

Peace in Northern Uganda: Decisive Weeks Ahead

I. OVERVIEW

The eighteen-year insurgency in Northern Uganda by the Lord's Resistance Army (LRA)¹ -- whose extreme brutality has displaced 1.6 million people² and sparked an investigation into war crimes and crimes against humanity by the International Criminal Court (ICC) -- may finally be amenable to resolution. But if peace is to be achievable in 2005, the next few weeks will be decisive.

The Ugandan government will need to make a concerted effort to ensure that the peace process moves forward apace by extending by a further month its unilateral ceasefire expiring on 22 February 2005. The LRA, which was shocked by the surrender of its chief negotiator on 16 February, must demonstrate quickly that it wants a peaceful resolution of the conflict by negotiating seriously in order to conclude a definitive ceasefire. Without this additional effort on both sides as well as increased international support, the promising process could crumble, resulting in more fighting and a renewed effort by the government to win the war by purely military means.

Factors on the ground add up to the best opportunity for peace that northern Uganda has had since the war began. The African-brokered peace deal in neighbouring Sudan at the beginning of the year has created some momentum. Other contributions to the improved environment for conflict resolution include:

- ❑ the Ugandan military's counter-insurgency effort has become more effective;
- ❑ the Sudanese government has reduced its support to the LRA;
- ❑ the ICC investigation is putting pressure on both the LRA and the government;

¹ For more background on the LRA insurgency, see Crisis Group Africa Report N°77, *Northern Uganda: Understanding and Solving the Conflict*, 14 April 2004.

² United Nations, "Consolidated Appeal 2005 for Uganda", at <http://www.reliefweb.int/>.

- ❑ civil society initiatives at reconciliation and bridge-building are showing promise;
- ❑ the government offered a significant confidence building measure when it declared a 47-day unilateral ceasefire in a wide zone in late 2004 and renewed it for eighteen days on 4 February 2005 to facilitate negotiations; and
- ❑ the able mediation of former Ugandan State Minister Betty Bigombe³ has built trust with the parties.

The process Bigombe has painstakingly built came into public view in the last week of 2004 when local Acholi⁴ politicians, religious leaders, civil society representatives, international observers and members of a Presidential peace team all had meetings with LRA commanders. Internal Affairs Minister Dr. Ruhakana Rugunda became the highest ranking Ugandan official to talk with the LRA. Bigombe herself has met with LRA commanders repeatedly since the last quarter of 2004, discussing conditions and modalities for a ceasefire agreement as a first step towards negotiations on a comprehensive peace settlement.

The 31 December 2004 deadline passed, nonetheless, with the LRA refusing to sign the government's draft of a mutual and definitive ceasefire. When President Yoweri Museveni allowed more than a month to go by before renewing the ceasefire and fighting resumed, the process appeared dead. But Bigombe, who maintains unique relationships and top level access with both the rebels and the government, kept the lines of communication open and soon was able to resume regular meetings with the LRA. The next deadline -- 22 February when the government's unilateral ceasefire is due to expire --

³ Bigombe has been involved in past efforts at peacemaking with the LRA, though none that have progressed as far as the current one. She has been authorised to pursue this initiative by President Museveni.

⁴ The Acholi are an ethnic group in the northern Ugandan districts of Gulu, Pader and Kitgum that are most affected by the LRA insurgency. They belong to the larger Lwo linguistic group that originates from the Bahr al-Ghazal region in southern Sudan and are spread in many parts of Uganda and Kenya.

should be extended.⁵ But if the process is to succeed, a more secure, mutually agreed ceasefire needs to be in place and negotiations started on the terms of a final settlement by April when the rainy season (the best time for LRA operations) begins.

The surrender of Brigadier Sam Kolo on 16 February 2005 leaves the process in some uncertainty. He was a voice of moderation within the LRA, and his departure means the insurgency not only is without a lead negotiator for the moment but also smarting over a high profile embarrassment. The reaction on the ground is mixed. "It is not a totally negative development", said a European diplomat involved in the process. "It is also an added value to us because we can redesign our strategy based on his insights into the workings of the LRA".⁶ Vincent Oti, deputy to the LRA's enigmatic leader, Joseph Kony, has indicated to Bigombe that he is committed to the continuation of the process.

Previous attempts to end the conflict were undermined by the hostility between the governments of Sudan and Uganda, who accused each other of violating the common border and supporting the other's insurgents. This is changing. In the last week of January, the former Sudanese insurgent and now vice president designate under the recently assigned peace accord, Sudan People's Liberation Movement/Army (SPLM) Chairman John Garang, was in Gulu, northern Uganda, focusing on the interconnections of the two conflicts. There is a new possibility for enhanced economic and political co-operation between at least the SPLM-dominated southern Sudan and Uganda.⁷

The following is needed to take advantage of the opportunity for peace:

- The Ugandan government should extend the unilateral ceasefire due to expire on 22 February by one month in order to allow further time for negotiation; while maintaining military pressure on any elements of the LRA that reject the peace process, it should refrain from attacking its negotiators and conducting military operations inside the ceasefire zone.

