, with the full participation of all stakeholders, and so as not to leave the future generations any worse off than ourselves'.⁹²

8.5.2 Oil

In response to growing fears both nationally and internationally about the potential for conflict over Uganda's nascent oil fields, the government of Uganda has announced plans to:

- formulate a national oil and gas policy to include a provision on payment, use and management of petroleum revenues;
- enlist the help of the National Environmental Management Authority (NEMA) to ensure that oil companies carry out 'extensive environmental impact assessments' to minimise environmental concerns.

The government has also announced that the Australian oil company Hardman will present an oil development programme to the government of Uganda by 2008.

Following reports that the government would only receive thirty per cent of the oil proceeds, with oil companies taking a seventy per cent cut, Ugandan MPs have asked the government to provide a full report on any deals made with oil companies.

The Energy Department has been quoted as saying that there are no current plans to share oil revenue with 'cultural institutions'.⁹³ This would mean that there are no provisions for sharing oil wealth with the Bunyoro Kingdom. As explained above, this could have serious repercussions.

8.6 The EU's Involvement in Natural Resource Management

See this study's general document on natural resources for information on the EU's involvement with the Nile Basin Initiative.⁹⁴

8.7 Exploitation of DRC Resources

In support of the UN panel of experts' report on the matter, the European Parliament passed a resolution recognising that 'there is a clear link between this exploitation and the continued conflict [in the DRC], as this looting helps finance armies and fuels the war'.⁹⁵ It also recognises the UN conclusion that two EU Member States are among the three most important final destinations of such looting. The Parliament condemned the looting and smuggling and urged all parties concerned (European or otherwise) to cease involvement in such activity. It also calls on the Council of the European Union to consider the UN report's recommendations, with particular regard to sanctions.

⁹² Mohammed Badaza and Eng. Aaron Kabirizi, *Policy, Legal and Institutional Frameworks for IWRM in Uganda*, (Kampala, Nairobi, Dar es Salaam: Network for Water and Sanitation (NETWAS), January 2005) [on-line], accessed 19 July 2007, available at <http://www.netwas.org/newsletter/articles/2005/01/8>

⁹³ James Karunhanga, *Uganda Oil Production: New Day or Bloody Dawn* (12 September 2006) [on-line], accessed 23 June 2007, available at <http://www.bloggernews.net/2006/09/uganda-oil-production-new-day-or.html>

⁹⁴ Available at www.quaker.org/qcea

⁹⁵ Official Journal of the European Communities, *Illegal exploitation of natural resources in Democratic Republic of Congo* C 65 E/376 (5 July 2001), pp. 1-2 [on-line], accessed 19 July 2007, available at <http://eur-lex.europa.eu/LexUriServ/site/en/oj/2002/ce065/ce06520020314en03760378.pdf>

The European Presidency also made a statement in support of the UN report and in favour of discouraging exploitation of natural resources in the DRC by neighbouring countries. Like the Parliament, the Presidency called on all parties concerned to cease their involvement in the exploitation of resources because it only serves to further conflict in the region. With regard to the involvement of Member States, the Presidency commented that:

‘For its part, the European Union has taken note of the information in the report relating specifically to alleged activities by European companies, and member states are following up on that information.’⁹⁶

⁹⁶ EU@UN, *EU Presidency Statement - The Congo*, Statement by Ambassador Pierre Schori, Permanent Representative of Sweden on behalf of the European Union (New York: 3 May 2001) [on-line], accessed 19 July 2007, available at http://www.europa-eu-un.org/articles/en/article_384_en.htm

9 Justice

The Ugandan government has tried both military and diplomatic approaches to bring peace to northern Uganda, including the promise of amnesty to ex-LRA fighters. However, in 2003, President Museveni decided to turn to the ICC for assistance in bringing LRA leaders to justice, under Article 13 of the Rome Statute.

9.1 The ICC

The ICC opened its investigation in July 2004, and the arrest warrants were issued by July 2005. LRA leader Josph Kony, his deputy Vincent Otti, and other LRA leaders (Okot Odhiambo, Raska Lukwiya and Dominic Ongwen) were all indicted for crimes against humanity and war crimes.⁹⁷ ICC Chief Prosecutor Luis Moreno Ocampo stated that ‘we believe the best way to stop the conflict and restore security to the region is to arrest the top leaders... Arresting the top leaders is the best way to ensure that these crimes are stopped and not exported to other countries.’⁹⁸ The Council of the EU was particularly supportive of the ICC’s involvement.

