

## Building a Comprehensive Peace Strategy for Northern Uganda

### I. OVERVIEW

Peace may yet be possible in Northern Uganda in 2005. Many elements seem to be in place, but they need to be pursued by President Museveni's government in a more comprehensive framework, given stronger international support and -- most urgently -- be committed to by the rebel Lord's Resistance Army (LRA) in the context of a specific process with a clearly definable endgame.

The outlines of rebel demands are clearer, the government has expressed flexibility, and the LRA military position is becoming more tenuous. However, there has not yet been tangible progress. The unanswered question is whether Joseph Kony, the unpredictable insurgent leader, is truly nearing a strategic decision that his prospects and those of his supporters are better served by a deal or whether he is merely playing for time in order to regroup as he has done several times previously. The International Criminal Court (ICC) is expected to issue arrest warrants for Kony and senior deputies shortly, which will put new pressure on all concerned, including the government and its authorised mediator, Betty Bigombe, to decide whether they will continue with the effort at negotiation. Patience is wearing thin on all sides.

The mediation has been pursued in recent months against a backdrop of continuing LRA atrocities directed at Acholi civilians. The LRA remains focused on terror tactics, not the control of territory. Even with gradually eroding force levels, it still can wreak havoc with spectacularly brutal strikes, which prevent resettlement of the 1.5 million displaced persons and give the appearance the government is not in firm control of the North.

Leaving the decision on peace or war solely in the hands of the brutal Kony would be irresponsible on the part of the government and the international community. Much more can be done now not only to support the potential the talks seem to retain in the wake of recent gestures by Kony to meet with Bigombe, but also to prepare the ground for sustainable peace and reconciliation in Northern Uganda as a

society. The government, in cooperation with the concerned international community, should construct and implement a comprehensive strategy for peace including the following elements:

- ❑ a more ambitious mediation strategy, including preparation of detailed proposals to have the LRA sign up to a ceasefire, security guarantees, and a more expansive program for disarmament, demobilisation and reintegration into society (DDR);
- ❑ a military strategy that maximises civilian protection and the ability of the army to prevent further attacks and abductions, in the context of a more sophisticated counter-insurgency strategy that does a better job of respecting human rights and avoiding abuses that cost the government dearly in terms of civilian support in the North;
- ❑ a more robust reintegration strategy that begins immediately and seeks to do a better job with all ex-LRA combatants in order to accelerate the return of those who remain in the bush, including through guarantees of education and micro-enterprise support;
- ❑ a justice and accountability strategy that involves better understanding by the government of the ICC's independent responsibilities and objectives while striving to take into account the related objectives of peace and reconciliation;
- ❑ a better coordinated reconciliation strategy that provides more direct support for initiatives and processes such as community-based efforts already being led by women's and victims' groups, that would accelerate the acceptance of LRA ex-combatants back into local communities and facilitate the restoration of intercommunal links that have been damaged by nearly two decades of war;
- ❑ a more concerted hearts and minds strategy that features visible efforts to improve governance in the North, strengthen the humanitarian safety net in the camps for internally displaced persons

(IDPs), and include Northern Ugandans in planning and preparing for eventual normalisation of life in their region; and

- pressure on the Sudanese government, which has substantially sustained the LRA for a decade, to play a more assertive role in bringing the rebellion to a close -- including by taking steps to arrest Kony or expel him from southern Sudan if he will not negotiate seriously.

## II. THE STATE OF THE LRA

The LRA retains a much reduced but still highly disruptive capacity in the North to carry out mass abductions, mutilations, attacks on villages, looting and other violence. Its targets are almost exclusively civilian women and children,<sup>1</sup> and its objectives include sustaining itself (i.e. looting for food); punishing collaboration with the army; thwarting any movement toward normalisation, including by keeping people penned up in displaced camps; and demonstrating its own continued viability by spectacular actions that produce a major propaganda impact even if they pose little threat to the government. "They want to prove the world wrong, that they are not finished. Atrocities speak louder than what the Ugandan government claims", says a former LRA commander.<sup>2</sup>

The attacks often amount to low intensity but high visibility atrocities carried out by small groups using machetes or light arms and intended to generate maximum publicity and thus maximum embarrassment to the Ugandan government. An assault on Koch Goma in the first week of May 2005 was typical. It occurred not in the camp for internally displaced persons (IDPs) but a few kilometres away, on people who were gardening and completely vulnerable. Nearly twenty were killed.

Nevertheless, LRA military capacity is slowly eroding. The Ugandan army has improved significantly in the last year, Sudan has reduced support since it first signed a protocol of cooperation with Uganda in early 2002, and the International Criminal Court (ICC) investigation is moving forward and adding pressure.<sup>3</sup> The LRA is increasingly on the short end of a war of attrition in which it loses three to five fighters a day through casualties, capture, or defections and has a lessened capacity to regenerate. It is becoming more officer-heavy as the rank and file shrink.

Because of the increased military pressure since the beginning of 2005, the LRA has further sub-divided

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<sup>1</sup> In a gruesome and typical incident on 27 May 2005, the LRA shot, hacked, and beat to death eight civilians and left their mangled corpses in the middle of a well-travelled dirt road. Six additional victims were found screaming in pain nearby and died within hours. "Fear and apathy feed war in Northern Uganda", Reuters, 8 June 2005.

<sup>2</sup> Crisis Group interview, May 2005.

<sup>3</sup> See Crisis Group Africa Briefings N°23, *Shock Therapy for Northern Uganda's Peace Process*, 11 April 2005, and N°22, *Peace in Northern Uganda: Decisive Weeks Ahead*, 21 February 2005.

into smaller units to avoid detection by the army. Defectors say commanders still have means of communication with each other. Units usually rendezvous every three months or so and then disperse to undertake attacks, mostly against soft targets of opportunity.<sup>4</sup> While command and control is still intact, there is no longer a fixed headquarters such as existed for years in southern Sudan; nor is there any longer reliable external support.

