

Northern Uganda Peace Process: The Need to Maintain Momentum

I. OVERVIEW

Peace talks between the Ugandan government and the insurgent Lord's Resistance Army (LRA) are moving in the right direction, but the core issues – justice, security and livelihoods – are still to be resolved and require difficult decisions, including on the fate of LRA leaders whom the International Criminal Court (ICC) has indicted. The 2 May 2007 agreement on comprehensive solutions to the conflict and the 29 June agreement on reconciliation and accountability revived momentum for the year-old talks in the southern Sudan town of Juba. Rebel elements in southern Sudan moved to the LRA's jungle hideout near Garamba National Park in Congo in May and June, thus expanding the peace process' major achievement: more security for millions of civilians in northern Uganda and southern Sudan. Yet both recent agreements are incomplete and devoid of specifics. Both parties' commitment to a deal remains questionable. The international community needs to help the mediators by creating more leverage to push the peace process forward, including by presenting the LRA with a credible back-up military threat.

Recent developments create an opening to deal with core issues but have not altered the parties' questionable desire to do so. The LRA is getting more from the process – food, money and security it can use to regroup and rebuild, and a chance to improve its image – than it is giving, and has reason to draw matters out. Many in the government and army are pursuing talks with less than full commitment. President Museveni appears to want to increase the chance for an eventual military solution by showing that he has exhausted all peaceful options. Khartoum seeks to keep its old ally Kony in play as a proxy should Sudan's shaky Comprehensive Peace Agreement (CPA) falter.

Pivotal negotiations on specific domestic reconciliation and accountability mechanisms are expected to start in October but the talks are currently in recess for consultations with local stakeholders. A planned one-month hiatus has extended to three months of delays and disputes. The Juba process is the best hope to end the twenty-year conflict in northern Uganda, and regional

and wider international support for the mediation of the Government of Southern Sudan (GoSS) has been invaluable. Still, donors funding the talks must work together to keep the process moving forward. Negotiating the remaining details and implementation necessitate more leverage, focus and discipline.

- A comprehensive justice framework requires prosecution of LRA and army commanders with greatest responsibility for the gravest crimes; reconciliation and reintegration of ordinary rebels; and truth-telling and compensation for victims. International engagement is needed to ensure an agreement reflects international standards: both parties are alleged to have committed abuses and have an interest in keeping accountability mechanisms limited. But 1.5 million displaced persons are desperate to go home. Reconciling peace and justice may yet require tough compromises, including possible safe haven outside Uganda for LRA leaders indicted by the ICC, but – if the credibility and deterrent effectiveness of the ICC is not to be undermined - only as an absolute last resort and with international endorsement on the basis that this is genuinely the only way of ending the suffering of the people of the region once and for all.
- Donors and mediators must continue to close opportunities for those who seek to prolong the process indefinitely. The LRA particularly has a motive to stall, and mediators should consider imposing flexible timetables. While the LRA should continue to be given food on humanitarian and pragmatic grounds, distribution must be based on verifiable rebel numbers and use directly monitored lest aid be misused to rebuild LRA strength. Recently added international financial auditors should focus on reforming GoSS's peace secretariat, which is responsible for the talks' logistics and administration.
- If the LRA continues to refuse to assemble in Sudan, the cessation-of-hostilities monitoring team's mandate must be expanded so it can operate in Congo where most rebels now are. The southern Sudanese army (SPLA) should bolster its presence

along the Congo border to limit LRA ability to threaten civilians or move into the Central African Republic or back into Uganda, and the Congolese army and the UN mission there (MONUC) should be prepared to expand recent deployments in Oriental Province depending on developments in Juba. A contingency regional military strategy, aimed at apprehending the indicted LRA leaders, should be in place so the rebels face consequences if they stymie the peace process but a clear message must continue to be sent to Kampala that unilateral military action in Congo is unacceptable.

- A two-track strategy – negotiating away the LRA security threat in Juba and dealing with long-term redevelopment in northern Uganda – remains the best approach to ending the conflict. Addressing LRA leaders' core security and livelihood concerns is the key to peace but direct engagement with Kony is needed. The international community should work closely with the government on its redevelopment programs even before a peace agreement, and Kampala must lay the groundwork for a broad-based follow-up forum in northern Uganda to build a sustainable peace. UN Special Envoy Joaquim Chissano should go beyond his invaluable Juba role to assist also in this area.