The ICC’s involvement has sparked serious debate within Ugandan civil society and the international community. Some argue that the ICC’s involvement will lend international credibility to the situation in Uganda, and that pursuing peace at the expense of formal justice is not a viable long-term option. However, others argue that ICC intervention will only serve to delay the peace process. The head of the Amnesty Commission, Justice Onega, has reportedly said that the warrants will hinder his work.

“Now with the warrants out it is going to be more difficult to convince them [LRA leaders] to come out. They will definitely think that it may be a propaganda to get them out and then issue warrants for them later.”⁹⁹

Indeed, at the renewed 2006 Juba Peace Talks, LRA fighters insisted that ICC indictments be dropped before any peace deal can be signed.

However, the Ugandan government has said that it does not have the authority to have the indictments dropped. Government spokespersons have said that the Ugandan government can ask the ICC to drop the warrants only once the rebels have admitted to past atrocities and signed a peace agreement.¹⁰⁰

This position contrasts with President Museveni’s offer, in July 2006, of a complete amnesty to Kony in spite of the arrest warrant issued by the ICC following its referral. This was a widely criticised move as it seriously undermined the authority of the ICC warrants and their investigations. Kony refused the offer of amnesty but arguably the damage to the authority of the ICC was already done.

⁹⁷ For full details of the arrest warrants, see International Criminal Court, Statement by Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, *Statement by the Chief Prosecutor on the Uganda Arrest Warrants*, (October 2005), accessed at http://www.icc-cpi.int/library/organs/otp/speeches/LMO_20051014_English.pdf on 10 May 2007

⁹⁸ International Criminal Court, *Statement by Prosecutor Luis Moreno-Ocampo*, ICC-OTP-20060706-146-En (July 2006) [on-line], accessed 10 May 2007, available at <http://www.icc-cpi.int/press/pressreleases/164.html>

⁹⁹ Justice Onega, as quoted by BBC News, *Ugandan top rebel leader indicted* (7 October 2005) [on-line], accessed 10 May 2007, available at <http://news.bbc.co.uk/2/hi/africa/4320124.stm>

¹⁰⁰ Tim Cocks, ‘Uganda says no authority to remove ICC indictments’, *Reuters Foundation AlertNet Newsdesk* [on-line], accessed 10 May 2007, available at <http://www.alertnet.org/thenews/newsdesk/L12881792.htm>

Supporters of the ICC have argued that what is important is that the ICC is targeting LRA leaders rather than fighters, and might in fact encourage rather than delay the peace process. ‘The fact that the ICC is targeting rebel leaders, rather than the rank and file, may encourage those who are not being targeted to surrender.’¹⁰¹

One concern that has been referred to is that the ICC will rely on its member states and particularly on the Ugandan military to capture the named rebel leaders. Critics have underlined that such operations are something the Ugandan army has been largely unsuccessful with since the start of the conflict. Another concern is that it would seem to neglect the human rights violations and crimes for which the Ugandan military has itself been responsible.

9.2 Traditional Justice

In order to lay the atrocities committed under the governments of Milton Obote and Idi Amin between 1962 and 1986 to rest, in 1994 President Museveni established the Commission of Inquiry into Violations of Human Rights. Traditionally, this has not been the way Ugandans, particularly in the north of the country, have handled criminal matters. Traditional justice is based on the principles of forgiveness and reconciliation, and some Ugandan communities are looking to these methods now.

Faced with the conundrum of how to reintegrate ex-LRA rebels back into the communities which they helped to wreak havoc upon, some Ugandan communities have turned to traditional reconciliation ceremonies as part of the healing process.

The ceremonies vary between different regions and ethnic group, the eggshell ceremony described here being an example. Following the gathering of the community and traditional Ugandan dancing, the process sees the rebels ceremonially stepping on an egg, an act which, according to one article, ‘symbolically breaks open a new life and returns them to innocence. It’s the first step in a long process of earning forgiveness from their community.’¹⁰² This is a ‘process’ in the full meaning of the word. Forgiveness is by no means instantaneous. There are numerous stages to the process prior to the eggshell ceremony. The wrong-doer is not forced to confess but once he or she does a clan elder from the wrong-doer’s clan mediates with the victim’s clan to determine a price for payment. Traditionally, this price is measured in cows but increasingly cash is used. Once a price has been agreed, the wrong-doer’s entire clan contributes to pay it, as the whole clan is seen as partly responsible for allowing a member to commit the crime. The settlement is accompanied by various rituals, including the drinking of *mato oput*, a bitter root tea, to symbolise the recalling and burying of the past bitterness in the relationship.