It remains unlikely, however, that the most senior leadership of the LRA -- Joseph Kony, Vincent Otti, and a few of their deputies -- can be easily eliminated. The army's intelligence network remains weak, and there is a lack of capacity to respond rapidly when information is acquired on the whereabouts of these leaders.

Crisis Group interviews indicate that Kony promoted key commanders and reorganised the LRA's four brigades in April 2005.<sup>5</sup> To prevent defections, the LRA is increasing security over the young people -- both boys and girls -- it abducts and turns into its foot soldiers, cooks, medics, spies, and camp followers who sustain its military campaigns.<sup>6</sup> This seems to have had some success because there was a reduction in May 2005 in the numbers of former fighters turning themselves in to the government reception centre in Gulu. There are also indications that some LRA commanders may be worried that the government will revoke its offer of amnesty and are attempting to scare abductees about the consequences of defection.<sup>7</sup>

A former senior commander says of his one-time colleagues: "The material condition of LRA commanders has deteriorated 100 per cent. They have lost a lot.

Most commanders are willing to negotiate because of this. If the government can give the LRA a quarter or half of what it wants, we may as well take it".<sup>8</sup> Other former commanders also assert that old colleagues who remain in the bush are willing to talk seriously with the government. "They have lost so much", says one. "They are seeing fellow commanders being killed. At home, people are dying. Many in the LRA want to come back to rescue the situation for the people in the North".<sup>9</sup>

## A. THE MIND OF JOSEPH KONY

Whether the government has a genuine chance to strike a peace deal with the LRA depends heavily, however, upon the calculations and intentions of Kony. He may be engaged -- not for the first time -- in an elaborate effort to win breathing space at a time when his military fortunes are ebbing but interviews with people who have been in recent communication with him allow Crisis Group to offer tentative conclusions about his thinking.

All agree that Kony appears very interested in a deal. He reacted to a BBC summary of Crisis Group's April 2005 policy briefing<sup>10</sup> by expressing hope the U.S. might support a peace arrangement and at one point that month said he wanted to sign some form of a ceasefire within two weeks. After years of not accepting him as president, he has told interlocutors he is not opposed to Museveni winning a third term.

Kony seems to recognise he cannot win his long struggle with the government. He has told interlocutors he sees three scenarios for himself: prison, exile or death.<sup>11</sup> His main concern is for four distinct threats to his own security -- that presented by the government, of course, but also those from the ICC, the U.S. terrorism list, and local community retribution. He is focused on tactics rather than broad strategy, and he is worried about whether the government would actually implement any deal he might sign. He has expressed uneasiness about other deals that have not been implemented as originally envisaged, such as those in the Congo (DRC) and Côte d'Ivoire, which leave him uneasy about Kampala's true intentions.

A former senior LRA commander summarises that, "Kony may not ultimately accept to talk peace. He can come to compromise, but he changes his mind. He can

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<sup>4</sup> Crisis Group interviews, Northern Uganda, May 2005.

<sup>5</sup> The main promotions were: Joseph Kony, from Lt. general to general, while remaining chairman of the LRA; Vincent Otti, from major general to Lt. general, while remaining vice chairman; Okot Odhiambo, from brigadier to major general, and named LRA Army Commander; Raska Lukwiya, from brigadier to major general and put in charge of logistics and supplies; Ocan Bunia, from colonel to brigadier; Dominic Ongwen, from colonel to brigadier; Owor Lakat, from brigadier to major general, and replacing Brigadier Kenneth Banya as chief adviser to Kony; and Bosco Gogi, from colonel to brigadier. These promotions came before the defection of Joseph Kolo, who assumed for a short time the number three position in the LRA.

<sup>6</sup> For more information, see, "Where are the girls? Girls in fighting forces in Northern Uganda, Sierra Leone and Mozambique: Their lives during and after war", Susan McKay and Dyan Mazurana, published by Rights and Democracy, 27 February 2004.

<sup>7</sup> Crisis Group interviews, Northern Uganda, May 2005.

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<sup>8</sup> Crisis Group interview, May 2005.

<sup>9</sup> Crisis Group interview, May 2005.

<sup>10</sup> Crisis Group Briefing, *Shock Therapy*, op. cit.

<sup>11</sup> Crisis Group interviews, Northern Uganda, May 2005.

make you feel very stupid. He is very difficult, and very paranoid".<sup>12</sup> In the immediate aftermath of the February 2005 defection of Sam Kolo, the former LRA negotiator, the main LRA interlocutor for the government-supported mediator, Betty Bigombe, was Vincent Otti, the insurgency's second-in-command. Since late March, however, Kony himself has become the main channel. During April, he asked to be allowed to contact family members with whom he had lost touch, including some of his wives, his sister, and his brother. He has discussed with them his personal security, the seriousness of the government in any peace process, and how he can get all his children into school.

During April, Kony had the most comprehensive set of discussions with Bigombe<sup>13</sup> that have occurred since the war began nineteen years ago. While these did not yet advance very far into the details of the main substantive issues, they touched on ceasefire modalities, issues that need to be addressed in a peace deal, and other concerns that the LRA and the government have about potential obstacles to progress. Kony communicated with Bigombe directly rather than through interlocutors and on 17 April expressed readiness to meet with her for the first time in a decade. He provided a location and a date and said the objective would be to discuss the modalities of the assembly areas in the government's draft ceasefire proposal.

