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Peace for Peace Model of Amnesty (PEPEMA)

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Abstract

The world over, peace treaties have led to the granting of amnesties which unfortunately, many of such treaties have not achieved their intended purpose largely because of the way they are designed. The purpose of this study was to develop a Model of Amnesty that can be used to achieve conflict resolution and ensure sustainable peace after an intractable conflict. The Peace for Peace Model of Amnesty (PEPEMA) is grounded on the fact that if you want peace, you must give peace in return. Most peace treaties that give birth to amnesties usually want to treat former belligerents as the vanquished as state governments want to come out of the conflicts as victors.

This study aimed at developing a workable Model of Amnesty where all parties to the conflict come out of their predicament as winners and not as losers. This was against the backdrop that despite the promulgation of the Amnesty Act (2000) in Uganda, more than two decades to date, there are still rebels still at large that have not exploited the amnesty granted by the Act to abandon rebellion.

Therefore, Peace for Peace Model of Amnesty (PEPEMA) could not have been developed and published at a better time than this. The Peace for Peace Model of Amnesty (PEPEMA) was part of a PhD study by the author entitled *Amnesty as a panacea to conflict: An assessment of the Contribution of Amnesty to conflict resolution and sustainable peace in Uganda*. The study was grounded on the need to know why rebels opt to remain in subversion despite the existence of an Amnesty Act especially when some of their colleagues abandoned rebellion and were granted amnesty. The study adopted mixed research

methods as both quantitative and qualitative study designs were used. A questionnaire was used to collect data from one thousand respondents spread throughout the five districts in Uganda that were studied and each district representing one region out of Uganda's five regions. In addition, one-on-one interviews were held with several key informants like reporters, families of reporters, Resident District Commissioners of the sampled districts, staff of NGOs that were involved in the receiving of reporters, some sections of the security apparatus, lawmakers, lawyers and religious leaders.

The results of the study revealed that most amnesties do not bring about peaceful conflict resolution and ensure sustainable peace because of the vindictive nature of such Peace Treaties against the perceived losers. The Peace for Peace Model of (PEPEMA) when well understood and implemented to the letter, it can peacefully end deadly conflicts and ensure sustainable peace. This is because PEPEMA is grounded on the belief that beneficiaries of amnesty (former rebels) are dreadful of the individual criminal responsibility incumbent on them upon surrender without an all-inclusive, comprehensive and open-ended Amnesty Act where peace must be given to them in order to achieve peace. In other models of amnesty, peace is achieved but not maintained because the beneficiaries of amnesty are not given the peace they deserve in law and in practice. If this model of amnesty is well implemented, its ability to achieve swift cessation of hostilities and ensure maintenance of sustainable peace is enormous.

Keywords: Amnesty, Peace, Sustainable Peace, Good Governance, PEPEMA Model, Conflict Resolution

Introduction

It is usually anticipated that whenever a peace treaty is signed and amnesty is granted to rebel combatants, cessation of conflict and attainment of sustainable peace would be the resultant concomitants. This however is not always the case. With the promulgation of the Amnesty Act (2000)^[1], many people the world over expected total cessation of hostility by the rebels that were fighting the Ugandan government. This however was far from the truth because to date, there are still rebel combatants that have never reported to apply for amnesty.

Findings

Below is a discussion of the findings on the The Peace for Peace Model of Amnesty (PEPEMA) as a model that make

amnesty treaties to achieve their intended objective; conflict resolution and sustainable peace.

Other Peaceful Conflict Resolution Mechanisms that can be used to end Conflicts in Uganda

When the respondents were asked to give their views on other conflict resolution mechanisms that could be used to end conflicts in Uganda, their views were given out as shown in Table 1 below.

Table 1: Other Conflict Resolution Mechanisms that can be used to end Conflicts in Uganda

	Other Conflict Resolution Mechanisms that can be used to end Conflicts in Uganda	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Formation of a truth and reconciliation commission	244	67.54	67.54	67.54
	Open confessions by suspects	54	15.65	15.65	83.19
	Religious forgiveness Practices	34	9.57	9.57	92.76
	Traditional forgiveness practices	26	7.25	3.28	96.04
	Missing	3	0.82	0.82	100.0
	Total	361	98.6	100.0	
	Total	366	100		

A majority of the respondents were of the view that apart from amnesty, formation of a truth and reconciliation commission was of paramount importance in ending conflicts in Uganda. This view garnered 67.54%. This means that the lack of a TRC mechanism is a recipe for failure of amnesty (Akirocop 2012) [2]. This is because in some cases, local communities always want to hear the truth about what happened to be able to forgive and reconcile with their adversaries from a clean sheet. The Belfast Guidelines on Amnesty and Accountability (2013) [3] state that states have multiple obligations under international law in responding to mass violence perpetrated during conflict and repression, to protect human rights and restore or establish peace and stability. These obligations correspond to victims' rights to truth, justice, reparations and guarantees of non-re-occurrence.

If there was a TRC in Uganda, amnesty would have achieved its purpose. Truth and reconciliation commissions are enigmatic and practical schemes in post conflict situations. In countries like South Africa where a truth and reconciliation commission has been employed, it bore more fruits in form of revealing the underlying causes of the conflict which gives the authorities a good foundation on how to build lasting peace by solving those causes of the conflict. Morrison, Mercurio & Twose (2013) [4] emphasize the importance of truth and reconciliation commissions by giving several examples in Latin American countries.