This is a good example of different sorts of processes which could bring about reconciliation within and between warring communities. Some Africans feel that Western justice is simply two lawyers trying to outsmart each other and avoid the truth about their client from coming out. Latim Geresome, an adviser to the Acholi paramount chief, thinks of Western justice in this way:

“You stand up and swear on the Bible to tell the truth, the whole truth, and then it’s lies, lies, lies all the way.”¹⁰³

¹⁰¹ Patrick Tom, *The Acholi Traditional Approach to Justice and the War in Northern Uganda* (Boulder, Colorado: Beyond Intractability, August 2006) [on-line], accessed 24 May 2007, available at http://www.beyondintractability.org/case_studies/acholi_traditional_approach.jsp?nid=6792

¹⁰² Abraham McLaughlin, ‘Ugandans welcome Terrorists back’, *The Christian Science Monitor*, Volume 6, Issue 51, (Boston, Massachusetts: The Christian Science Publishing Society, October-November 2006), p. 12

¹⁰³ Latim Geresome, as quoted by Abraham McLaughlin, *ibid*, p. 14

9.3 International Centre for Transitional Justice Survey 2005

According to a survey conducted by the International Centre for Transitional Justice (ICTJ) in 2005, the majority of Ugandans interviewed felt that:

- Peace and justice are not mutually exclusive. Given the opportunity, many would prefer a combination of the two. Three quarters of interviewees wanted those responsible for abuses to be held accountable for their actions, with sixty-six per cent favouring punishment and twenty-two per cent forgiveness and reintegration.
- The amnesty process is a good thing, but should be reformed. Sixty-five per cent of interviewees expressed support for the amnesty process for LRA members but only four per cent favoured unconditional amnesties. A vast majority noted that some form of acknowledgement and/or retribution should be required alongside amnesty.¹⁰⁴

The survey also showed that neither traditional nor formal justice mechanisms (including the ICC) were well understood. In non-Acholi areas, knowledge of traditional justice was only around nineteen per cent. Seventy-three per cent of all interviewees knew nothing of the ICC's existence. However, those who did know of the court attached a very high significance to it, with ninety-one per cent believing that the ICC would contribute to peace and eighty-nine per cent believing it would contribute to justice. Only around a third of interviewees felt that the national court system was the most appropriate body to deal with human rights abuses in the north.

The ICTJ argues that the debate over how to best deal with the situation in northern Uganda has become 'unnecessarily polarised over the controversy surrounding the ICC, and is often put into stark terms of false alternatives between peace and justice.'

The survey seems to support the idea that a comprehensive strategy, employing both formal and traditional methods of justice will be required to fully include all stakeholders - victims and perpetrators - in the justice process, and to be flexible to their needs.

9.4 Punitive Justice Compared to Traditional Mechanisms for Promoting Forgiveness and Reconciliation

Generally speaking, restorative justice involves identifying the harm done and then seeking to repair that harm. Ideally, both the victim and the wrongdoer have a chance to discuss the crime and its effects, and to participate in the process of determining a suitable way to go about making reparation. It is this interactivity which is unique to the restorative justice process and which is central to most traditional Ugandan justice mechanisms. The communities of the victim and the wrongdoer are both directly involved in the process. This seems in direct contrast with more western judicial practices in which wrong doers are tried objectively according to international legal standards.