The time frame was too short to overcome the logistical and security obstacles so the meeting did not come off but later in the month Kony agreed to appear on a radio station in the North and announce his commitment to the peace process and some sort of unilateral cessation of hostilities. At first, the government denied him access to the airwaves, citing domestic anti-terrorism laws. After it reversed that position, Kony called at the pre-arranged time, only to find that station personnel were not ready to take his call and air his message.

Kony went silent for some three weeks but he reconnected with Bigombe on 21 May and claimed the interruption was due to damage to his satellite phone. No meeting with Bigombe has yet occurred but the conditions remain mildly promising. On 15 June, President Museveni agreed to a 24-hour limited ceasefire so Bigombe can deliver a new satellite phone to the LRA and then a subsequent four or five-day limited ceasefire to facilitate discussions on a comprehensive cessation. Bigombe is awaiting confirmation on mutually agreeable dates.<sup>14</sup> It is time for the mediation to establish a clear next step -- a meeting backed by security guarantees from the Ugandan government -- that will demonstrate whether or not the LRA is serious about engaging in a process.

However, the army has continued to attack LRA positions, and by 21 June the situation around Pader had become particularly tense. Crisis Group has also received reports of LRA attacks on civilians and army bombardment of insurgent positions around Kitgum. If this new round of violence is not to undermine whatever confidence has been gained by the recent contacts, President Museveni probably needs to make his latest offers public and order the army to halt offensive action.

The proposed meeting and the offer to make the radio broadcast are small gestures but potentially important as signals that some kind of process is possible with Kony. More concrete action must follow soon to demonstrate whether this hypothesis is valid but it would be a mistake not to explore further in the belief that he is too unstable a personality for serious negotiation. A senior army officer who has had extensive dealings with the LRA notes: "The orders issued by Kony in the field are military commands. They are not the orders of a madman".<sup>15</sup>

## **B. THE SUDAN FACTOR**

Sudan bears major responsibility for the duration of the Northern Uganda conflict because it has played a central role in revitalising and sustaining the LRA during the last decade. Although it is clear that the government has reduced its support, there continue to be reports of aid from its army and intelligence operatives in southern Sudan. Defectors from the LRA indicate that at least ammunition is still being supplied.<sup>16</sup> Since command and control in the military is very tight, it is very unlikely that whatever re-

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<sup>12</sup> Crisis Group interview, May 2005.

<sup>13</sup> Bigombe has been involved in past efforts at peacemaking with the LRA, though none that progressed as far as the current initiative, which she has been authorised to pursue by President Museveni. She went to southern Sudan in June and July 2004 but Sudanese military intelligence would not allow her to see Kony despite prior arrangements and pledges. Between July and November 2004, she worked at making new contact in Uganda. This developed with Sam Kolo, a Kony deputy, in November, and the Ugandan government subsequently declared a unilateral ceasefire. For more information on this stage of the peace process, see Crisis Group Briefing, *Peace in Northern Uganda*, op. cit.

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<sup>14</sup> Crisis Group phone interview, 17 June 2005.

<sup>15</sup> Crisis Group interview, 10 May 2005.

<sup>16</sup> Crisis Group interviews, May 2005.

supply and sanctuary continues is unsanctioned by senior levels in Khartoum. Ugandan military intelligence indicated that Kony and his deputy, Otti, crossed back into Sudan on 16 May 2005.<sup>17</sup> Such movement of LRA commanders between Uganda and Sudan has been common for many years. These are tactical moves, aimed at looting food, abducting children or evading capture and reorganising.

President Bashir, who met with a Ugandan delegation led by Defence Minister Amama Mbabazi, indicated that LRA attacks against Sudanese civilians in southern Sudan, which are on the rise, were unacceptable and were leading Khartoum to enhance cooperation with the Ugandan government in order to remove the insurgents as a problem. Sudanese and Ugandan military personnel are to meet soon to map out a plan to deal decisively with the LRA. Liaison officers from both armies are to be deployed in the area of operations, particularly in Juba and Nisitu.<sup>18</sup>

Although the Sudanese have pledged they will be more assertive in attacking the LRA, President Museveni remains sceptical, for practical if no other reasons. "The Sudanese troops" he told Crisis Group, "don't walk on foot; they move on the road, so what effect will their promises have?"<sup>19</sup>

The level of international pressure on Sudan to end all support for the LRA and to use its leverage to encourage Kony to be forthcoming in peace talks is very low. The Darfur crisis, the implementation of the government's peace agreement with the SPLM, and desire for cooperation on counter-terrorism trump issues related to Northern Uganda. "We are now just giving lip service to the Sudan factor", said one diplomat based in Kampala. "We can't just let the [Ugandan army] chase Kony around an area the size of Texas".<sup>20</sup>

### III. THE NEED FOR A COMPREHENSIVE PEACE STRATEGY

Although a negotiated settlement is usually viewed as the most direct path to an end of hostilities in the North, lasting peace requires much more than an arrangement with the LRA. A comprehensive strategy is needed, which involves increased support for the Bigombe mediation; more sophisticated military operations; a renewed effort at reintegrating LRA returnees into society; a justice component that complements the peace process; improved reconciliation initiatives; and a hearts and minds strategy that involves better governance, a stronger humanitarian safety net for IDPs, and the beginning of a planning process for eventual normalisation that gives a say to Northerners, who need to see wider and deeper government commitment to a better future for their region. LRA forces will turn themselves in to the government in much higher numbers if they see this. The strategy also needs to be facilitated and supported by increasingly visible international commitment, especially from the U.S.

#### A. MEDIATION

There are both substantive and process-related elements.

##### 1. Substance

The issues the LRA will want to discuss in any negotiation process are becoming increasingly apparent.