II. DEVELOPMENTS

Strong regional and wider international support has spurred a flurry of recent activity.¹ The Juba peace talks resumed on 26 April 2007, after UN Special Envoy Chissano and his team brokered a deal that ended the LRA's three-month withdrawal. Over the next two months the parties reached basic agreements on comprehensive solutions and on reconciliation and accountability.² Newly-added regional observers from Kenya, Tanzania, Mozambique, Congo and South Africa acted as informal facilitators to promote communication, confidence and compromise. Security in southern Sudan improved as LRA combatants, who had been destabilising Eastern Equatoria, crossed the Nile and assembled with the bulk of the rebels west of Garamba National Park in Congo, near the Sudan border.

¹ For background on the Juba peace process, see Crisis Group Africa Report N°124, *Northern Uganda: Seizing the Opportunity for Peace*, 26 April 2007, and Crisis Group Africa Briefing N°124, *Peace in Northern Uganda?*, 13 September 2006.

² The Juba peace talks have a five-point agenda: (1) cessation of hostilities agreement; (2) comprehensive solutions to the conflict; (3) reconciliation and accountability; (4) disarmament, demobilisation and reintegration (DDR); and (5) ceasefire.

But neither agreement has been implemented or even fully concluded. Disagreements over consultations called for in the reconciliation and accountability agreement have revived questions about LRA motives and demonstrated difficulties ahead. The LRA is safer and stronger than when the peace process began and is developing more options.

A. AT THE TABLE

1. Agreement on comprehensive solutions

The 2 May agreement on comprehensive solutions to the conflict provides general guidelines for addressing the long-term economic, political and social issues that afflict northern Uganda. Signed after intense diplomatic efforts and months of setbacks that jeopardised the talks, it is a vague document that skirts most of the LRA's specific demands and provides that implementation modalities are to be negotiated in a separate protocol. By leaving the door open for future negotiations, it creates opportunities for dangerous delays.

Despite the acrimony of the previous four months, the parties met in an improved climate that helped stimulate progress. Based at the same hotel as the LRA delegation, the new regional observers were helpful in getting the rebels to accept the agreement. As external support increased, Vice President Riek Machar of the Government of Southern Sudan (GoSS) was less prominent day-to-day. Ugandan government negotiators and LRA delegates often met directly, without GoSS mediators present. Such direct, informal meetings would have been unthinkable at the start of the talks and indicate how far the process has matured in one year.³

After months of making unrealistic demands to reshape Uganda's political institutions, economy and military, the LRA accepted a much reduced package wrapped in recycled principles.⁴ Ensuring equal opportunities and treatment, promoting diversity in government institutions, redeveloping the north's shattered economic and educational infrastructure and resettling internally displaced

³ According to the chief government negotiator, Internal Affairs Minister Dr Ruhakana Ruganda, who has visited Kony and Otti at Ri-Kwangba several times, the parties also speak regularly over the phone. Crisis Group interview, Kampala, July 2007.

⁴ Demands dropped by the LRA include: a power-sharing agreement allocating 30 per cent of government positions to those from the north and north east; a federalism referendum within two years of a peace agreement; a new national army; restoring presidential term limits to the constitution; suspension of land sales in Acholiland; an independent commission to design, implement and manage reconstruction and rehabilitation programs in war-affected areas; and affirmative action and livestock compensation formulas.

persons (IDPs) are identified as priorities in building a sustainable peace. The government largely reaffirmed and pledged to promote principles and policies already enshrined in the constitution, existing legislation and planned development programs.⁵

Clause eighteen of the agreement provides that the parties will negotiate “implementation modalities” in a separate protocol to be integrated into a final peace deal. No consultation process is specifically called for as part of the implementation protocol but a stakeholders conference will be held to “sensitise” northern Ugandan leaders about the agreement’s final provisions. Some observers close to the talks believe that protocol is a formality that will cause few difficulties once LRA security and livelihood concerns are addressed in the remaining agenda points.