'[The impulse to forgive] emerges from a unique continental ethos of communalism, in which the desire to punish individuals for their crimes is balanced against the need to restore wholeness to the community - to unite victims, perpetrators and their families. Indeed it is often a practical response enshrined in tribal jurisprudence: villages in small, poor communities need every last person to survive. These days, the tendency is often magnified by the spread of Christianity - with its focus on forgiveness - across the continent.'¹⁰⁵

¹⁰⁴ Phuong Pham, Patrick Vinck, et. al, *Forgotten Voices: A Population-based Survey on Attitudes about Peace and Justice in northern Uganda*, (The International Center for Transitional Justice (ICTJ) and Human Rights Center, University of California, Berkeley, July 2005) [on-line], accessed 10 May 2007, available at <http://www.ictj.org/images/content/1/2/127.pdf>

¹⁰⁵ Abraham McLaughlin, 'Ugandans welcome Terrorists back', p. 12

Many critics of local traditions of restorative justice are concerned that they present their own challenges. Given the scale of atrocities committed during the conflict, some argue that traditional mechanisms lack the capacity to address the scope of LRA crimes. Furthermore, as one article observes, traditional methods may lack credibility in northern Uganda 'due to the weakening of traditional norms by decades of conflict and displacement.'¹⁰⁶

President Museveni has said that he views the offer of amnesty as 'a shortcut to peace' - which he welcomes - while maintaining that really the LRA rebels should be 'hanged for committing many atrocities'.¹⁰⁷ Surely such trade-offs are not suitable for lasting peace, particularly when many Ugandans do not support total unqualified amnesty?¹⁰⁸ Using case studies from other post-conflict African countries, some critics have argued that putting wrongdoers and victims through a process of reconciliation prematurely and/or without adequate compensation will not be sustainable in the longer-term, as was seen in Zimbabwe. Some have argued that the ceremony of egg shells (outlined above) is an example of reconciliation without sufficient compensation that could lead to harboured resentment and future conflict.

Traditional justice would not be easy to manage or apply across the country for every individual harmed during the Ugandan conflicts (for there would be many). Even so, some argue that to truly have sustainable peace, justice needs to be done to Ugandans not just to Uganda. However, others argue that crimes against all humanity, including the international community, have been committed in Uganda and that it is therefore the duty of the ICC to get involved. It seems clear that some sort of balance needs to be struck between the two convictions. Franciscans International report that:

'If anything is clear in the debate surrounding the ICC's involvement in northern Uganda, it is that the ICC must work with the parties to the talks and northern Ugandan communities to create an accountability mechanism for crimes committed that is compatible with the needs and wishes of local communities, national laws and the Rome Statute.'¹⁰⁹

9.5 The EU's Involvement in Justice in Uganda

The Council of the European Union was particularly supportive of the ICC's involvement in Uganda.

'The Council notes that the International Criminal Court (ICC) unsealed its first warrant on 13 October, for the arrest of five LRA commanders. The Council reiterates its strong support for the ICC and calls on all those involved to work to facilitate the arrest of the individuals subject to the warrant. The Council regards the issuing of the warrant by the ICC as a historic first step and reiterates its view that there should be no impunity for genocide, crimes against humanity and war crimes.'¹¹⁰

¹⁰⁶ Franciscans International, *Quest for peace, challenge of justice: The ICC and Northern Uganda* (2 November 2006) [on-line], accessed 24 May 2007, available at <http://www.franciscansinternational.org/news/article.php?id=1230>

¹⁰⁷ Chris Ocowun, 'Kony case stands, says President', *The New Vision* (20 September 2006) [newspaper on-line], accessed 10 May 2007, available at <http://www.newvision.co.ug/D/8/12/522287>

¹⁰⁸ See further Phuong Pham, Patrick Vinck, et. al, *Forgotten Voices: A Population-based Survey on Attitudes about Peace and Justice in northern Uganda*

¹⁰⁹ Franciscans International, *Quest for peace, challenge of justice: The ICC and Northern Uganda*

¹¹⁰ Council of the European Union, *EU Council Conclusions - Northern Uganda*, 2686th General Affairs Council meeting [on-line], accessed 10 May 2007, available at http://www.europa-eu-un.org/articles/en/article_5243_en.htm

The EU referred to the ICC warrants as ‘a historic first step’, on the basis that ‘there should be no impunity for genocide, crimes against humanity and war crimes.’¹¹¹ The EU has urged the Ugandan government to encourage all members of the LRA not indicted by the ICC or national courts to seek amnesty, reconciliation and reintegration in their communities. The EU has not been specific as to its opinions on traditional justice, but it has been very clear in its support for retributive justice for those who have committed the very worst crimes.