*Ceasefire.* The main sticking point has been the nature of the assembly points. Kony and other senior commanders believe the government has proposed areas that are too small and too exposed, so that LRA forces would be easy targets. The 1 January 2005 attack by the army on the troops of then chief LRA negotiator Sam Kolo the day after a ceasefire expired, left the insurgents more jittery than ever. President Museveni told Crisis Group the government proposal is open to discussion and amendment but the LRA needs to make its position clear so negotiations can ensue.<sup>21</sup> The government is now asking the LRA to suggest an alternative arrangement. In the meantime, the Quartet of interested countries (The Netherlands, Norway, the UK, and the U.S.) is working to map possible areas for the assembly points. The LRA will

<sup>17</sup> Crisis Group interview, Northern Uganda, May 2005.

<sup>18</sup> Crisis Group interviews, May 2005.

<sup>19</sup> Crisis Group interview, 19 May 2005.

<sup>20</sup> Crisis Group interview, Kampala, 11 May 2005.

<sup>21</sup> Crisis Group interview, 19 May 2005.

argue for larger areas that have escape routes, according to former rebel commanders.<sup>22</sup>

A government concern is whether a ceasefire would be used by the LRA to rest and reorganise. A senior LRA commander said, "If Kony asks for a ceasefire, give it, but know that he will be reorganising, so you have to plan to prevent that reorganisation. The ceasefire should only be for dialogue, not for reorganisation".<sup>23</sup>

*Endgame.* Because laying this out will be essential to convince the LRA it stands to benefit from a comprehensive peace, work should begin now, in parallel to any ceasefire negotiations, on the draft package the government would eventually present. Security arrangements and livelihood opportunities are the two central issues to be negotiated. Presenting some specific ideas to Kony about what might be part of the solution could be a catalyst for launching a serious process and spur the LRA leaders to say more precisely what they want.

President Museveni has indicated to Crisis Group considerable flexibility on what he is prepared to provide for Kony. The package could include freedom to reside in another part of Uganda, so as not to antagonise or provoke the local population, a sizeable protection detail, a house, and guarantees of protection from prosecution, both domestic and international. As discussed below, however, the government would need to coordinate any such arrangement with the ICC if it wishes to avoid charges that it is violating its international commitments. Museveni has also indicated that Kony should make his own proposal and that once he does, negotiations might be concluded rather swiftly.<sup>24</sup>

## 2. Process

The overall expected sequencing has not yet been elaborated -- who needs to do what and when. During negotiations, some sort of joint monitoring team to operate in the assembly areas and involving the two sides as well as internationals will likely be required, both to give the LRA more confidence in government intentions and to satisfy Kampala that the LRA is not making too many military preparations in case of a breakdown. Food and health supplies will have to be arranged for the LRA, which has made clear in the past it does not trust the UN World Food Programme. Who would provide the international component remains an unanswered question: the regional

Intergovernmental Authority on Development (IGAD), the African Union (AU), the UN or ad hoc observers.

Most importantly, there needs to be an agreed process pursuant to which Kony and Bigombe can meet to discuss issues. Kony would have to accept that process, and President Museveni would have to ensure there were no obstacles to it. Kampala embassies of the Quartet countries might offer to act as observers.

*Secretariat.* For a sustainable process with a chance to succeed, the mediator requires a small secretariat to support her efforts, perhaps of one or two assistants and a driver, with an office and the flexibility to contract additional resources as needed.

*Public Diplomacy.* A consistent message on the benefits of peace to the LRA is the top requirement. As an army officer commented, "If the politicians talked clearly and said that the LRA should come out, it would help. Now they confuse the LRA by sometimes saying that they will kill the LRA if they come out, even though that is not the policy".<sup>25</sup>

In a situation with almost no face-to-face communication, confidence-building is unusually challenging. An enhanced media campaign, with messages of peace aimed at the rebels and inviting their direct participation in information exchanges might facilitate the process of compromise by key players. Local FM radio stations in Gulu such as Mega FM could help with this but the law on terrorism is often used as justification for not allowing the LRA a voice.

*Sequencing.* The mediation effort has focused on achieving a ceasefire before addressing the substantive issues that would need to be resolved in order to end the war. However, there are multiple spoilers on all sides who might violate a ceasefire in order to undermine the process. Kony's notorious inconsistency could also lead to quick violations. This suggests it may be prudent to begin to move simultaneously on substance in order to commit the sides as rapidly and deeply as possible to the actual give and take of a process and test the hypothesis of Kony's genuine interest in finding an exit option.

## B. MILITARY OPERATIONS

A more sophisticated and better coordinated military strategy is essential if the peace process is to succeed.

<sup>22</sup> Crisis Group interviews, Northern Uganda, May 2005.

<sup>23</sup> Crisis Group interview, May 2005.

<sup>24</sup> Crisis Group interview, 19 May 2005.

<sup>25</sup> Crisis Group interview, May 2005.

## **1. Improved civilian protection**

In order to carry out its responsibility to protect civilians better, the government will need to apply more resources to enhancing the capacity and efficiency of its auxiliary forces, the local defence units (LDUs), which it relies upon too heavily at present. The LDUs need regular payment, better training, and more appropriate equipment to improve their morale and commitment. President Museveni acknowledged this problem and claimed it is being rectified.<sup>26</sup>

## **2. Additional pressure**

Former LRA commanders agree that military pressure is the only kind the LRA really understands and responds to and that more of it could help drive Kony to the negotiating table.<sup>27</sup> If the army is to do a better job at pursuing the smaller LRA units, preventing their attacks on civilians, and coping with their ability to disperse and reconvene at will, it must be more efficient at operating in smaller units itself. This requires additional communications and night vision equipment<sup>28</sup> and improved mobility.

Sudanese cooperation is crucial to any effort at increasing military pressure. If the coordination mechanism agreed to in the bilateral protocol of 15 May 2005 is actually instituted, employed and, in addition, assisted by the SPLM, it could produce better communication and cooperation in the field. More effective operations in Sudan would help convince many LRA combatants to abandon the fight and return to Ugandan society.