The other mechanism of achieving peace in Uganda other than using amnesty was to encourage open confessions by suspects. This view acquired 15.65% of all respondents' views. Truth telling, confessions, truth and reconciliation commissions or any other peaceful conflict resolution mechanism that promotes suspects to enter guilty pleas and confessions programmes are practical, uniting communities and healing community wounds brought about by conflict. Truth telling sessions like Gacaca community courts used in

Rwanda after the 1994 genocide are hailed to have reduced genocide case backlog and rebuilt communities as they practically facilitated reconciliation and forgiveness (Gahima 2013) [5]. The ICTR held 5,800 days of proceedings, indicted 93 people, issued 55 first-instance and 45 appeal judgements (www.un.org/en/preventgenocide)⁶. At such a rate, the ICTR would need decades to try all the genocide suspects if the Gacaca communal justice system had not been employed. In reducing the genocide case backlog, Gacaca community courts are said to have tried more genocide suspects than the ICTR in Arusha; Moreover, at most minimal costs in terms of money and time.

However, truth telling sessions, guilty pleas and such open confessions can be made empty and irrelevant if they are not well handled. The Encyclopaedia of World Problems and Human Potential (1986) [7], states that confessions may serve as propaganda for indoctrination purposes in show trials or as a political and administrative convenience. This therefore means that despite the usefulness of public confessions and guilty pleas as another peaceful conflict resolution mechanism, if the process is not done in transparency, it may be usurped by some people for their own political capital. And; in such a quandary, the whole truth telling sessions may not yield the anticipated result which is to achieve peace using peaceful means.

The other mechanism of achieving peaceful conflict resolution in Uganda other than the use of amnesty is the use of religious forgiveness practices. This view gathered 9.57% of all respondents' views. Uganda is rich in religious culture as evidenced in the religious unity despite its vast religious denominations. In addition, a majority of Ugandans throng to their respective places of worship every other prayer day. This view is shared by Shah, Stepan & Toft (2012) [8] who report that there is a strong belief in the population that religious forgiveness can end conflicts in Uganda. There is a strong link between religion, reconciliation, amnesty and forgiveness. And; if this link is well utilised, religious leaders and institutions like the Inter-religious Council of Uganda, Uganda Joint Christian Council and the Organisation of the Islamic Conference in Uganda could greatly be of help in assisting government efforts to end conflicts in the country using peaceful means.

Additionally, the religiosity of the Ugandan body fabric is further reinforced by the Civil Society Organisations in Uganda who emphasize the complementarity of religion and justice, peace, reconciliation that are embedded in amnesty. Ideally and practically, amnesty processes involve the creation of artificial oblivion about a fact of human rights abuses and criminality and one assumes as if they never happened at all. The inherent spirit of amnesty is therefore to forgive, forget and reconcile the two or so parties in contention. Villa-Vicencio, Nantulya & Savage (2005) [9] emphasize that justice, peace and reconciliation which are the core values of all religions is inexplicably the gist of amnesty. One can safely deduce henceforth that the use of religion, religious leaders and religious institutions can greatly help Uganda end conflicts in the country peacefully. Religion is a social chain and so is culture. In this vein, in addition to the use of religion and religious institutions as a mechanism in ending conflicts in Uganda apart from amnesty, respondents further suggested the use of traditional forgiveness practices as embedded in some of the Ugandan cultures. This view got 7.25% support of all respondents. Villa-Vicencio, Nantulya & Savage (2005) [10] underscore

the importance of the use of traditional forgiveness practices in ending conflicts. Since conflicts occur in communities, and if a concerned community believes in their cultural practice of granting forgiveness, this opportunity should never be missed to be used in ending conflicts. Uganda has a great cultural history and therefore the option of traditional forgiveness practices in ending conflicts in the country for example the “Mato oput” among the Acholi community in Northern Uganda. The Acholi sub region bore the blunt of the LRA insurgency and had always urged the Ugandan authorities to forgive LRA leader Joseph Kony and his combatants and then let them cleanse them traditionally through their well believed-in system of “Mato oput”. This was unfortunately never incorporated in the legal framework of the Amnesty Act (2000) [11]. Cobban (2016) [12], stresses that if the victim had no problem with the offender being forgiven, then the offender would just appreciate; a step that would traditionally complement the legal amnesty process.

Suggestions to bring about lasting peace in Uganda

The respondents were further asked about what could be done to bring about lasting peace in Uganda and the following views were given out as shown in table 2 below.

Table 2: Suggestions to bring about Lasting Peace in Uganda

	Suggestions to bring about Lasting Peace in Uganda	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Solving causes of conflicts	176	48.63	48.63	48.63
	Involvement of all stakeholders	109	30.33	30.33	78.96
	Use peaceful methods of conflict resolution	64	17.76	17.76	96.72
	Community involvement in conflict resolution	9	3.28	3.28	100
	Missing	3	0.82	0.82	100.0
	Total	361	98.6	100.0	
	Total	366	100		

When the respondents were asked about what could be done in Uganda to bring about lasting peace in the country, several views were given and the most outstanding one was that we need to solve the causes of conflicts before conflicts break out. This view got 48.63% of all respondents’ views. This means that the majority of the respondents believed that if preventive measures to conflicts were used, it would bring about lasting peace. In most national conflicts, the leaders usually read the signs of an impending conflict but because of political adamancy or belief that the conflict will not break out simply don’t take any preventive measures. Amnesty cannot be a panacea to conflict when the political ideology of leaders and their opponents is a militant and bellicose one.