However, the LRA may have simply made a tactical retreat, delaying but not giving up its ambitions. The protocol clause is the only difference between the deal signed in May and the one angrily rejected in December 2006, suggesting the LRA places value on it. The LRA deputy commander, Vincent Otti, has been quoted as saying the rebels still want the vice-presidency in a power-sharing arrangement.⁶ “We are on track for a CPA for northern Uganda”, a delegate recently told Crisis Group.⁷ The LRA’s words and actions suggest that it may regard the implementation clause as a back door through which to resurrect its demands and thus bog down the process again.

Crisis Group has argued since the start of negotiations on 14 July 2006 that Juba is not an appropriate forum and the LRA not a legitimate representative to address the underlying structural issues that must be resolved to build sustainable peace in northern Uganda. The LRA has never articulated a clear political agenda and has preyed on the population rather than built grassroots support. Joseph Kony is more comfortable in the garb of a

spiritual mystic than of a political ideologue. Negotiations over an implementation protocol and the agreement’s stakeholders conference must not make northern Ugandans passive spectators of their own redevelopment. Two tracks – one defusing the LRA security threat through negotiations in Juba, the other dealing with the long-term issues through an inclusive follow-up forum in northern Uganda – are the best approach.

2. Agreement on reconciliation and accountability

The 29 June 2007 agreement on basic principles of reconciliation and accountability lays a foundation for meeting victims’ needs and international standards. The parties agreed that reconciliation and accountability should be pursued locally, through both formal and informal measures.⁸ The government agreed to establish a domestic legal framework as a substitute for prosecutions by the International Criminal Court (ICC), which has issued arrest warrants for four top LRA commanders.⁹ This is to be complemented by alternative mechanisms, including traditional justice processes, alternative sentences and reparations, which will be legally adopted and recognised. The parties have agreed that after a preparatory period, they will negotiate an annex to “set out elaborated principles and mechanisms for implementation”.¹⁰ Basic details are left for those negotiations, and the relationship between formal and alternative justice mechanisms is undefined. Stakeholder consultations are called for but the process is vague and its results will not be binding on the parties.

By including provisions for formal legal proceedings and possible prosecutions, both sides acknowledged that their best strategy for dealing with the ICC warrants may be to satisfy that court’s complementarity standard, discussed below. A proposal submitted a week prior to the agreement reiterated the LRA position that traditional justice was sufficient. Previous statements by President Museveni and the government’s chief negotiator, Internal Affairs Minister Dr Ruhakana Rugunda, also suggested LRA commanders need only be subjected to the traditional justice ceremony of *mato oput*.¹¹ International

⁵ The government, in conjunction with donors, has developed the Peace, Recovery, and Development Plan (PRDP), a three-year strategy, estimated to cost \$180 million per year, for northern Uganda to be launched in 2007. To ensure equal opportunities, the 1996 constitution, Article 32(1), calls for affirmative action in favour of groups marginalised due to gender, age, disability or any other reason created by history, tradition or customs, and creation of an Equal Opportunities Commission. Parliament created such a commission only in December 2006. The budget, however, provides only \$2.2 million for it.

⁶ “Rebels Ready to Hand Over Criminals”, *Daily Monitor*, 6 June 2007.

⁷ Crisis Group interview, Nairobi, July 2007. The reference is to the Comprehensive Peace Agreement, which formally ended the conflict between the Sudan government and the Sudan People’s Liberation Movement (SPLM) in 2005.

⁸ “Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord’s Resistance Army/Movement”, 29 June 2007, clause 4. 1.

⁹ Uganda became the first country to refer a situation to the ICC in December 2003. On 13 October 2005, the court unsealed arrest warrants against Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen and Raska Lukwiya. Lukwiya was killed by the army in northern Uganda on 12 August 2006.

¹⁰ “Agreement on Accountability”, *op. cit.*, clause 15.1.

¹¹ See, for example, Rugunda’s quote in “Indictments not on Talks Agenda, says Rugunda”, *New Vision*, 20 April 2007. *Mato oput* is a traditional reconciliation process and ceremony in

influence and Ugandan advisers brought in by the GoSS were instrumental in producing fuller understanding of the need for robust accountability mechanisms. The agreement provides that LRA commanders accused of serious crimes and grave human rights abuses will face formal criminal and civil justice proceedings in courts or other tribunals, which can, however, impose undetermined “alternative penalties and sanctions” that will “replace existing penalties”. Army abuses will be pursued in the criminal justice system.