⁵ President Museveni has indicated that he will extend the ceasefire if the LRA makes a meaningful commitment to pursuing the process further. It is unclear whether the signing of the ceasefire proposal will be the only measure of LRA seriousness acceptable to the government. Crisis Group interviews in northern Uganda, 18 February 2005.

⁶ Crisis Group interview, 17 February 2005.

⁷ *The New Vision* reported on 29 January 2005 that Garang has promised to propose to Khartoum the construction and tarmacking of a highway from southern Sudan via Yei to Gulu to provide a direct link with Kampala.

- The international community, including the unofficial European troika of Norway, Netherlands and UK, should increase its assistance to mediation efforts, and maintain pressure on the Sudan government not to resume assistance to the LRA.
- The ICC should take into account potential impacts on the peace process as it pursues its investigation into war crimes and crimes against humanity committed during the conflict and hold back any warrants of arrest of LRA leaders at least until April, when the direction of the current initiative will be clearer.
- The UN and the African Union (AU) should prepare to deploy monitors quickly for a ceasefire should one be agreed within the next weeks.
- The U.S., which has been only quietly supporting the process until now, should appoint a senior envoy to serve as a partner for President Museveni and build the LRA's confidence in a peaceful outcome.
- To build momentum and confidence in the peace initiative, donors should fully fund a disarmament, demobilisation and reintegration program for ex-LRA combatants at the same time as they increase assistance for the internally displaced (IDPs) and other victims of the conflict.

II. THE MOTIVATIONS OF THE PARTIES

A. THE GOVERNMENT

Politics in Kampala lends new urgency to ending the conflict in Northern Uganda. President Museveni appears to perceive a need to pacify the region in order to create an additional stronghold for his National Resistance Movement (NRM) ahead of the 2006 elections⁸ when he is expected to seek a third term despite the bar of the present constitution.⁹ The NRM has wasted no time in exploiting the prospect of peace. LRA commanders who either returned recently or were

⁸ The legislation authorising multiple parties is not yet enacted.

⁹ In 2006, the ruling NRM will become NRMO, to indicate that it is becoming a partisan political organisation in a multi-party system. The NRM, which has been in power since 1986, is broad-based and includes Ugandans of different political shades. The 1995 constitution permits only two presidential terms. Museveni's second ends in 2006.

captured by the army (the UPDF¹⁰) are indoctrinated and asked to voice support for a third presidential term.

For the last eighteen years, the NRM could afford to pay little attention to the North because it had strong support in the southern and central regions as well as some parts of the east. These bases are growing shaky as disagreements emerge within the NRM, and they will be under more pressure at the 2006 elections, which are to be conducted on a multi-party basis.¹¹ If peace can be re-established in the North before those elections, Museveni can be expected to seek the region's support by embarking on a development program and cashing in on his success against the LRA.¹²

If the agreement that has just concluded its neighbour's civil war brings stability to southern Sudan, Uganda stands to benefit economically because it can provide easy cross-border access to new business opportunities there.

B. THE LRA

The calculations of LRA leader Joseph Kony are crucial to determining whether the insurgency -- indeed northern Uganda as a whole -- has a hard or soft landing. Kony is an enigma. Crisis Group's extensive discussions with recently captured or surrendered LRA commanders revealed a bizarre portrait of a man rooted in a grotesquely distorted view of the Old Testament.¹³ Kony seeks revenge for past government transgressions against his Acholi people: literally an eye for an eye.¹⁴ He attacks

civilian targets in the North almost exclusively because he believes he has been told by God to punish anyone who collaborates with the government, which he defines as the entire Acholi population.

Kony believes he is a prophet, who receives visions and cleanses evil spirits. He likens himself to Moses, who brought the Ten Commandments to a people whom he was leading to a "promised land" but who were at first largely deaf to his message. The promised land at which he aims is a purified Acholi people and the overthrow of the Museveni government. Even Moses, he says, was forced to kill. He believes that, again like Moses, he will not himself reach the promised land, which may mean that he is not psychologically prepared to conclude a peaceful settlement.¹⁵

The reclusive LRA leader has remained elusive and silent about the peace process. His silence reinforces government scepticism regarding the LRA's ultimate intentions. It is not clear what authority Kolo had before his defection. The LRA has not named anyone as yet to take his place. The apparent offer of Otii -- who is personally responsible for a number of major LRA massacres -- to take the lead in the process is still unconfirmed.

Key LRA commanders like Otii remain loyal to and fearful of Kony but the insurgency is clearly in trouble. The Ugandan military has become much more effective as a result of modest cooperation with Khartoum, a new command, reduced corruption and recently acquired attack helicopters.¹⁶ Under pressure, the Sudan government has -- for now at least -- cut most of its links with the LRA, which for years it supplied with arms, food and sanctuary.¹⁷ The ICC investigation is a further

¹⁰ Ugandan People's Defence Forces.