Consequently, a deaf ear is turned only to realise when the conflict is already unstoppable. Whereas Bredel (2003) [13] relates solving the causes of conflicts before conflicts break out to appeasing trouble causers, but in the longrun, it is the cheapest and sure way of bringing about lasting peace in a country. If it is to appease trouble causers, let it be so that conflict prevention can be achieved hence ensuring lasting

peace at a cheaper cost than the suffering, annihilation and all the attendant catastrophes of a conflict.

Solving the causes of conflicts before they break out into violent conflicts is the most practical way of resolving a conflict before it breaks. Clark (2006) [14] imbues solving the causes of conflicts before actual conflicts breakout as structural conflict prevention; an obvious way of bringing about lasting peace in a country. This view is echoed by Chinyio & Olomolaiye (2009) [15] who contend that preventing conflicts is practically solving them before they break out through structurally handling their causes as a sure way of bringing about lasting peace in a country. The UN is currently operating 14 peacekeeping operations worldwide comprising of over 100,000 soldiers and over 11,000 police officers. These are MINUJUSTH-Haiti, MINURSO-Western Sahara, MINUSCA-Central African Republic, MINUSMA-Mali, MONUSCO-Democratic Republic of Congo, UNAMID-Darfur, UNDOF-Golan, UNFICYP-Cyprus, UNIFIL-Lebanon, UNISFA-Abyei, UNMIK-Kosovo, UNMISS-South Sudan, UNMOGIP-India and Pakistan, UNTSO-Middle East at a cost of around US \$7 billion for the 2018-2019 fiscal year. Conflict prevention the world over through solving causes of conflicts would require a paltry fraction of that amount (www.peacekeeping.un.org) [16]. For Wennmann (2011)[17], when the causes of a conflict are solved before a conflict breaks out, it tantamount to uprooting the conflict which ensures lasting peace by maintaining peace. It is not clear however why leaders want to solve conflicts than preventing them through solving their causes.

A lot of literature about conflict management points towards a world that invests heavily in conflict prevention through the employment of measures that solve causes of conflicts. Roepstorff (2013) [18] contends that conflict prevention entails measures to facilitate governance, adherence to human rights and preventing armed conflicts. Structural conflict prevention seeks to eliminate the root causes of the conflict, including underlying conflicts of interest and relationships in order to bring about lasting peace in a country. A view shared by Lotter (1997) [19], who advocates for looking for causes of conflicts and positively work on them before conflicts break out than resolving conflicts which is more strenuous, expensive in terms of money, manpower, destruction and time.

The other suggestion raised by the respondents on what could be done to ensure lasting peace in Uganda was the involvement of every stakeholder inclusive of local communities, reporters, civil society, religious leaders and institutions, government and international community. If all these stakeholders were actively involved in the amnesty process in Uganda, peace would have been achieved (Avery 2000) [20]. However, this is usually not given the respect it deserves; a factor that may hinder a successful implementation of an amnesty process.

However, some Ugandan authorities were apprehensive of the use of a truth and reconciliation commission in the amnesty process because they argue that it may reopen the wounds of the past conflicts which may result in destabilising the country (Kasaijja 2013; The Red Pepper Newspaper, 29 May 2014) [21, 22]. This fear may be well grounded. However, truth and reconciliation commissions have been used after conflicts in South Africa and Rwanda through the TRC and Gacaca communal court system respectively without necessarily reopening the past wounds.

In addition, these countries have witnessed more bloody conflicts than Uganda. Doxtader & Villa-Vicencio (2003)^[23] as well as Belfast Guidelines on Amnesty and Accountability (2013)^[24] are of the view that truth and reconciliation commissions bring about lasting peace and genuine national reconciliation because they bring about an ugly picture of a country’s past to the fore to build a better future for that country. As for Nabudere & Andreas (2013)^[25], the relevance of a truth and reconciliation commission is a practical search for lasting peace that entails knowing of what happened in the past. Based on these assertions, the failure to have a truth and reconciliation commission in Uganda under the guise that it will reopen old wounds basically fails to hold water.

The other view raised by respondents on what could be done to ensure lasting peace in Uganda was the use of peaceful methods of conflict resolution in Uganda. This view raised 17.76% of all respondents’ views. The history of Uganda depicts that all national conflicts have been handled militarily and where peace talks have been attempted, they were just for the sake of it. The 1988 Peace Accord that ended the UPDM/A rebellion is a case of a successful peaceful end of a conflict using peaceful means. The four peace agreements that the LRA signed with the Ugandan government was another attempt. However, the failure of the LRA to sign the final Juba peace agreement depicts the idea that the Ugandan culture of not ending conflicts using peaceful means is real as LRA leaders are still at large. The Nairobi peace talks which were later termed as peace jokes is another example. The 1967 Buganda crisis, the 1972 military coup, the 1980 fraudulent general elections and the consequent guerrilla wars and the attendant coups and counter coups all allude to the fact that peace talks are not a culture of the Ugandan body politic. The 1980 fraudulent election where the election results were announced by Paulo Muwanga and not the electoral commission and the resultant rebellion are more examples to corroborate the above assertion.