However, the agreement’s strength – keeping all options on the table – is also its weakness. No significant, specific obligations limit the parties’ room for manoeuvre. Several officials close to the talks suggested that both sides seem to have accepted the deal based on the belief that the other is unlikely to live up to it. Museveni continues to say the “aim” of accountability should be traditional justice, calling into question the commitment to criminal proceedings.¹² Consultations and negotiations over the implementation annex provide opportunity for spoilers and the uncommitted to stretch out the process. Originally, the parties agreed to suspend talks during July for initial preparations and to reconvene in August to begin negotiations, but new disputes over the conduct of consultations exposed old fault lines. Instead of a joint process, the parties designed their own programs.¹³

The LRA delegation demanded \$2 million for its consultation plan, involving a 500-person stakeholders conference in Garamba and a tour to South Africa, Sierra Leone, Liberia, Chile and Argentina to learn how those societies have dealt with transitional justice and alternative accountability. Donors refused to fund what they considered a questionable proposal. The LRA eventually submitted a \$800,000 plan for consultations in Ri-Kwangba (Sudan), Juba, and a small delegation to visit the above-mentioned countries, which is still being negotiated.¹⁴ The government is conducting its own

consultation tour, led by Rugunda and including meetings with community leaders and victims throughout all war-impacted northern districts as well as Kampala. It is to conclude in September, and negotiations are expected to begin in the middle of October.

The Juba process has acquired a pattern of sputtering progress punctuated by frequent delays. Hopes for further rapid movement raised by the May and June achievements were dashed by yet another hiatus. A genuine, representative consultation process is essential, however, and must not be rushed. The delay may also allow time for the parties to work out details in side talks prior to formal resumption of negotiations. But without greater commitment, coordination and consensus, more deadlocks are likely.

B. ON THE GROUND

1. The LRA leaves Southern Sudan

Southern Sudan civilians are finally beginning to enjoy the same improved security from the peace process as northern Ugandans. Most LRA east of the Nile River moved out by June 2007, as part of the revised cessation of hostilities agreement brokered by UN Special Envoy Chissano and signed on 14 April. Attacks in southern Sudan have since plunged.

Security had deteriorated while talks stagnated from January to April, and the cessation of hostilities agreement was honoured mostly in the breach. LRA groups wreaked havoc, attacking civilians,¹⁵ disrupting trade along the crucial commercial artery linking Sudan and Uganda and killing a UN peacekeeper on 25 January.¹⁶ Large groups left their Congo base and moved into Western Equatoria, towards the Central African Republic. A wave of attacks

Acholi culture used when an individual intentionally murders or accidentally kills another person. The perpetrator must publicly and voluntarily acknowledge responsibility for the wrongful death, ask the victim’s clan for forgiveness, and offer compensation. For more on *mato oput*, see “Restoring Relationships in Acholiland: Traditional Approaches to Justice and Reconciliation”, Liu Institute for Global Issues, September 2005.

¹² “President Yoweri Museveni – Parasitic Teachers Will be Arrested”, text of press conference, *New Vision*, 21 July 2007.

¹³ The government publicly invited the LRA to attend its consultations but the offer was refused.

¹⁴ An international auditing firm, KPMG, assisted the LRA in drafting the reduced proposal, which demonstrates how external engagement can moderate LRA demands. All funds will be funnelled through the UN Office for the Coordination of Humanitarian Affairs (OCHA) to the GoSS, which will contract

with private companies to provide services. Auditing of expenses will be done by KPMG, which signed a contract in August 2007 with the GoSS.

¹⁵ For example, on 26 February 2007, suspected LRA fighters looted food and livestock from villages in Magwi county and killed three people in Parjuk village, 39km south of Magwi. On 2 March, the LRA ambushed civilians along the Magwi-Nimule road, killing three. UNMIS News Bulletin, 1 March, 5 March, at www.unmis.org. An array of armed groups in Eastern Equatoria has made attribution of attacks difficult in the past; some have been conducted by other groups. But people close to the talks were confident that the spate of attacks since January were largely the LRA’s responsibility. Crisis Group interviews, Juba, July 2007.