¹¹¹ Global Security.org, *Uganda: EU calls for protection of civilians from LRA rebels* (8 November 2005) [on-line], accessed 26 June 2007, available at <http://www.globalsecurity.org/military/library/news/2005/11/mil-051108-irin02.htm>

10 Results from Questionnaires

Part of the methodology for this QCEA project involved sending questionnaires to the European Union's Delegation in Uganda and to various civil society organisations operating there. The questionnaires were divided into ten units. This section is similarly divided.

10.1 Organisation Information

The questionnaire was sent to twenty-two organisations, of which four civil society organisations and one local government responded. They come from Kampala, Kotido, Jinja and Nkokonjeru. The main areas of activity of the organisations represented here are:

- peacebuilding;
- human rights and good governance;
- education;
- gender;
- economic justice;
- mediation on land use and cattle-rustling;
- DDR;
- cross-border sports camps for youths;
- policy and advocacy;
- adolescent sexual and reproductive health;
- total health care;
- orphan and vulnerable children care;
- elections;
- SALW;
- service provision;
- resource management and environmental conservation.

They are all, save one, part of at least one NGO network such as the Uganda Civil Society Peace Networks Forum or the Kotido Civil Society Association. The majority of these networks are unstructured, but there are some, such as the Inter-Religious Council of Uganda (IRCU), that are structured.

A similar questionnaire was also sent to the European Commission delegation in Kampala. The Delegation stated that the EC has many projects in northern Uganda, and in Karamoja in particular. The Delegation is aware of an official national NGO forum. It also stated that it tends to have repeated contact with the same civil society groups, but has tried to expand dialogue beyond the level of nationally active NGOs to include contacts with district NGO fora in various parts of Uganda.).

The Delegation is in daily communication with headquarters in Brussels via email, notes, telephone and visits. They described the effectiveness of this communication as good.

10.2 Civil Society Consultation

The responses to our questionnaire show a great difference in the NGO's access to the Delegation. One NGO was in very regular contact with the Delegation (quarterly and within the last four weeks), another irregularly, and the rest had never been, and were unsure of how to access EU funds. One organisation that had never had contact with the Delegation cited distance as a major impediment.

When there had been contact between civil society and the Delegation, it appears to have been initiated from both directions). Respondents did not feel there was enough dialogue, but those who engaged in dialogue tended to feel their input was listened to, and they cited civil society capacity building as a result. Others that had not yet had the opportunity to engage in dialogue believed that if they were able to give input to the Delegation, it would be positively received and taken into account. Respondents were split on whether or not the dialogue that was taking place was productive

All respondents are aware of an official civil society forum, supported by the national government and the EU Delegation. Those groups that participate in it find it useful.

The Delegation affirms that it is in contact with civil society every four weeks or less, with both sides approaching the other. It stated that it seeks out civil society for consultation purposes, while civil society contacts it for funding and advocacy. According to the Delegation, there is enough dialogue, particularly through an on-going Civil Society Capacity Building Programme. This dialogue is productive, especially that regarding the 10th EDF programming.¹¹²

10.2.1 Calls for Proposals

Not all respondents were aware of any Calls for Proposals or how to respond to them, which seems to suggest that information thereon needs to be more widely disseminated. Those who did hear about Calls for Proposals said that they heard about them through newspapers, the internet, NGO networks and word of mouth. One organisation reported that it only took four months for funding once their proposal had been accepted. It was mentioned, however, that small and new organisations find it difficult to access EU funding.

The Delegation reported that it releases Calls for Proposals in Uganda through its website (www.deluga.ec.europa.eu) and via publication in newspapers.

10.2.2 African Union

Four out of five respondents reported having no relationship whatsoever with the African Union (AU). One organisation seemed to have an active relationship, citing participation in an AU post-conflict civil society organisation forum. Only one organisation was aware of the African Peace Facility (APF).

The Delegation also reported having no relationship with the AU, with the exception of the consultations on the Joint Africa-EU Strategy. It does work on issues relating to the APF.

10.2.3 National Government

Four out of five respondents reported having a relationship with the national government through advocacy in governance and peacebuilding, the Ministry of Health and, in the case of the local government, implementing central government policies. The organisation which had no relationship with the national government said that it is not friendly towards their region, Kotido.