## **3. Civil-military relations**

The Acholi people are concerned with abuses committed by the army throughout the North and the lack of consistent punishment when the violations are brought to light.<sup>29</sup> The army would have more credibility with Northerners if its justice processes

were strengthened and firm action were taken against any soldiers who commit human rights violations.

Several human rights and humanitarian organisations claim the army has killed civilians gathering wild fruit and hunting animals around the IDP camps. The army in turn accuses the civilian population of collaborating with the rebels and refusing to observe restrictions on movements outside those camps.<sup>30</sup> The army's abuses play into the hands of the LRA, which aims to demonstrate that the government is not interested in protecting Acholi civilians. Fear and suspicion undermine efforts to end the war and promote reconciliation. Now that the army has addressed many of its structural, operational and logistical problems, it should make it a priority to enhance its image in the North by improving treatment of civilians. As one diplomat suggested, "President Museveni should remove any [army] officer with a demonstrated record of antagonising the local community and/or undermining the peace process".<sup>31</sup>

Improved human rights practices would have obvious benefits for an enhanced counter-insurgency campaign since they would increase the prospect of obtaining the human intelligence that is vital in such a conflict. They would also lay the groundwork for long-term peace and stability in the North.

## **C. REINTEGRATION**

Most returning LRA personnel are destitute and get relatively little from the government or donors. Inadequate reintegration packages have only begun to arrive recently, after two years of promises from the government, the World Bank, and others. This has created a disincentive for further defections and harms peace prospects. "The way we are being treated is going to be key in whether others return from the bush", said a senior ex-LRA commander. "Most commanders would come out of the bush if there was specific support that was sustainable".<sup>32</sup> "We have nothing upon which to rebuild our lives", said another former LRA commander. "Our lives were ruined. Most of us were abducted, have been in the bush too long, and can't go home".<sup>33</sup> A third recounted:

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<sup>26</sup> Crisis Group interview, 19 May 2005.

<sup>27</sup> Crisis Group interviews, Northern Uganda, May 2005.

<sup>28</sup> The army does not patrol at night because it lacks night vision equipment. Not pursuing the LRA at night leaves civilian targets exposed and vulnerable to LRA attack.

<sup>29</sup> Reports of army human rights violations have increased in recent weeks as the government has stepped up military operations in the North. Some army commanders have been accused of politically motivated violence and the use of former LRA combatants to harass and abuse civilians whom they suspect of collaborating with the LRA. The reports include incidents of torture and rape. Crisis Group correspondence, June 2005.

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<sup>30</sup> Crisis Group interviews, Northern Uganda, May 2005.

<sup>31</sup> Crisis Group interview, Kampala, May 2005. Officers whose removal would be politically sensitive might be offered courses in U.S. or European military training programs to transfer them from the theatre of war without loss of face.

<sup>32</sup> Crisis Group interview, Northern Uganda, May 2005.

<sup>33</sup> Crisis Group interview, Northern Uganda, May 2005.



Many of us can't live in the IDP camp with what is left of our families because we fear re-abduction by the LRA. We live in the towns but have no money for school and no jobs. My two brothers were killed the day I was abducted, and now I have to care for my brother's child and my mother, as well as my own children, who were born before I was abducted. We have nothing to live on.<sup>34</sup>

President Museveni, who agrees on the urgency, says, "reintegration is a big problem. We need to do something about this immediately, at the same time ensuring that something is done for the victims of LRA atrocities".<sup>35</sup>

Former LRA commanders say that most of their old colleagues still in the bush would agree integration into the army as part of a peace deal. One elaborated:

These commanders are warlords. Most have learned that the gun can bring them everything they need: women, children, food, clothes, and happiness. They are gun-minded. They will need these things in their new life. The resettlement package needs to maintain their self-respect. Some of us had offices in Khartoum and vehicles that took us to work. Now we have no property or anything in Uganda. If you want to stop the war, you will have to come up with some kind of package. The rebels' needs are not that big. The officers have large families, some pre-existing the war. They need to be able to support them.<sup>36</sup>

The Amnesty Commission, a statutory government body, is the major player in Kampala on this issue but it has only just begun the attempt to run a comprehensive national disarmament, demobilisation, and reintegration (DDR) program.<sup>37</sup> Since 13 May 2005, when a limited DDR program was formally launched, the Commission has given in-kind and cash reintegration packages to 600 of the 6,000 LRA ex-combatants it has identified as eligible to receive assistance.<sup>38</sup> The program was extended to Gulu on 27 May and to Kitgum on 16 June. Once it is fully operational, the Commission will have the capacity to

take in 200 ex-combatants daily, some of whom will be referred to specific agencies for psychosocial and other additional support.<sup>39</sup>

The Commission's only reliable source of funding is the MDRP partnership (Multi-Country Demobilisation and Reintegration Program), a regional initiative managed by the World Bank. The MDRP released \$450,000 at the beginning of 2005, and the Commission says it will pay out more of the \$4.1 million budgeted as it is needed.<sup>40</sup>

These reintegration packages include both cash -- 350,000 Ugandan shillings (\$205) -- and physical items such as a mattress, blanket, cup, pots and pans, jerry-can, ten kilograms of seeds, and farming tools, but more is needed to give the former combatants a visible incentive that they can take advantage of immediately. For example, reintegration packages could offer ex-LRA commanders training in business management and modest start-up capital as an alternative to the army integration which many would like. Nearly all those whom Crisis Group interviewed made some such request.<sup>41</sup> A helpful and visible individualised peace dividend could be a pledge by government and donors to provide free education through university level to all returning LRA members.<sup>42</sup> The psychological and social counselling services envisaged in the reintegration strategy are under-funded. Social workers should be made available for outreach to communities, especially to assist children trying to return home, who often have experienced severe trauma.