Lotter (1997)^[26] advocates for peaceful conflict resolution mechanisms at all stages of a conflict a view shared by Wennmann (2011)^[27], Horgan & Taylor (2000)^[28] who stress that the use of peaceful conflict management mechanisms like mediation in military conflicts is a sure way of bringing about lasting peace in a country. The 1985 Nairobi peace talks as well as the failed LRA peace talks in Juba are clear testimony that Uganda lacks the culture of resolving conflicts using peaceful means which could partly explain why there has not been lasting peace for a long time. A culture of peace needs to be developed to avert any conflict from breaking out and once a conflict has broken out, peaceful means of resolving such a conflict should always be employed (Boutros-Ghali 1992)^[29].

This view may have got little support from all the respondents (2.46%) but community involvement in conflict resolution is one other aspect that can ensure lasting peace in a country. For that reason, Avery (2000)^[30] stresses the involvement of all stakeholders including the local community if we are to achieve lasting peace after a conflict. This is because conflicts do not literally affect countries; they affect communities that make up a country. Therefore, any genuine peaceful conflict resolution mechanism bent on achieving lasting peace should employ community capital realisable from community involvement in the whole peace process ab initio. The African

Development Bank Report (2008)^[31] envisages community involvement in peace processes as a deliberate strategy that involves the local community’s participation in any lasting peace strategy as mandatory, citing the case of the Gacaca community court system in Rwanda. A view echoed by Holden (2000)^[32] who supports the equal participation of all parties to the conflict if lasting peace is to be achieved.

Respondent’s Beliefs that Amnesty is a Panacea to Conflict

When the respondents were asked about whether amnesty is a panacea to conflict, the following were their views as shown in Table 3 below.

Ultimately, the respondents were asked whether they believed that amnesty is a panacea to conflict and their views were as follows.

What is your view on the belief that Amnesty is a panacea to conflict?

Table 3: Respondent’s Beliefs that Amnesty is a Panacea to Conflict

	Respondent’s Beliefs that Amnesty is a Panacea to Conflict	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Amnesty is the only answer to Conflict	35	9.6	9.7	9.7
	Amnesty heals community wounds	53	14.5	14.7	24.4
	Amnesty is cheaper than war	90	24.6	24.9	49.3
	Amnesty leads to sustainable peace	183	50.0	50.7	100.0
	Total	361	98.6	100.0	
	Total	366	100.0		

A majority of the respondents reported that amnesty is a panacea to conflict because it leads to sustainable peace. This view was supported by 50.7% of all respondents. This is because when wrongdoers and human rights violators are flatly forgiven without recourse to criminal prosecution and reparation, a foundation for sustainable peace is built. Lie, Binningsbo & Gates (2007)^[33] advise that giving amnesty and letting the amnesty beneficiaries go into exile can bring about sustainable peace. This can happen in a way that the human rights violators are forgiven and because they are allowed to go into exile, the communities they harassed are not living with them and slowly, they disappear from the victims’ memories. Cobban (2016)^[34] notes of the Rwandans’ belief in the Gacaca communal court system as bringing about sustainable peace because of the spirit of amnesty embedded therein. Accordingly, genocide suspects were publicly forgiven on the basis of their public confessions. As for Ambos, Large & Wierda (2009)^[35], sustainable peace after conflict can only be achieved when there is not much victimisation and criminalisation of the perpetrators.

On the contrary however, Lessa & Payne (2012)^[36] inform that amnesties without trials after conflicts are detrimental to sustainable peace as there is no justice to the perpetrators. To them, accountability for crimes committed is the only way to ensure sustainable peace as potential wrongdoers

will think twice before committing any more crimes (Kersten 2016) ^[37]. But, an analysis of the socio-political and legal dynamics in post-conflict communities demands a balance between justice and the continuation of conflict; which for any intent and purpose would favour amnesty. A view countered by Stedman, Rothchild & Cousens (2002) ^[38] who state that the goals of sustainable peace are far greater than justice after conflict. For Ayissi & Poulton (2006) ^[39], for the case of Sierra Leone, the citizens were caught between a rock and a hard place in their search for sustainable peace and their only choice in reciprocity to sustainable peace was a blanket amnesty which the UN unfortunately refused to recognise.

Additionally, amnesty is cheaper than conflict in whatever form; be it in terms of financial cost, human cost, time or practicability. This view raised 24.9% from all respondents' views. Countries that exploited the use of amnesty to end conflicts have by far saved themselves and their communities the adverse dangers of conflict. In all these cases, these effects are usually regrettable. By any intent and purpose, they are avoidable through the adoption of amnesty. As Ambos, Large & Wierda (2009) ^[40] contend, amnesty becomes more relevant and carries more legitimacy when it is granted by a democratically elected leader than being sanctioned by a dictator. In the former instance, everyone supports amnesty; a support that is mandatory for any successful implementation of amnesty unlike in the latter case where amnesty may be for personal political capital gains of the grantor and not of the populace.