¹¹ In 2004 a group of former NRM members in Parliament broke away to form what became known as the Parliamentary Advocacy Forum (PAFO) against a third term for President Museveni. Later in the year PAFO merged with Reform Agenda, a group that broke way from the NRM in 2001, to form a joint opposition group, the Forum for Democratic Change (FDC).

¹² In the 1996 presidential election Museveni won only 8.5 per cent of the vote in Gulu; his opponent, Paul Kawanga Semwogerere, who represented the Inter-Party Political Forces Co-operation (IPFC), got 90.5 per cent. In 2001 Museveni received 11.5 per cent, his opponent, Kiiza Besigye, 81.8 per cent.

¹³ Crisis Group interviews in northern Uganda, January 2005.

¹⁴ It is reported, for example, that a victorious National Resistance Army (NRA), which became the Uganda People's Defence Forces (UPDF) in 1995, buried a number of people alive in northern Uganda in 1988 and forced men and women into sex before their families in order to humiliate and degrade the Acholi community as a whole. See Crisis Group Report, *Northern Uganda*, op. cit., p. 3. Also, Human Rights Watch, "The Scars of Death: Children Abducted by the LRA in Uganda", September 1997, and F.

Van Acker, "Uganda and the Lord's Resistance Army: the New Order No one Ordered", IPDM-UA discussion paper 6 October 2003, p.13, at <http://www.ua.ac.be/main.asp>.

¹⁵ Crisis Group interviews in northern Uganda, January 2005.

¹⁶ Crisis Group interviews, December 2004 and January 2005.

The improvement in UPDF performance is attributed substantially to Operation Iron Fist (OIF), which started in 2002 as a result of a protocol between Kampala and Khartoum that allows the Ugandan army to operate against the LRA in limited areas in southern Sudan. The Ministry of Defense in 2003 investigated corruption in the army, which had undermined morale and effectiveness. President Museveni subsequently announced a major shake up and prosecutions, followed by a comprehensive reorganisation that led to the appointment of the current commander, Lt. General Aronda Nyakairima, and many other professional field officers. See, Crisis Group Report, *Northern Uganda*, op. cit., *The Monitor*, 6 December 2003 and *The New Vision*, 16 December 2003.

¹⁷ Senior SPLA commanders in the region claimed in mid-January 2005 that the Sudanese government was still

source of pressure. The chief reason why many LRA rank-and-file are now more willing to quit the rebellion may well be to benefit from the government's amnesty offer and gain protection from prosecution. Many more, including commanders like Kolo, appear to be weary of unending war. Another reason, though more difficult to quantify, is that Kony's aura as a spiritual leader is waning.

If Kolo, as appears likely, is treated well by the government, this will give confidence to others in the insurgency that a peaceful exit option exists. Kolo himself told Crisis Group after he went over to the government that, "for a long time, we were misled. Many Acholi leaders also kept telling us to continue fighting. But now it is time to realise that fighting only leads to suffering. Those remaining in the bush need to get this message".¹⁸

Deprived of their camps and re-supply lines and with a rank and file made up largely of abducted child soldiers¹⁹ held hostage by sadistic commanders who were themselves abductees years ago, a weakened LRA has gone into survival mode. Its main focus is to steal food, rest, recuperate and try to abduct more children to replace those killed, captured or surrendered. Since mid-2004, however, abductions have decreased precipitously as a result of improved security at camps for internally displaced persons (IDPs), army pressure and the changing dynamic in southern Sudan.²⁰

However, this is an organisation with a demonstrated recuperative capacity. It is still able to create havoc and terrorise civilians. Complacency -- and premature government pronouncements of victory -- would be deadly. If Kony were to be killed or captured, the LRA could unravel just as UNITA did in Angola when Jonas Savimbi was killed and the RUF did in Sierra Leone when Foday Sankoh was captured. But, equally, relying on a 'single bullet' strategy could well condemn northern Uganda to many more years of atrocities.

III. THE RATIONALE FOR A PEACE STRATEGY NOW

The peace process should be pursued actively and quickly. It remains the most promising way to end a conflict that still has the potential to run a long and deadly course, with implications for neighbouring countries as well as Uganda itself.

While continued military pressure on those elements of the LRA that do not support the peace effort is appropriate, a purely military solution would have a number of adverse impacts. It would result in the deaths of hundreds, possibly thousands, more abducted child soldiers and LRA dependents; would be much more expensive; and would make reconciliation much more difficult (both among the Acholi and with the government). Even if they posed no strategic threat to the government, those remaining in the bush -- who would increasingly be the hard core commanders -- would continue to inflict serious harm on civilians, prevent normalisation and reinforce regional alienation.