Some civil society organisations were aware of the national government's participation in formal dialogue taking place between the Delegation and civil society and in Delegation funding decisions, though not in informal dialogue)

¹¹² For more information about the programming of the 10th EDF please see the main report of this study, available at <http://www.quaker.org/qcea/>

The Delegation does indeed have a relationship with the national government of Uganda, particularly as the government is the National Authorising Officer.¹¹³ They reported that the national government is involved with both formal and informal dialogue between the Delegation and civil society on some issues, and that the national government is involved in funding decisions. In addition, the government is the supervising and contracting authority for the 9th EDF Civil Society Capacity Building Programme.

10.2.4 Conflict Prevention, Management and Resolution Programmes

Only two respondents were explicitly aware of EU funded projects. Both credited the EU with funding the peace talks in northern Uganda and southern Sudan, which have led to some internally displaced persons (IDPs) returning home.

Despite this lack of awareness among civil society, the Delegation affirms that there are EU funded projects dealing with DDR, good governance, elections, justice, management of natural resources, transborder issues, gender, regional integration, political dialogue, and civil society participation. Many of these are funded under the 9th EDF.

10.2.5 The EU and Conflict Prevention

Two of the respondents find the EU's approach to conflict prevention helpful, while another respondent finds it unhelpful. Those who find it helpful said that this was because the EU's overall policy puts pressure on the LRA and the government to settle their differences.

10.2.6 Gender

The Delegation reported that it ensures a gender-sensitive approach to programming by identifying gender as a focal point, and mainstreaming gender issues into programmes designed by the Delegation. They ensure a regional perspective by maintaining contact with neighbouring Delegations. They feel that information on EU projects is disseminated adequately to civil society.

10.2.7 Economic Partnership Agreements

Most civil society respondents felt themselves to be far removed from Economic Partnership Agreement (EPA) considerations and negotiations, while one was very active in advocating against them. There were fears expressed of negative consequences unless significant changes are made to the EPAs, such as putting more resources in the local citizen's hands.

The Delegation has participated in the EPA negotiations, and it believes that civil society has participated to a certain extent. It has encouraged greater civil society participation in the EPA negotiations by organising debates on the issue.

10.2.8 Mainstreaming

When asked whether they had noticed increased conflict sensitivity, all but one civil society respondent replied 'not at all'. They said they have not seen EU conflict prevention since 2000 and have not noticed any mainstreaming.

The Delegation reported that it ensures the mainstreaming of conflict prevention in non-conflict specific programming through government liaisons with sectoral sections (especially in terms of interventions in northern Uganda and Karamoja) such as the Karamoja Roads Development Programme. The Delegation cited the northern Uganda Task Force as a mechanism intended to ensure the mainstreaming of conflict prevention into these programmes.

The Delegation states that they have observed an increase in conflict prevention in EU activity since 2000, and have not observed a decrease in specific conflict prevention programmes.

¹¹³ The National Authorising Officer (NAO) is responsible for the preparation, submission and appraisal of projects and programmes in close co-operation with the Head of the EC Delegation.

11 Conclusions and Recommendations

The four organisations that responded to our questionnaire recommended the following ways for the EU to improve its work on conflict prevention:

- fund the development of a framework for peaceful conflict resolution;
- invest in a Peace and Conflict Transformation Commission;
- build the capacity of both government structures and civil society organisations for peaceful conflict transformation
- operationalise (with full participation of civil society) the Uganda Constitution, which provides for institutions and procedures for resolving conflicts peacefully and fairly;
- provide human rights training for military operating in area;
- development projects for local people;
- build the capacity of local NGOs to do work in their respective areas;
- support and fund NGOs conflict prevention activities;
- lobby for increased support from other donors;
- make funds available and easily accessible for small and/or new community based-organisations (CBOs);
- give more time for CBOs to respond to Calls for Proposals issued by EU;
- reduce the demands embedded in the criteria for selection of NGOs to be funded, catering to new CBOs so that they are also able to access funds;
- decentralise the office of the EU to local governments, where conflict resolution is actually managed¹¹⁴;
- involve community leaders in identifying solutions;
- provide funding directly to the implementing agencies on the ground.

The Delegation recommended that the EU could improve their conflict prevention in Uganda by:

- supporting the reconciliation process;
- providing integrated support to Karamoja.

Further conclusions are presented in the main report of this project, which can be found at: www.quaker.org/qcea

¹¹⁴ The response from the delegation indicates that this has already been done to some extent. Apart from Kampala, there are now also delegation offices in Gulu and Moroto.

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