## D. JUSTICE

The ICC is a third independent actor in the civil war. The LRA, whose top leaders fear the Court's mandate to end impunity and, by implication, punish them for horrific crimes, recognise this point perhaps better than the government. President Museveni invited the Court to exercise jurisdiction, at least in part as a way to gain new leverage over the insurgency. His

<sup>34</sup> Crisis Group interview, Northern Uganda, May 2005.

<sup>35</sup> Crisis Group interview, Kampala, 19 May 2005.

<sup>36</sup> Crisis Group interview, Northern Uganda, May 2005.

<sup>37</sup> Crisis Group correspondence with the World Bank, June 2005.

<sup>38</sup> The Amnesty Commission is targeting 15,300 ex-combatants (also called "reporters") from several armed groups for DDR over a two-year period. Former LRA fighters comprise most of the target group. Crisis Group correspondence with the World Bank, June 2005.

<sup>39</sup> Ibid.

<sup>40</sup> Crisis Group interview, Amnesty Commission officials, Kampala, June 2005.

<sup>41</sup> Crisis Group interviews, Northern Uganda, May 2005.

<sup>42</sup> Providing a similar benefit to a specific sub-category of LRA victims, such as amputees, would be an important addition to a reintegration strategy, consistent with President Museveni's point that benefits for ex-LRA must be balanced by benefits for the LRA's victims, both as a matter of equity and to generate support for the DDR process.



apparent willingness to consider generous settlements on the fates of Kony, Otti and other senior figures suggest he may believe he can as easily invite it out if a purely political resolution of the war presents itself.

As outlined in earlier Crisis Group reporting, the ICC has conducted its investigation carefully. It has not rushed into the execution of warrants, so as to allow the Bigombe mediation time to explore LRA intentions. It has also worked at explaining its mission to communities in Northern Uganda that are concerned about the implications of the ICC process and protective of their right to use traditional reconciliation procedures with respect to at least some former LRA.<sup>43</sup> However, warrants for the arrest of senior LRA figures on serious criminal charges are likely to be issued within the next few weeks. They will impact unpredictably but significantly on the situation.

The Acholi in Northern Uganda are divided about warrants. Some believe justice must be done, and the warrants should proceed; many more fear they would destroy the uncertain peace process and lead to terrible new LRA atrocities.<sup>44</sup> The diplomatic community in Kampala is similarly divided.<sup>45</sup> It is uncertain whether Bigombe could or would continue her mediation effort if warrants are issued.

Given Kony's record of using massacres to make his points, it is quite likely that his initial reaction would be to attempt spectacular atrocities to show that his insurgency was still a force to be reckoned with. He might also use the ICC's action as justification for walking away from the mediation process. The government, at the very least, will need to make military plans to forestall as much of the violence and protect as many civilians in the North as possible. The Quartet nations and donors should work with the Ugandan authorities to help them maximise civilian protection in what is bound to be a sensitive and difficult period.

The longer range impact is harder to foresee. The threat of ICC warrants and eventual prosecution has already had a positive impact in support of peace efforts by contributing to the pressure on the LRA to engage in some form of dialogue with the government and by influencing Khartoum to reduce its overt support for the insurgency. ICC personnel have some reason to believe that giving a more tangible character

to that threat in the form of warrants for Kony and his senior deputies could lead other LRA commanders and their followers to abandon the insurgency. Eventually, it might even influence Kony himself to take tough decisions about a settlement on which he has hitherto vacillated,<sup>46</sup> though Bigombe and many diplomats in Kampala believe the LRA would step back from the peace process for fear it was leading them toward arrest and prosecution.<sup>47</sup>

President Museveni is likely to continue his efforts to bring about the earliest possible end to the insurgency. He has said that Kony might fare worse under Ugandan law than international law: "If we capture him, he would be tried under our law, since he refused amnesty. We have a death penalty, the ICC doesn't".<sup>48</sup> He may have conveyed that message at least indirectly to the LRA leadership as an argument for why it should cut a deal with him rather than continue to risk capture by the Ugandan army. Once the ICC has brought charges, he may stress that if the top leaders come in voluntarily and quickly, they can still have a generous arrangement.

Much more discussion between the ICC and the government will be needed to ensure that each understands the other's requirements and objectives. The ICC will need to continue to show sensitivity to efforts at diplomatic solutions and to local community concerns. The Court needs to be successful in Uganda -- one of its first operations -- in order to demonstrate that it is an effective instrument. It cannot afford to be seen as a mere tool of a government's policy. At the same time, it will not want to be viewed as rigid and unrealistic since it hopes to encourage other countries to follow Uganda's example and invite it to fulfil its high mission. Two avenues of enquiry that the government will certainly want the prosecutor to explore as vigorously as possible in the next months are: who specifically is providing re-supply and sanctuary to the LRA in Sudan, and who is assisting in the latest surge of attacks in both southern Sudan and Northern Uganda.

On the other hand, the government needs to recognise that the ICC has responsibilities to carry out its independent mandate and that the prosecutor answers to the Court and its judges, not to the authorities of the country that has ceded a specific area of sovereignty. Ultimately, amnesty packages for the leadership of rebel groups are part of many peace agreements. But any offers of amnesties to Kony, Otti

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<sup>43</sup> Crisis Group Briefings, *Peace in Northern Uganda and Shock Therapy for Northern Uganda*, both op. cit.

<sup>44</sup> Crisis Group interviews, Northern Uganda, May 2005.

<sup>45</sup> Crisis Group interviews, Kampala, May 2005.

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<sup>46</sup> Crisis Group interviews, June 2005.

<sup>47</sup> Crisis Group interviews, May and June 2005.