Amnesty is not only cheaper than conflict and is seen as a panacea to conflict by respondents, but it is also feasible, practical and real. Amnesty can be estimated in terms of input-output ratios unlike conflict where one can never estimate the time, human or financial cost that is needed to win a conflict if it can be won anyway. Amnesty is the most comprehensive peaceful conflict resolution mechanism ever. As noted by Weller, Rylatt & Solomou (2015) ^[41], the importance, relevance and affordability of amnesty cannot be underrated as evidenced in the fact that it is always included in any peace treaty. This view is re-echoed by Cobban (2016) ^[42] who in favour of amnesty as a cheaper and affordable conflict resolution mechanism argues that what happened during a conflict is not important compared to the search for sustainable peace after conflict. The old slogan that if peace fails force is applied has lost practicability and relevance. In vogue today is the adage that "If force fails, peace is applied". This saying is slowly but surely sweeping the entire universe like a whirlwind through the adoption and application of amnesty to resolve bloody and intractable conflicts.

In another related vein, the respondents saw amnesty as a panacea to conflict because amnesty heals community wounds after a violent conflict; which is a foundation for stable peace. This view got 14.7% of all respondents' views. Accordingly, in any community emerging from conflict, healing community wounds is an indispensable aspect for any successful post conflict reconstruction process. Amnesty is destined to heal the victims, their families, perpetrators and communities and heal the wounds of conflict (United States Congress-Judiciary Committee 1974) ^[43]. It is in this vein that amnesty comes in handy through encouraging forgiveness and reconciliation; key aspects to the attainment of stable peace. Foblets & Von Trotha (2004) ^[44] quote Nelson Mandela as asking the amnesty committee to

investigate the possibility of institutional indemnity in case of state institutions simply to underscore the paramount role of amnesty after a conflict. Amnesty in South Africa was granted on condition of full disclosure of the role a person played during the apartheid era.

Despite the moral, legal, and political challenges associated with amnesty, the respondents still viewed amnesty as the only answer to conflict. This view got 9.7% support of all respondents' views. Amnesty is seen as the only answer to conflict on two fronts: Firstly, amnesty can be given to the insurgents at the beginning of the conflict to save the much-needed resources that the country can put to developmental projects. Like in the case of the Iraqi war, Saddam Hussein was given amnesty by the allied forces if he left power before the war begun; this did not happen and amnesty was never used as an answer to war (Bassiouni 2013) ^[45]. The United States Congress, Judiciary Committee (1974) ^[46] states that a country has only the right to wage a war when all the peaceful means to resolve a dispute have been tried and failed. This means that peaceful conflict resolution and amnesty should always be given a chance. Secondly, even when the conflict has already broken out, the option of amnesty should always be put on the table to encourage insurgents to abandon rebellion to save lives and other resources on both sides of the conflict.

Critical Analysis of Models of Amnesty

The pursuit of justice and the demand for accountability are the main hindrances in any amnesty process. This is because reporters fear to account for their wrongs during the conflict while at the same time, victims of conflict and their families usually demand for the truth from human rights violators about what exactly happened during the conflict and who did what (Lessa & Payne (2012) ^[47]). A blanket amnesty model is ideally a good comprehensive model of amnesty but if it is not conditioned on truth telling, it is a recipe for disaster. Another challenge of the blanket amnesty model is that it does not grant immunity from prosecution from international crimes which is a thorn in the flesh of human rights violators.

The State Accountability Model of amnesty is where the state is legally held accountable for human rights violations and it undertakes to pay compensations and damages to victims of conflict or their families (Lessa & Payne 2012) ^[48]. This is a good model of amnesty if the state was not among the belligerent parties to the conflict. Unfortunately, this is not usually the case because in most national conflicts, the state is usually an indispensable party to the conflict. This means that when a state undertakes to compensate the victims of the conflicts, it is actually compensating its own victims. It is ubiquitously becoming a dilemma for victims of conflicts or their families to demand for peace and justice as there are minimal chances if any of getting both of them (Micus 2015) ^[49] especially when the state is party to the conflict it is trying to resolve. This therefore leaves conflict victims, their families and the community with an option of picking one of them instead of having both. And; this greatly limits the state accountability model of amnesty in peacefully ending conflicts.

Conditional amnesty model is conditional as the appellation denotes (Scott 2001) ^[50]. This is where an amnesty applicant must fully explain their personal role in a conflict as a pre-condition for them to be granted amnesty. This model of amnesty at times called truth for amnesty model like in the

case of the TRC in South Africa is where personal confessions are made during amnesty hearings for one to be granted amnesty (Scott 2001; Werle 2006) [51, 52]. Worthnoting is the fact that amnesty in South Africa was given after apartheid as a way of rebuilding communities and not as a condition to end apartheid. In Chile, self, conditional general amnesty waived off criminal liability from human rights violators but maintained civil liability for amnesty applicants (Ensalaco 2000) [53].