Even if a concerted, serious negotiation effort does not end the insurgency completely, and Kony stays in the bush, a peace strategy which used force in a limited, targeted way would generate more surrenders than a purely military effort. The brutality of the LRA and its unusual beliefs place it in a unique category, but negotiations would isolate hardliners and make it more difficult to oppose a final agreement. The process itself would build confidence and allow the government to gather valuable intelligence.

The opportunity for a peace settlement, now greater than ever before, will not continue indefinitely. The LRA has traditionally increased its activities during the rainy season, which usually begins in April, when vegetation provides its guerrilla fighters with better cover. It is important that major progress be made before that cycle recurs.

Two impending legal processes also could short-circuit peace efforts. The government plans to amend its blanket amnesty offer and pursue prosecution of the insurgency's top ten or fifteen leaders. The ICC is preparing its own warrants of arrest against some of the same leaders. These are important steps toward accountability and an end to impunity, and have contributed significantly to the pressures for settlement. But if either set of prosecutions is launched before the talks allow a full assessment of LRA intentions, there is a real risk that they would drive Kony and some of his equally wary associates definitively away from the peace process.

providing support to the LRA through Juba and Torit. Crisis Group interviews in southern Sudan, January 2005.

¹⁸ Crisis Group interview, 18 February 2005.

¹⁹ 20,000 children are believed to have been abducted by the LRA in the first seventeen years of the insurgency. Human Rights Watch, "Stolen Children: Abduction and Recruitment in Northern Uganda", March 2003.

²⁰ Integrated Regional Information Network, "Uganda: Northern conflict creates protection crisis -- NGOs", 14 December 2004.

Other actors could also play the role of spoilers. There are still those on all sides who benefit economically from war or whose power and privileges would otherwise be likely to diminish in peace. There are hard line elements in the Ugandan and Sudanese governments as well as in the LRA who oppose negotiations. Some on the Ugandan side, for example, believe Kony would never make peace but a military victory is possible.²¹

The LRA could not have sustained its war for nearly two decades without support and rear bases in southern Sudan,²² and interviews in that region reveal that it remains one of the largest sources of insecurity there.²³ If instability continues in Sudan's South, the LRA would have new opportunities to gain support, haven, alliances, and weapons. There are elements in the Khartoum government that remain interested in keeping the organisation alive as a tool precisely for the purpose of destabilising the South. Until the recent peace deal between the southern-based SPLA insurgents and the Sudan government is fully implemented, there is a real risk Sudanese military intelligence officers will resume support to the LRA to help it live to fight another day. Such support could be part of a wider plan to funnel aid also to Sudanese militias as a means of undermining the implementation of the Sudan peace deal ahead of the promised self-determination referendum for southern Sudan.

The continuation of a Sudanese government army presence in and around Juba and Torit for at least another two and a half years²⁴ pursuant to the terms of the peace agreement makes this more feasible. The provision in the peace agreement for a joint/integrated unit of 24,000 troops to be deployed throughout the South adds to the risk. These troops will be housed separately, providing continued opportunities for the Sudanese army to resupply the LRA unless UN monitors are effective.

²¹ Willet Weeks, "Pushing the Envelope: Moving Beyond 'Protected Villages' in Northern Uganda", March 2002, unpublished report for UN Office for the Coordination of Humanitarian Affairs (OCHA).

²² World Vision, "Pawns of politics: children, conflict and peace in northern Uganda", 2004.

²³ Crisis Group interviews in southern Sudan, January 2005.

²⁴ Under the terms of the Sudanese peace deal, there is a detailed 30-month timeline for the withdrawal of the bulk of the Sudanese army from southern Sudan. See Crisis Group Africa Briefing N°19, *Sudan's Dual Crises: Refocusing on IGAD*, 5 October 2004, and other Crisis Group reporting on Sudan at www.crisisgroup.org.

IV. BUILDING THE PEACE PROCESS

President Museveni has a long history of offering exit options to insurgents. In a country whose post-colonial history has been marked by extreme sectarian violence and some of the most murderous dictators in Africa, including Idi Amin and Milton Obote, he has demonstrated there are ways to bring conflict to an end other than solely through violence.

Advancing a still tentative peace process, however, is daunting in the context of so many years of war, no trust, little mutual understanding, and a long record on both sides of bad faith in previous efforts at negotiation. It will require some measure of patience; this is not an insurgency that will end overnight. If a ceasefire can be achieved, the substance of follow on negotiations would be less complicated. But getting to that point -- tricky under any circumstances -- is made much more difficult by erratic deadlines, provocative government rhetoric and repeated government helicopter attacks on the LRA's negotiating team.²⁵

Both sides must make fundamental decisions to allow the process to develop. The government needs to adopt a consistent approach toward negotiations and commit more resources to a peace strategy; the LRA must articulate what it is fighting for and what it realistically wants to achieve through negotiations.