¹⁶ Internal UN reviews concluded the LRA were responsible. Crisis Group interview, Juba, July 2007. The LRA has attacked the UN in southern Sudan on several occasions. In February 2006, it struck a UNICEF compound in Yambio. UN compounds in Yei and Yambio were hit in the following months and two UN staffers were killed.

on civilians ensued, producing wide panic and disrupting humanitarian operations.¹⁷ Chissano's shuttle diplomacy in March and April persuaded the LRA to return to Congo, resume the peace process and cease attacking civilians.

LRA forces east of the Nile were originally supposed to gather at Owiny Ki-bul, the assembly area designated by the 26 August 2006 cessation of hostilities agreement, but claimed they could not due to insecurity. Those concerns in Eastern Equatoria were not entirely unfounded. Ugandan troops, still deployed in southern Sudan despite the expiration of an agreement authorising their presence, continued to hunt the LRA.¹⁸

The LRA likely had two objectives in destabilising Eastern Equatoria. First, LRA attacks south of Juba created diversions that enabled cut-off fellow fighters to cross the Nile north of Juba and regroup in Garamba's relative safety. Second, the LRA put pressure on the Ugandan government to accept demands for a single assembly point at Ri-Kwangba, along the Sudan/Congo border. The gambit was successful. Beginning in January, small groups led by key commanders used the attacks as cover to trickle back to Garamba.¹⁹ When the cessation of hostilities agreement was revised and renewed in April, the government agreed to abandon the Eastern Equatoria assembly point at Owiny Ki-bul and allow all LRA to assemble at Ri-Kwangba.

LRA forces remaining in Eastern Equatoria began leaving in the middle of May. A first wave crossed the Nile south of Juba along safe passage routes and during a time window announced by Riek Machar. Breaking a promise to pass peacefully, it looted villages north of Lainya and near Tore, where it abducted several villagers.²⁰ Although

the Kampala government had agreed to let the LRA leave Eastern Equatoria, large army elements deployed along the safe passages routes in an apparent attempt to block the rebels. Subsequent groups skirted army deployments by passing north of Juba near Mongala and did not attack civilians.

Estimates of combatants who were in Eastern Equatoria varied widely, but aid agencies used a generous 1,000 figure for planning.²¹ Composed of many of the most experienced fighters and led by senior commanders, the group was valuable to the LRA. Otti admits that a few remain in Eastern Equatoria but says they are rogue elements operating independently.²² Sceptics suggest the LRA is keeping a reserve as insurance and to collect intelligence. The slow departure of LRA fighters from Eastern Equatoria from January to June, however, has given war-weary northern Ugandans breathing space to continue the equally slow process of resettlement and redevelopment.²³

2. LRA in Congo

LRA fighters are largely based within a 15km radius of Ri-Kwangba, as required by the cessation of hostilities agreement, but are not technically in compliance because they remain on the Congolese side of the border. Short-term security improvements must be balanced against the long-term risk of allowing the LRA to assemble in Congo, where there is little military and no monitoring presence to prevent them from rebuilding their forces and options.

Prior to the start of the peace process, the LRA was fragmented, under military pressure and desperate for food. Now a steady supply of food is paid for by donors, delivered by the international Catholic relief NGO Caritas and dropped off at Ri-Kwangba, from where the LRA takes it to Congo. Relief efforts are based on an estimate of 5,000 combatants, women and children around Garamba. This questionable number is largely based on the LRA's own projections, which Kony and Otti refuse to allow monitors to verify, and may be a substantial

¹⁷ Examples include: a 1 March attack on Yubu, 360km west of Juba, killing two and wounding two; attacks on 7 and 8 March in Koromula, near Maridi, resulting in looting and the abduction of twelve people (ten subsequently released); a 26 March attack on the village of Zumora, 5km west of Maridi, with one killed; and abduction of six girls, aged twelve to seventeen from the village of Nabazia, near Maridi, on 28 March. Crisis Group interviews, Juba, May 2007 and UNMIS News Bulletin, March 2007, at www.unmis.org. For an overview of LRA activities and their consequences in Western Equatoria, see "Reluctant Hosts: The Impact of the Lord's Resistance Army on Communities in Western Equatoria State, Southern Sudan", World Vision, June 2007.

¹⁸ For more on the Ugandan army's deployment in southern Sudan, see Crisis Group Report, *Northern Uganda: Seizing the Opportunity for Peace*, op. cit., pp. 3-4.