Another model of amnesty is the Gacaca Communal Court System. This model of amnesty was traditionally entrenched in the Rwandan culture. It was upgraded into a semi-formal court process to try some of the 1994 genocide suspects in Rwanda. Gacaca communal justice was used to supplement the formal justice system as per the International Criminal Tribunal for Rwanda in Arusha-Tanzania. The ICTR indicted 93 people, convicted and sentenced 61, and acquitted 14 (www.hrw.org) [54] while the Gacaca communal courts tried around two million genocide suspects in a shorter period of time and at a fraction of the cost of the ICTR (Werle 2006; Gahima 2013) [55, 56]. The Gacaca communal court system enlisted the services of about 12,000 Gacaca courts countrywide which were composed of local opinion leaders with training of basic legal principles to manage such court processes (Tobin 2014) [57]. By the aftermath of the 1994 genocide, there was a skeletal judicial staff of only 12 prosecutors and 244 judges in Rwanda, compared to 70 prosecutors and 758 judges in Rwanda before 1994 (Gacaca Report Summary 2012) [58]. As the UN reports the ICTR held 5,800 days of proceedings, indicted 93 people, issued 55 first-instance and 45 appeal judgements which is a small percentage of all genocide cases (www.un.org/en/preventgenocide) [59].

The World Bank advances an Amnesty for Exile Model to effectively manage a post-conflict justice and sustainable peace mechanisms (World Bank 2007) [60]. This model of amnesty advocates for amnesty on condition that the amnesty beneficiary must go in exile. Requests and offers of amnesty for exile have been offered to President Charles Taylor and Saddam Hussein by the US which unfortunately were all turned down to the detriment of peace (Cassese 2009) [61]. This model of amnesty promotes communal artificial oblivion where the human rights violators are no longer living with the local community they once tortured which makes the community easily forget their past horrors. After analysing all these models of amnesty above, a new model of amnesty has been developed and discussed in figure 1 below.

Peace for Peace Model of Amnesty (PEPEMA)

The Peace for Peace Model of (PEPEMA) imbues amnesty as a panacea to conflict because its numerous advantages like the giving of peace to those that have disturbed peace for long, the promotion of the victims' right to know the truth, truth-telling for the benefit of the amnesty applicants, victims of conflict and their families as well as the community. PEPEMA is grounded on the belief that beneficiaries of amnesty are dreadful of the individual criminal responsibility incumbent on them upon surrender without an all-inclusive, comprehensive and open-ended Amnesty Act where peace is given to amnesty beneficiaries in order to achieve peace. In other models of amnesty, peace is achieved but not maintained because the beneficiaries of amnesty are not given the peace they deserve in law and in

practice. If this model of amnesty is well implemented, its ability to achieve swift cessation of hostilities and ensure maintenance of sustainable peace is enormous.

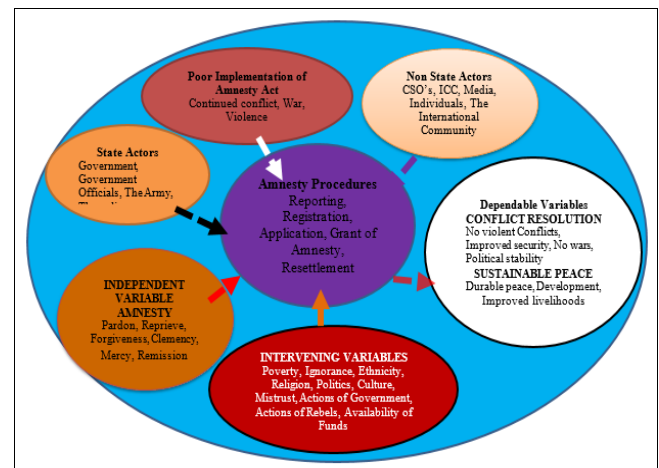


Fig 1: Peace for Peace Module of Amnesty (PEPEMA)

The Peace for Peace Model of Amnesty (PEPEMA) is a panacea to conflict because it promotes a new paradigm in conflict and peace studies. PEPEMA promotes a peace for peace mechanism where a give and take approach in the attainment of peace is emphasized. Most peaceful conflict resolution mechanisms encourage the attainment of peace without giving peace to those that have been on the wrong side of the law. This may take several forms like an ambiguous law (Lessa & Payne 2012) [62]; failure to grant amnesty to the insurgency leaders, poor communication systems and an underdeveloped media where information never reaches the intended beneficiaries of an Amnesty Act (May & Edenberg 2013) [63]. In such cases, an Amnesty Act may fail to achieve its intended objective.

Amnesty Act as the independent variable of the study has a direct relationship on the dependent variables of conflict resolution and sustainable peace if the procedures of accessing amnesty are well implemented. However, if the procedures of accessing amnesty are poorly implemented, there shall be continued conflict, war and violence. Amnesty plays a big role in ending conflict as it ends violent conflicts, improves security, ends wars and ensures political stability and development. Amnesty also ensures sustainable peace in the form of laying down a firm foundation for durable and positive peace. It also raises levels of happiness among the citizenry through improved welfare as well as economic growth and development.

Punishment is not an end in itself. Forgiveness can build sustainable peace than punishment (Ambos, Large & Wierda 2009; Shore 2009; Musekura 2010) [64, 65, 66]. The story of Adam and Eve and their forgiveness by God may lend this assertion a lot of credence (Gen. 3) [67]. The apprehension of punishment among the insurgents negatively works against cessation of conflict and consequently keeps sustainable peace at bay. It is in such a quagmire that amnesty is seen as a panacea to conflict as such fears are arrested by the proclamation of an Amnesty Act to all insurgents. For PEPEMA to work well, a thorough investigation and solving of the causes of the conflict becomes a strong foundation for sustainable peace and prevention of future conflicts.