The continuation of Bigombe's contacts aimed at further confidence building between the LRA and the government is the key to further progress. There is growing hope that a ceasefire agreement can be signed before the end of February 2005. By mid-month, Bigombe had presented a revised draft ceasefire document to LRA commanders outlining the main issues. A peace team from the Acholi region led by Roman Catholic Archbishop John Baptist Odama of Gulu met with President Museveni to discuss ways to continue the dialogue. Museveni told Crisis Group he is willing to be flexible and allow the international community to play a meaningful role in resolving the conflict but he insists the LRA must show commitment to peace by stating its demands clearly.²⁶ This is a

²⁵ *The Monitor* reported on 24 January 2005 that the UPDF attacked and captured Brigadier General Michael Acelam Odong, who was a member of the seven-man team led by Sam Kolo in talks with government.

²⁶ Crisis Group interview President Yoweri Museveni, Entebbe, 17 January 2005. Also see remarks attributed to Museveni during the nineteenth NRM/A victory day on 26 January 2005: "We shall continue with the operation as Bigombe continues with the peace talk process. As military

positive sign since previously he had emphasised primarily a purely military solution.

A. CONFIDENCE BUILDING MEASURES

Further confidence building measures are needed to put the talks on a more secure footing. The government has already taken some significant steps to create an enabling environment through its blanket amnesty offer, the initial 47-day unilateral ceasefire and its subsequent extension to 22 February 2005, and support for Bigombe's mediation, but more should be done.

Helicopter attacks against the LRA's lead negotiator Sam Kolo were provocative. Though they may have helped convince him to go over to the government side, further such attacks on negotiators or attempts by the army to woo senior LRA commanders into crossing over could collapse the process altogether. It is not clear whether these actions have been attempts by spoilers to do just that or part of government policy. While continued military pressure on the LRA is justifiable until the group signs the ceasefire, attacking the negotiators is counter-productive and risks confirming a widespread impression in northern Uganda that the government is still not serious about negotiations.

The process is a delicate balancing act. Much depends on President Museveni's patience. His apparent new willingness to permit international observers into the ceasefire arrangements could be crucial.²⁷ However, statements such as the one attributed to him on 31 December 2004 giving the LRA an ultimatum to sign a ceasefire text prepared by the government without having time to study and respond is viewed as bad faith and undermines confidence. In turn, the continued silence of the LRA top leadership casts further doubt on its seriousness.

The government could provide another important confidence building measure by increasing assistance to the LRA militia and commanders who are leaving the bush through capture, defection or surrender. A tangible reintegration package in addition to the amnesty already offered would sweeten the incentive and draw out hundreds more LRA fighters. At the same time, in order not to create resentment, the government should help the victims of the conflict by ensuring that aid to IDPs is less erratic and by continuing to expand protection of

operations and peace talks go on, economic production around the camps and near the roads should continue...", *The New Vision*, 28 January 2005, at www.newvision.co.ug.

²⁷ Crisis Group interview, President Yoweri Museveni, Entebbe, 17 January 2005.

civilian populations in order to reduce the "night commuting" by rural children seeking the relative safety of urban areas.²⁸ A peace dividend should not have to wait for a final deal, and it could help build momentum toward ending the conflict definitively.

B. THE CEASEFIRE

Differences over the government's ceasefire proposal have been narrowed down to the assembly points -- where the LRA would congregate during the ceasefire to enable negotiations -- and how to ensure against violations. The best mechanism for dealing with the latter issue would be to have a neutral international force, most likely the UN or the African Union (AU), monitor the ceasefire zone, as President Museveni for the first time indicated that he could accept in his interview with Crisis Group.²⁹ Crisis Group understands that the present version of the government's proposal envisages a role for international monitors. However, neither the UN nor the AU has prepared for this. A division of responsibility between the two organisations needs to be worked out in advance so that monitors can be deployed quickly to the assembly points, and sustenance and shelter can be provided to LRA fighters and their dependents in the ceasefire zone.

C. SUBSTANTIVE ISSUES

If a ceasefire can be secured, a settlement will be in sight because the peace talks agenda should be relatively straight forward. President Museveni told Crisis Group he is willing to offer LRA ex-combatants a "soft landing" through negotiations.³⁰ There is no prospect that the government would offer any power sharing or other political concessions to the LRA, and the LRA does not appear likely to put such demands forward seriously. Although the insurgency has never formally articulated its requirements, Crisis Group discussions with veteran commanders who had just crossed over indicate there is a fairly defined set of practical issues.³¹

The security of the LRA leadership will be paramount, especially for Kony and his deputy, Vincent Oti. They

²⁸ Jan Egeland, "A Ugandan Tragedy", *The Washington Post*, 10 November 2004.

²⁹ Crisis Group interview, President Yoweri Museveni, Entebbe, 17 January 2005. In the past, President Museveni had maintained that the conflict was an internal affair that did not require outside assistance. "Museveni Snubs UN hand in Kony war", *The Monitor*, 13 February 2003.