<sup>48</sup> Crisis Group interview, 19 May 2005.

and others would be premature until it is clear there is genuine willingness to participate in a peace process, not merely the mixed signals of the past months. If there is such willingness to negotiate, and real prospect of a peace agreement, then the prosecutor has discretion under Article 53(4) of the Court's statute to reconsider his decision to prosecute.<sup>49</sup> If that point is reached, it will be much more feasible for the prosecutor to suspend prosecution if a genuine, robust and credible reconciliation and accountability process is in prospect as part of a negotiated settlement.<sup>50</sup>

## E. RECONCILIATION

Reconciliation is needed on a number of levels. Communities must be prepared and supported to accept returning LRA ex-fighters. Inter-communal efforts should be assisted, within the Acholi region and between Acholi and neighbouring communities. The larger north-south divide, which has burdened

Uganda's political life from the beginning, will also need to be addressed.

There has been little progress to date on any of this. Conferences and workshops are being held but "peace-building is happening only at the elite level. It doesn't filter down to the grassroots".<sup>51</sup> Most disturbingly, there is no organised effort to help reduce the stigmatisation and other difficulties former LRA experience when they attempt to return to their communities. This is a meaningful factor in the peace process: LRA fighters still in the bush closely observe the treatment of their former comrades.

Traditional reconciliation ceremonies are held occasionally in district centres but these are witnessed by only a small audience. In order to send a message to the LRA that a genuine effort is being made to reduce community hostility, ex-commanders should be taken back to areas where they committed atrocities in order to conduct those ceremonies.<sup>52</sup>

Many donors and diplomats in Kampala complain about a lack of forward movement in the peace process but do not put resources into the kinds of concrete actions that could begin to make a difference in the North. The international policy community should recognise the importance of indigenous reconciliation efforts and provide more financial and technical support to these initiatives. Local leaders and civil society organisations, many led by women, are actively working to reconcile former fighters and reintegrate them into society. Donor efforts on reconciliation are uncoordinated, lacking an overall framework or strategic objective. A number of NGOs work on the issue but civil society leaders in the North say their claims far outstrip help given on the ground. What resources are offered rarely reach the community level, where reconciliation efforts are most needed.

The local initiatives that are springing up could benefit from technical assistance. For example, a group of ex-LRA returnees, all former abductees, have formed Information for Youth Empowerment Services (IYES), which focuses on reconciliation by preparing communities to accept ex-LRA returnees through workshops, drama and dance. President Museveni has indicated that his government and donors should begin to help with compensation to the

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<sup>49</sup> On the prosecutor's discretion, see Crisis Group Briefing, *Shock Therapy for Northern Uganda*, op. cit., p. 6, fn. 48.

<sup>50</sup> Relevant considerations are discussed by Darryl Robinson, "Serving the Interests of Justice: Amnesties, Truth Commissions and the International Criminal Court", *European Journal of International Law*, June 2003, p. 3: "The most likely point at which the ICC will determine whether to defer to national programs is pursuant to the discretion of the Prosecutor to decline to prosecute where it would not be in the 'interests of justice'. The basic argument presented here is that the ICC, given its mandate, must generally insist on prosecution, but that there may be exceptional circumstances where it would not be in the interests of justice to interfere with a reconciliation mechanism, even though that mechanism falls short of prosecution of all offenders. First, for transitional societies dealing with mass atrocities, a program of truth commissions and conditional amnesties for lower-level offenders, coupled with prosecution of the persons most responsible for such crimes, would likely be a sufficient response deserving deference from the ICC, especially where the number of offenders is prohibitive. Second, if a state went further and allowed even the persons most responsible for international crimes to apply for conditional amnesties, it would be dramatically more difficult to justify. However, the door is not necessarily completely closed, and the ICC may keep an open mind to creative and good faith alternatives to traditional models of prosecution. In the light of the mandate of the ICC, the circumstances would have to be quite compelling, and one would require both pressing circumstances of necessity as well as an impressive non-prosecutorial approach advancing the objectives of accountability. Third, a blanket amnesty for international crimes would be the antithesis of the purpose of the ICC and should never enjoy deference from the Court".

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<sup>51</sup> Crisis Group interview with international official, 13 May 2005.

<sup>52</sup> For discussion of these traditional reconciliation ceremonies and procedures, see Crisis Group Briefing, *Peace in Northern Uganda*, op. cit., pp. 7-8.

victims of LRA atrocities, as part of the overall reconciliation efforts.<sup>53</sup> Since most perpetrators do not have resources with which they could compensate victims, the government and donors could indeed help in this regard.

## **F. HEARTS AND MINDS**

Ultimately, it is crucial that Northerners perceive the government as catering to their interests. The government -- in close coordination with donors -- should develop a strategy that makes the Acholi people a more essential part of the governance of Northern Uganda, increases humanitarian assistance to the IDP camps and undertakes an inclusive process of planning for normalisation of life in the region.

In the nearly two decades since Museveni took power in 1986 by displacing one of their own, Northerners have believed that good governance, the functioning of institutions, and the efficiency of services in the region have not been priorities for the Kampala government. Such a commitment now, as part of a larger agenda of promoting peace and reconciliation, would be both a confidence-building measure for the peace process and good politics in advance of the 2006 elections.

The government and donors are far from meeting basic humanitarian needs in the North, however. The IDP camps in Kitgum and Pader are congested, with poor sanitation, limited supply of clean water, and rampant disease.<sup>54</sup> Food security is tenuous, and donors predict breaks in the pipeline in August 2005 could force a cut in rations. The number of night commuters -- children who walk from villages to larger towns each night to avoid abduction -- has increased in recent months due to greater LRA activity.<sup>55</sup> A joint effort by government, donors and civil society groups to strengthen the social safety net especially in the Northern IDP camps would increase confidence in the government, an important element for lasting peace.