The successful implementation of PEPEMA in achieving

conflict resolution and attainment of sustainable peace is facilitated or compounded by two important groups of stakeholders that is; state actors and non-state actors (Hesford & Kozol 2005; Seybolt 2007; Fitch 2016) ^[68, 69, 70]. The influence, language, support or lack of it by these two stakeholders greatly determines the success or failure of an amnesty process. However, a balanced interplay of these different stakeholders is hard to achieve but nevertheless must be sought.

The achievement of amnesty in bringing about conflict resolution and attaining of sustainable peace is largely affected by the intervening variables namely poverty, ignorance, ethnicity, politics, religion, culture, mistrust, availability of funds, actions of government, political ideology, actions of rebels and a host of other factors. As Bloomfield, Barnes & Huyse (2003) ^[71] as well as Pawar (2010) ^[72] contend, there is never a single approach to end a conflict and achieve sustainable peace given this multitude of intervening variables in any peaceful conflict intervention mechanism. It always requires a multi-faceted approach to end such conflicts to ensure sustainable peace. Any agency implementing an amnesty process has little influence if any on these intervening variables as they are out of the planned implementation mechanism but have a big weigh-in either in favour or against the success of amnesty in achieving conflict resolution and sustainable peace in the country.

Conflict resolution is a foundation for sustainable peace as the absence of violence and war no longer mean the presence of peace. There is therefore a need to resolve conflicts in our communities whether they are open or hidden conflicts. Positive peace is a true, lasting, and sustainable peace built on justice for all (Galtung 1996; Vesilind 2010; Positive Peace Warrior Network 2011) ^[73, 74, 75]. This is the ideal peace that every community would love to live in and deserves, unfortunately; it is very scarce a commodity that practically everyone and everywhere; it is being sought after with limited success. On the contrary, negative peace is defined as a state in which there is no, or not yet open conflict. But this does not mean that there is peace as tensions that can break out into open conflict exist. The success of amnesty in resolving conflicts and ensuring sustainable peace is based on solving the causes of the conflict in the first place.

Against this backdrop, the government of Uganda in a renewed effort to build a foundation for positive peace promised to re-enact the Amnesty Act to renew those sections of the Amnesty Act (2000) ^[76] that had expired in May 2012. The Red Pepper Newspaper reports that the government of Uganda has embarked on a process to reintroduce amnesty for repentant combatants. The official pardon extended to combatants who renounced rebellion against government ceased in May 2012 following the lapse of Part 2 of the Amnesty Act (The Red Pepper Publications Ltd, May 20, 2013) ^[77]. Owing to the fact that the Amnesty Act (2000) ^[78] was not a complete solution to all the conflicts in the country, sustainable peace is still a scarce commodity because of the continued fear by the population of the threat from the LRA and ADF. The re-enacting of a new Amnesty Act as promised by the Minister of Internal affairs to Parliament was a good step in the right direction but unfortunately this has not been done to date. A mere pronouncement of amnesty without taking keen interest at these intervening variables may not yield a lot of success. That is why this rarity is happening in Uganda that we still

have some insurgents who are still at large despite the existence of an Amnesty Act for over two decades since its enactment in 2000.

Relevance of Peace for Peace Model of Amnesty

The Peace for Peace Model of Amnesty (PEPEMA) is relevant to communities emerging from conflict because it promotes practical peaceful solutions to intractable conflicts. Conflicts are part of humanity. However, all stakeholders need to bear in mind that the best way to resolve a conflict is to prevent its outbreak. But when a conflict has already broken out, the use of peaceful conflict resolution mechanisms like PEPEMA is inevitable (Amnesty Act 2000) ^[78]. The case of amnesty in South Africa is the best example of the relevance of the Peace for Peace Model of Amnesty. The PEPEMA model of amnesty is relevant in as far as it promotes the giving of peace to the human rights violators while harvesting peace for communities under conflict in return.

This encourages insurgents to report and freely account for their role in the conflict with ease as they are assured of non-prosecution even after admitting of wrongdoing during the conflict as is usually the case under the individual accountability model of amnesty (Lessa & Payne 2012) ^[80]. PEPEMA is relevant when all reporters are assured of their safety and security after abandoning rebellion as they will be offered peace in return for peace in communities they once tortured (Galtung 1996; Vesilind 2010) ^[81, 82]. This will best work when local communities are all involved in the peace for peace initiatives as opposed to insurgents only.

Additionally, PEPEMA is relevant in that communities under conflict are assured of cessation of hostilities and attainment of peace when it is well implemented. Swift cessation of hostilities and attainment of sustainable peace in communities that have had conflict and lacked peace for long periods of time will be achieved when peace is given to insurgents in return for peace in the communities. This then can be followed by working to resolve the causes of the conflict to ensure sustainability of the peace attained after the cessation of the conflict. Whereas all human needs are never available to all the people all the time, the need to have peace by all the people all the time has become and remains a daily need (Galtung 1996) ^[83]. With a well implemented PEPEMA, this absolute need can easily be achieved and maintained.