³⁰ Crisis Group interview, January 2005.

³¹ Crisis Group interviews in northern Uganda, January 2005.

fear they will face retribution or accountability for the crimes they have committed from three sources: the international community through the ICC and the U.S. terrorism list; the government, which could retract its amnesty pledge; and the local Acholi population through revenge attacks.

The second issue involves what the ex-LRA combatants will do once they leave the bush. The commanders said their former comrades in arms are very concerned about their livelihoods. A well designed program of disarmament, demobilisation, and reintegration (DDR) is needed to provide an incentive for them to come out peacefully. The government will need to fund adequately its Amnesty Commission, and the World Bank should speed up its procedures so money is available for training and related programs.

Some LRA fighters -- perhaps the majority -- will want to join the army, with officers desiring to retain their rank. The Uganda People's Defence Force (UPDF) appears not to oppose this in principle but it insists training programs are a prerequisite.

Both the DDR program and the parallel effort of reintegrating IDPs need to be implemented skilfully lest resentments fuel a new rebellion. However, a good DDR program could alter the calculations of war-weary LRA fighters from the benefits of war to the benefits of peace.

D. LOCAL RECONCILIATION AND NEW GOVERNMENT POLICIES

Reconciliation at the local level should go hand in hand with peace efforts. Local communities and civic leaders say they will use their own traditional processes.³²

The length of the conflict, the suffering it has produced, and the complexities involved have led to a local consensus to promote the use of a process involving a clan and family-centred ceremony acknowledging wrong-doing and Acholi conflict settlement techniques known as *mato oput* and *gomo tong*.³³ These are ancient

rituals which are still valuable tools of reconciliation.³⁴ They involve the role of the traditional chiefs in ritual acts of the sharing of a bitter drink -- *mato oput* -- between enemies and the bending of spears -- *gomo tong*. Traditionally, the chief (*rwot*) mediates in instances of homicide, land disputes and family quarrels.³⁵ The Acholi believe that *mato oput* and *gomo tong* can bring about reconciliation in a way that formal justice systems cannot.

This process was reinforced by the installation of the Acholi Paramount Chief, *Rwot David Onen Acana*, on 15 January 2005. All recent LRA returnees are first subjected to the process to reconcile them to their communities and encourage others to return. Most agencies that receive former LRA fighters also ensure that they go through this process.

The Acholi people generally consider that the present conflict resulted from failed national policies and that an end to it must be found through negotiation and reconciliation. This is why the government's introduction of its amnesty act in 2000 was generally welcomed, particularly by the Acholi, whose concerns were incorporated into the law.

Just as negotiations with the LRA should not be confused with the need for local reconciliation, however, so that latter process will not be sufficient to cope with the deeper political problems. That the conflict has lasted for nearly two decades has much to do with government policies and the behaviour of government officials and security forces. The Kampala authorities have subjected the North to a prolonged state of exception where the rule of law has had no sway. Well documented practices of prolonged detention and torture of suspects account for much of the lack of trust the Acholis have in the government.³⁶

There is need for a comprehensive national program aimed at bridging the north-south divide caused by Uganda's history of sectarian violence.³⁷ The government's

³² Reconciliation Stakeholders Conference, "Reconciliation: The Way Forward", Ministry of Internal Affairs, Cultural Leaders of the Acholi Sub-region, Religious Leaders of the Acholi Sub-region, Northern Uganda Peace Initiative. GUSCO Peace Centre, Gulu, Uganda, 9-10 December 2004.

³³ Two processes are normally performed at one function. *Mato oput* in Acholi means "drinking bitter roots". *Mato* is to drink and *Oput* is a local tree that has very bitter roots. The drinking symbolizes the quenching of anger. *Gomo tong* means "bending of spears". Traditionally the spear is the weapon used in war. To bend it symbolises an end to hostility.

³⁴ See statement by Civil Society Organisation for Peace in Northern Uganda (CSOPNU), "The International Criminal Court Investigation in Northern Uganda", February 2005

³⁵ "Government cannot prevent the International Criminal Court from investigating crimes", Amnesty International Index, AFR 59/008/2004.

³⁶ See Crisis Group Report, *Northern Uganda*, op. cit.

³⁷ The north-south divide is rooted in the economic imbalance that was set in place by Britain, the colonial power. The more fertile south became the source of productive wealth while the north became a reservoir for cheap labour and troops for the King's African Rifles. In the post-colonial era, the northerners took power and used their numerical advantage in the army to suppress the south politically. All insurgencies in northern

peace initiative and its improved military operations are commendable elements for dealing with the immediate manifestation of the problem, the LRA, but the ethnically driven underlying causes must also be addressed within the broader context of ending the conflict and settling likely post-conflict scores.³⁸ Similarly, international attention must shift from addressing only the humanitarian consequences of the conflict to helping treat the cause and finding solutions.³⁹

V. IMPUNITY AND ACCOUNTABILITY

The government has a record of negotiating, co-opting or reconciling with rebel groups such as the Uganda Peoples Army (UPA) in 1988, the West Nile Bank Front (WNBFB) led by Juma Oris in 1996, the Uganda National Rescue Front (UNRF II) of Ali Bamuze in 2003 and others. Uganda's troubled history certainly demonstrates that reconciliation and peace processes are more effective than purely military means for ending protracted insurgencies.⁴⁰ Until now, however, no systematic and effective efforts have been made to prosecute human rights abusers.