Inclusive normalisation planning goes beyond simple rewards, reintegration, resettlement or reconciliation.

It requires a transparent government budget and a policy to involve the affected population at the grassroots in developing and taking decisions relevant to its expectations and post-conflict needs. Important areas on which such planning should begin now include roads, hospitals and psycho-social services, schools, reparations and compensation for losses during the conflict, cultural issues such as burials and family reunions, micro-finance and other participatory economic activities, land ownership, and potential inter-communal and family conflicts. Community forums must be held to actively solicit the input of grassroots leaders, including women, who are in the best position to understand the needs of their communities. Planning must take into account not only general development goals, but specific post-conflict needs, including the changes in gender roles and women's capabilities that have occurred in the last 19 years of war.

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<sup>53</sup> Crisis Group interview, 19 May 2005.

<sup>54</sup> A new UNICEF report also indicates that at least 60 per cent of women in the largest IDP camp in the north, Pabbo Camp in Gulu District, have also suffered sexual and domestic violence. See "Suffering in Silence: A Study of Sexual and Gender-based Violence": [www.unicef.org/media/media\\_27378.html](http://www.unicef.org/media/media_27378.html)

<sup>55</sup> Crisis Group interview, Washington DC, 9 June 2005.

#### IV. INTERNATIONAL COMMUNITY CONTRIBUTIONS

Beyond the contributions discussed above, members of the international community can improve the chances of success of the peace process in several further ways. The Quartet countries should give greater support to mediation efforts. The AU and UN need to sort out now whether, and how, they might deploy observers to assembly points pursuant to a ceasefire agreement. Sudan should adopt a less ambiguous stance toward the LRA, pressing it to come to the table and negotiate seriously or else cooperate to expel it from the south of the country.

While support for the mediation effort has remained insufficient, there were several positive steps in April and May 2005. The U.S. joined the old troika of engaged countries, though it has still not weighed-in significantly. As discussed more fully in the most recent Crisis Group briefing, it should do more to fulfil its potential to aid the peace process.<sup>56</sup> In particular, it should name an envoy to engage President Museveni more directly from Washington and give him a partner with whom to strategise and work out a more consistent policy. More U.S. public statements in support of the peace process would help give Kony greater confidence in the process.

Others have sent emissaries: from the UN, Under Secretary General for Humanitarian Affairs Jan Egeland and Haile Menkerios of the Department of Political Affairs (DPA); from The Netherlands, Minister for International Cooperation Agnes Van Aardenne; and from Norway, Ambassador Hans Jacob Frydenlund, who stayed four weeks in Kampala to help push the process, and Minister for International Cooperation and Development Hilde Johnson.

Egeland has maintained a spotlight on the humanitarian dimensions of the crisis, and his closed-door briefing on humanitarian crises in Africa on 10 May led the Security Council President to condemn the recent LRA atrocities.<sup>57</sup> Secretary-General Kofi Annan should now

put his prestige publicly behind the peace process and focus the wider UN system on what it can do to assist a comprehensive strategy.

The UN also has an important role to play in bringing more pressure on Sudan to be constructive. As it prepares to deploy 10,000 peacekeepers in support of the agreement between Khartoum and the SPLM, the UN mission there (UNMIS) could help shine a spotlight on any continued Sudanese support for the LRA. This would require the Security Council to amend its mandate to include a priority on observing LRA movements and reporting on LRA locations. The UN and interested countries such as the Quartet members should also be pressing the Sudanese regime to use its leverage on Kony to get him to be more forthcoming in the peace talks. Sudan's obligations go beyond simply ceasing support to the LRA. It is time for it to threaten the insurgent leader with military action to arrest or expel him and his forces from Sudan if he is not more responsive.

If the government and LRA reach a ceasefire agreement, international observers will almost certainly be needed to help implement it. The Security Council, the AU, and interested countries should already be discussing who would be willing to do what. Such advance consultation and planning is important both for getting personnel on the ground quickly and for giving the parties -- especially the LRA -- confidence to enter into a ceasefire.

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<sup>56</sup> Crisis Group Briefing, *Shock Therapy for Northern Uganda*, op. cit.

<sup>57</sup> Ambassador Ellen Margrethe Løj of Denmark, Security Council President for May, stated: "As regards Northern Uganda, members of the Council condemned the atrocities carried out by the Lord's Resistance Army (LRA) and called on the LRA to cease all acts of violence and enter into peace negotiations". She added that Council members hoped a peaceful solution could be achieved and encouraged the Ugandan government to seek a peaceful

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end to the conflict. "UN SC voices concern over Africa's humanitarian emergencies", UN News Service, 10 May 2005.

## **V. CONCLUSION**

The Northern Uganda peace process is an uncertain proposition but it has stayed alive over many months and has produced some tentative signs of serious interest on the part of the mercurial LRA leader, Joseph Kony, that need to be followed up. At the very least both sides should recommit to finding out, as quickly as possible, whether a negotiated way to end the lengthy civil war is possible and put aside the temptation to escalate the resort to arms prematurely. A top former LRA commander said of his former chief, "the last step in dealing with a madman is to kill him".<sup>58</sup> Kony has a great deal of blood on his hands but he may be sensible enough to see his own interest and that of his followers in putting an end to the killing. In any event, there are many things that are yet to be done to contribute to peace rather than rely on the ex-commander's implicit recommendation. The international community -- along with the Ugandan government -- should be working overtime on all of them.

**Kampala/Brussels, 23 June 2005**

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<sup>58</sup> Crisis Group interview, May 2005.

## APPENDIX A

## MAP OF UGANDA





## APPENDIX B

### ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, multinational organisation, with over 110 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

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