The other relevance of PEPEMA is that once this amnesty model is well implemented, one is assured of sustainable peace after a violent conflict. It is therefore incumbent on all stakeholders (Hesford & Kozol 2005) ^[84] that in the event of using PEPEMA in peaceful conflict resolution, all the resources at their disposal should be employed to ensure its successful implementation. These resources include political will, high levels of trust, an unambiguous Amnesty Act, sufficient timeframe of the Amnesty Act, multi-stakeholder involvement, and willingness to solve the causes of conflict, enough financial resources and time. If these resources are provided in right quantities at the right time, PEPEMA can deliver cessation of hostilities and ensure sustainable peace. The successful implementation of PEPEMA in achieving conflict resolution and attainment of sustainable peace is facilitated largely by the trust all stakeholders have in each other. Quite often than not, the state actors that include government officials, the Army, the Police are always apprehensive of the insurgents that puts the entire amnesty

process at a near halt. The non-state actors like CSOs, the media, individuals, ICC and the international community as well as the insurgents themselves are sceptical of the intentions of governments in ensuring peaceful resolution of conflicts (Seybolt 2007; Fitch 2016) ^[85, 86]. It is such fears and mistrust that PEPEMA arrests by ensuring that amnesty ends conflicts peacefully through the use of peace for peace mechanism.

Limitations of Peace for Peace Model of Amnesty

PEPEMA may not be entirely without limitation. One possible limitation of this model of amnesty is that it requires the unequivocal support of all stakeholders (Wustenberg & Lundell 2009) ^[87]. In particular, the amnesty giving authority needs to have unequivocal support to be trusted by all stakeholders (Flyvbjerg, Landman and Schram 2012) ^[88]. One should hasten to add that this can only be achieved on paper and rarely on the ground. It therefore requires astute leadership by the political elite concerned to ensure that in as much as trust in all stakeholders is hard to cultivate, all resources required to ensure higher levels of trust should be available to guarantee a safe and fertile environment for PEPEMA to end hostilities and attain sustainable peace. Admittedly however, this is always an uphill task.

The other limitation of PEPEMA in the quest for a peaceful resolution of conflicts is that most challenges are likely to be faced at the implementation phase. It can be noted that most amnesty laws are largely good in nature and intent. However, poor and haphazard implementation of such laws fails them entirely and not their enactment (Amnesty Act 2000) ^[89]. As Wustenberg & Lundell (2009) ^[90]; Ellis (2014) ^[91] as well as Wagner-Rundell (2015) ^[92] report, the implementation of an amnesty law is tricky as the lack of a timeframe can defeat the good spirit of amnesty yet its existence is equally catastrophic. It is therefore in everybody's interest that all the raw materials necessary for the successful implementation of an amnesty law need to be in place to forestall any impending spectre of failure. However, this is easier said than done. The provision of all the raw materials necessary to fully implement an amnesty law remains a topmost necessity.

Worthnoting also is the fact that PEPEMA is limited by availability of financial resources (Boissery 1995; Weinstein 2007) ^[93, 94]. It can be noted that there is an assumption that all resources shall be available for the successful implementation of this model of amnesty. However, whereas it can be possible to marshal all other raw material like trust, political will, involvement of all stakeholders for an amnesty law to be successful, the issue of limited financial resources remains a sharp thorn in the entire implementation process of amnesty (Pearlman 2011). This is because some belligerent stakeholders see the investment of any resource in the use of peaceful conflict resolution as a waste since their sole option is always war and decimation. This can greatly limit the successful implementation of PEPEMA.

In a related development, the limitation of financial resources in the implementation of PEPEMA is a big issue because the last stage of any amnesty law involves spending (Boissery 1995) ^[95]. Resettlement and reintegration require huge sums of money which most national coffers may not provide because of the incessant spending during conflict and because of the effects of the conflict on the economy.

This usually leads such nations recovering from conflict to solely depend on donor support which cannot be entirely be relied on in the circumstances. These are situations where resumption of violence occurs because the reporters were either delayed to be resettled because of lack of money or cases where complaints arise because the resettlement benefits were paltry (Weinstein 2007) ^[96].

The issue of finances in limiting PEPEMA does not entirely affect reporters and national governments alone (Boissery 1995; Amnesty Commission 2013) ^[97, 98]. Victims of conflicts and their families too have issues with compensations. Most amnesty laws ensure legislation for compensation and resettlement of reporters as an appeaser to abandon rebellion. Rarely do such laws take into account the physical, financial and psychological needs of victims of conflicts and their families. This usually makes conflict victims and their families look at their tormentors with envy because they see them being rewarded for tormenting them when nothing is given to compensate the conflict victims and their families over their physical, material and psychological losses they suffered during the conflict.

It can be deduced that despite the limitations of PEPEMA, all stakeholders should remember that amnesty is the biggest gun in any conflict as it is mostly employed as the option of last resort. By the time a national government or insurgency group opts for amnesty, the writing is always on the wall that neither of the two bellicose parties can win that conflict through military means. This therefore should be a foundation stone by all parties to the conflict to build a strong foundation by use of amnesty as a peaceful conflict resolution mechanism as there is insurmountable evidence that such a conflict could not be ended using military means. This is where PEPEMA becomes a panacea to conflict. Trivial but destructive issues like transitional clauses in an amnesty law can totally derail an amnesty process to the detriment of all stakeholders (Amnesty Act 2000; Carper & McKinsey 2012) ^[99, 79]. As much as possible, amnesty legislations should allow enough time for their effective operationalisation.

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