In December 2003, before the present peace process began to develop, President Museveni asked the International Criminal Court to investigate and prosecute war crimes and crimes against humanity committed in the course of the LRA insurgency since 1 July 2002.⁴¹ Overwhelming evidence exists against senior LRA commanders, the need for some measure

Uganda since 1986, including the LRA, have resulted from an attempt by the people of that region to regain the power they lost when Museveni seized control after a five-year bush war.

³⁸ Citizens for Global Solutions. "In Uncharted Waters: Seeking Justice Before the Atrocities Have Stopped: The International Criminal Court in Uganda and the Democratic Republic of the Congo", June 2004.

³⁹ See Crisis Group Report, *Northern Uganda*, op. cit

⁴⁰ See Afako Barbey, "Reconciliation and Justice: Mato Oput and the Amnesty Act", Conciliation Resources, 2002, at <http://www.c-r.org/accord/uganda/accord11/reconciliation.shtml>.

⁴¹ "World Court to Probe Kony", *The New Vision*, 30 January 2004. 1 July 2002 is the date that the Rome Statute, which established the Court, entered into force. Uganda thereby became the first state to refer a situation to the ICC under Article 14 of that statute for investigation. When he originally requested the ICC intervention, Museveni may have calculated that criminalising the LRA would hasten the end of a war that the LRA had recently extended into the east, in the districts of Lango and Teso. It was particularly the massacre of civilians by the LRA in Barlonyo in Lira in mid-February 2004 that spurred ICC involvement.

of accountability is clear, and the ICC is now preparing warrants of arrest. However, there is a risk that the Court's efforts could cut across the desire of the Acholi community to end the war and reconcile and considerably complicate the fragile peace process.

The government initially invited the ICC in so it could be used as an element of the war strategy, and the ICC eagerly -- and somewhat incautiously -- accepted before undertaking a full political analysis. But now the cards have been dealt, and it is difficult to trade them for new ones. The principle of accountability is indeed vital as a deterrent to future atrocities, and the threat of arrest and prosecution puts useful pressure on the LRA to end the insurgency. The question is whether the timing of the Court's activities, in particular the issuance of warrants of arrest, could undermine rather than reinforce the peace process. The demands of justice and peace often tug against each other, and there is no easier answer to this dilemma in Northern Uganda than there is anywhere else.

The world wants the LRA to account for its heinous crimes. But for the people of Northern Uganda, the victims of these crimes, peace itself is the first priority, and they are using their own mechanisms for justice and reconciliation that do not at this point involve punitive legal processes.⁴² Compromise and pragmatism are called for in circumstances that are changing rapidly.

The war is still active. Defendants before the special court in Sierra Leone and the UN tribunals for Rwanda and the former Yugoslavia were indicted after those conflicts ended. In Uganda, the LRA is still a threat, and nearly 2 million people want to go home free of the terror it has sown for eighteen years. The issue is more complex than whether or not to arrest senior leaders. Warrants of arrest issued in the next few weeks might well tip the scales inside LRA councils back toward further war. But a decision cannot be delayed indefinitely. A reasonable deadline would be April, when the rainy season -- favoured in the past for military action by the LRA -- is due to return. If LRA intransigence continues until then, it would be hard to argue, on the grounds of their potential negative impact on the peace process, against the warrants issuing.

If a stable ceasefire has been achieved, and negotiations on a final settlement are moving forward,

⁴² Integrated Regional Information Network (IRIN), "Uganda: Lasting peace still elusive", 5 January 2005. See also "Reconciliation as an Element of the Infrastructure of Peace and Development", paper presented at Makerere University, 5 November 2004.

the independent institutions of the ICC (prosecutor and judiciary) would still need to consider what course of action would best reconcile the Court's mandate to achieve accountability with the need to achieve peace. If their determination was that it would be appropriate to proceed with warrants of arrest, efforts should be made to ensure that the people of northern Uganda adequately understood the role of the ICC, and LRA leaders appreciated that the government and international community could petition the Court to take into account cooperation with the peace process and with DDR when determining penalties for any convictions.⁴³ Alternatively the Court might elect to maintain leverage on the LRA by exercising its discretion to hold back the warrants and issue them only if the LRA or the main individuals concerned failed to implement the peace in good faith.