¹⁹ The commanders included ICC-indicted Dominic Ongwen as well as Ceaser Acellam and Kweyelo Latoni.

²⁰ The group attacked the home village of GoSS Information Minister Samson Kwaje, a member of the mediation team. He and an LRA brigadier general were sent to Tore and negotiated the release of two of the abductees.

²¹ Other estimates range from 100 to 750. Crisis Group interviews, Juba and Kampala, July 2007.

²² Crisis Group interview, Juba, July 2007.

²³ As of May 2007, 400,000 northern Ugandans had returned home since the start of the process, mostly in Lango district where displacement began in 2002, but nearly 1.4 million remained displaced, either in new satellite decongestion sites or their old camps. In Acholi regions, where displacement began in 1996, only 2 per cent have returned home. Inter Agency Standing Committee (IASC) Working Group in Uganda, May 2007. Skepticism about the peace process, fear of armed cattle rustlers from Karamoja, inconsistent messages from the government and the season of the year are frequently cited as reasons for the slow pace of return.

exaggeration. Caritas audits its activities carefully for donors but its personnel are unable to verify on the ground that the food is not being stockpiled or sold. Crisis Group has received reports from several sources close to the talks that the LRA are burying food for future use and trading food for supplies at local markets in Congo.²⁴

According to reliable estimates, LRA combatants and civilians around Garamba number no more than 3500, but their numbers are swelling. As noted in previous Crisis Group reports, the LRA has recruited a small number of former fighters in northern Uganda.²⁵ Hoping to inflate its numbers for more relief, a better deal at the bargaining table and increased military options, the LRA has attempted to forge alliances with other rebels groups and militias in the region. The promise of food, supplies and potential DDR benefits has lured some armed elements to piggy back on the peace process and assemble alongside the LRA.

Above all, the LRA is safer because it is not monitored, contained or under credible pressure in the remote area around Garamba. Although the Cessation of Hostilities Monitoring Team (CHMT) has been bolstered by African Union (AU) monitors, it is not based full-time at Ri-Kwangba, as originally planned, and lacks mobility. It is authorised to work in northern Uganda and southern Sudan but not Congo, where most LRA now are.

Military operations against the LRA would be complicated by the densely forested terrain, poor infrastructure and lack of effective armed capacity in the area. Two SPLA battalions deployed in recent months near Ri-Kwangba but their deterrence value is hampered by the GoSS role as an impartial mediator. The UN Congo mission (MONUC) deployed 80 Moroccan peacekeepers in June to protect Indonesian engineers rehabilitating an airfield in Dungu but they have a limited mission and are several hundred kilometres distant. There are no Congolese Army (FARDC) troops in the area, although Congolese officials told Ugandan counterparts some would deploy there by the end of August. For now, at least, the LRA can still easily spread into the Central African Republic, slip back into northern Uganda or use its base to recruit, resupply and train. It has recruited a small number of former fighters in northern Uganda, and there are rumours of attempts to forge alliances with other Ugandan and Congolese rebels groups.

To further thwart potential military pressure, Kony has resisted international calls to release women and children.

²⁴ Crisis Group email communications with international experts, September 2007.

²⁵ See Crisis Group Report, *Northern Uganda: Seizing the Opportunity for Peace*, op. cit.

Mobile healthcare clinics have been established near Ri-Kwangba to treat sick women and children. As a small gesture of good will, the LRA allows some abductees to go to Maridi and Nairobi for treatment but most women and children remain mixed among their captors as a human shield and bargaining chip.

Safer, well-supplied and stronger, the LRA also retains a relationship with the Sudanese government. Its leaders have told people close to the peace process they continue to talk to officials but insist Khartoum has no real influence.²⁶ In March in Garamba, however, Otti told visitors that, “we are in Congo because [Sudanese President Omar] Bashir told us to come here, and we will stay in Congo until Bashir tells us to leave”.²⁷ There have been credible reports that elements within the Khartoum government have sent supplies to the LRA in CAR.²⁸ But any support is small and difficult to trace. Khartoum is mainly interested in ensuring that the LRA can survive the next few years so it is available if needed as a proxy in southern Sudan if the troubled CPA collapses.²⁹

III. JUSTICE

As noted, the 29 June reconciliation and accountability agreement calls for robust local justice mechanisms but leaves the difficult details for another day. Pressure is necessary to capitalise on recent progress and push for a final agreement that brings both sustainable peace and meaningful justice to northern Uganda. Ideally, the current consultation process would lead to a comprehensive, three-tiered framework for domestic justice mechanisms capable of accounting for the diverse needs of the community and different types of perpetrators. Credible prosecutions of individuals responsible for grave crimes are the best way

²⁶ Crisis Group interview, Juba, July 2007. Some sources say the LRA claims there was an irrevocable split in August 2005, when the Sudanese army abducted LRA combatants to fight in Darfur and Kassala.