VI. AN AGENDA FOR THE INTERNATIONAL COMMUNITY

The peace process needs greater international support, which should be folded into a cohesive overall strategy. Left to their own devices, the parties to the conflict in northern Uganda might well continue to pursue military solutions. International support for peace efforts could be decisive in altering calculations made by both sides.⁴⁴ Pressures and incentives should be constructed and coordinated, focussing on the LRA and the governments of Uganda and Sudan.

The UN and the AU need to be ready to provide neutral monitoring of the assembly points in any agreed ceasefire, and donors prepared to provide funding for DDR and increased assistance to the IDPs and other victims of the conflict.

Stronger diplomatic backing for Betty Bigombe's mediation efforts could be decisive. Norway, the Netherlands and the UK are giving her limited technical and financial assistance. This should be stepped up and closely coordinated with what should become increased and more visible support from the

U.S., which until now has been relatively passive. It would be ideal to replicate the successful model of the IGAD negotiation between the Sudan government and the SPLA -- an African mediator backed by high-level support from Europe and Washington.

The U.S. role in the region is crucial but, as an ex-LRA commander told Crisis Group, "the U.S. is too quiet. The LRA can't hear that the U.S. supports peace".⁴⁵ The Bush administration should consider appointing a special envoy to reinforce its embassy's efforts on the ground, provide an influential, constructive discussion partner to reinforce President Museveni's support for the process and, with the U.S. ambassador, engage hard line elements in the government on the political, economic and social rationales of the diplomatic process. Such an envoy could also reassure the LRA leaders that if they chose peace, they would gain credit in Washington even though the organisation is on the U.S. terrorism list.

Finally, the international community should be aware that successful efforts to stabilise southern Sudan would contribute importantly to peace in northern Uganda. Building the capacity of an inclusive government in the South as called for in the Naivasha agreement would be a particularly important bulwark against a resurgence of the LRA, because the Ugandan rebels would have lost access to a reliable rear area. Pressure must also be maintained on Khartoum to end its support for the LRA. The UN peace monitoring force that will be in Sudan to help implement the Naivasha agreement should assign high priority to watching for any resumption of LRA resupply by elements of the Khartoum government's ruling party.⁴⁶

Kampala/Brussels, 21 February 2005

⁴³ On 14 November 2004, President Museveni said the government would be willing to intercede with the ICC to drop any charges against the LRA leadership if Kony and his senior commanders were willing to engage in internal reconciliation mechanisms. This move was widely interpreted, however, as an attempt to circumvent the ICC investigation into possible army war crimes.

⁴⁴ Oxfam International, Boston, press release, 16 December 2004.

⁴⁵ Crisis Group interview, January 2005.

⁴⁶ It might, for example, deploy along the routes frequently used by the LRA, harass meeting points and closely observe the army bases that in the past have provided logistical support.

APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, multinational organisation, with over 100 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.

Crisis Group's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board -- which includes prominent figures from the fields of politics, diplomacy, business and the media -- is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by Leslie H. Gelb, former President of the Council on Foreign Relations, and Lord Patten of Barnes, former European Commissioner for External Relations. President and Chief Executive since January 2000 is former Australian Foreign Minister Gareth Evans.

Crisis Group's international headquarters are in Brussels, with advocacy offices in Washington DC, New York, London and Moscow. The organisation currently operates nineteen field offices (in Amman, Belgrade, Cairo, Dakar, Dushanbe, Islamabad, Jakarta, Kabul, Nairobi, Osh, Port-au-Prince, Pretoria, Pristina, Quito, Sarajevo, Seoul, Skopje and Tbilisi), with analysts working in over 50 crisis-affected countries and territories across four continents. In Africa, this includes Angola, Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Liberia, Rwanda,

Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Indonesia, Kashmir, Kazakhstan, North Korea, Kyrgyzstan, Myanmar/Burma, Nepal, Pakistan, Tajikistan, Turkmenistan and Uzbekistan; in Europe, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Kosovo, Macedonia, Moldova, Montenegro and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia, the Andean region and Haiti.

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International Headquarters

149 Avenue Louise, 1050 Brussels, Belgium · Tel: +32 2 502 90 38 · Fax: +32 2 502 50 38
E-mail: brussels@crisisgroup.org

New York Office

420 Lexington Avenue, Suite 2640, New York 10170 · Tel: +1 212 813 0820 · Fax: +1 212 813 0825
E-mail: newyork@crisisgroup.org

Washington Office

1629 K Street, Suite 450, Washington DC 20006 · Tel: +1 202 785 1601 · Fax: +1 202 785 1630
E-mail: washington@crisisgroup.org

London Office

Cambridge House - Fifth Floor, 100 Cambridge Grove, London W6 0LE · Tel: +44 20 7031 0230 · Fax: +44 20 7031 0231
E-mail: london@crisisgroup.org

Moscow Office

Nizhniy Kislovsky Pereulok 3-46 - Moscow 125009 Russia · Tel/Fax: +7 095 290 4256
E-mail: moscow@crisisgroup.org

Regional & Local Field Offices

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