²⁷ Crisis Group interviews, Juba, July 2007.

²⁸ See Crisis Group Report, *Northern Uganda: Seizing the Opportunity for Peace*, op. cit. Following a 22 August meeting with President Museveni in Kampala, CAR President Francois Bozize stated that his government had no information that LRA entered CAR but was looking into the matter thoroughly. However, limited central government control in eastern CAR makes effective investigation extremely difficult as well as refuge for the LRA very attractive. See “Bozize Probes LRA Incursion Reports”, Institute for War and Peace Reporting (IWPR), 28 August 2007.

²⁹ For more on the CPA, see Crisis Group Report N°130, *A Strategy for Comprehensive Peace in Sudan*, 26 July 2007. A subsequent Crisis Group report will discuss CPA implementation in greater depth.

to meet local needs and international standards. In the interests of peace, tough tradeoffs on dealing with the LRA leadership may be unavoidable, but must be a last resort broadly supported by victims and done under the oversight of the UN Security Council.

Although not binding on the parties, the consultations with the impacted communities must be the foundation of a justice agreement. The long-neglected voices of victims must be heard and heeded. Special care must be taken to ensure that women and youths, who have suffered disproportionately and are often marginalised, play an active role in shaping and implementing reconciliation and accountability mechanisms. The government's consultation tour is a good beginning but not sufficient. The 29 June agreement states that the "widest possible consultations" should take place "at all stages of the development and implementation of the principles and mechanisms of this Agreement". The government should plan to continue consultation tours to guarantee that victims are active partners in the process. The LRA's Sudanese victims should also be able to contribute.

Over 90 per cent of northern Ugandans recently surveyed supported a truth commission.³⁰ However, truth commissions have a mixed record elsewhere, and Uganda has already had an ineffective one.³¹ A broadly supported, independent body tailored to local needs and practices can promote reconciliation but only if the government demonstrates the necessary political will.

The vast majority of LRA combatants are either abducted children under the age of eighteen or adults who were taken as children and forced to commit abuses. Reconciliation and reintegration is most appropriate for this group but existing infrastructure and support is seriously deficient. The 2000 Amnesty Act provides immunity from prosecution for all returning rebels who renounce violence. It also created an Amnesty Commission to promote and grant amnesty, demobilise and disarm returning combatants and reintegrate and resettle former fighters into communities of their choice.³² Nevertheless, a recent report found that only 25 per cent of abducted persons who passed through formal reception centres after leaving the bush received amnesty cards, applied for amnesty or had even heard of the commission.³³ Unless the commission receives more government support and funding, reconciliation and reintegration of the bulk of LRA combatants will likely be far from satisfactory.

The 29 June agreement states that any LRA or army leaders alleged to have committed serious crimes or grave human rights abuses must be held accountable under formal legal processes and that accountability should be pursued locally, not internationally. LRA commanders who bear primary responsibility for the gravest crimes should ideally be prosecuted by a special domestic tribunal, while culpable army officers should undergo courts martial. Under the agreement, parliament may also provide alternative sanctions³⁴ but traditional justice alone is inadequate.³⁵

³⁰ See "Research Note on Attitudes About Peace and Justice in Northern Uganda", Human Rights Center (HRC), University of California (Berkeley), Payson Center for International Development and International Center for Transitional Justice (ICTJ), August 2007. A survey conducted by the Justice and Reconciliation Project in Acholiland found 97.5 per cent support for a truth-telling mechanism. "The Cooling of Hearts: Community Truth-telling in Acholi-land", July 2007. A similar consensus was reported in "Making Peace Our Own: Victims' Perceptions of Accountability, Reconciliation and Transitional Justice in Northern Uganda", Office of the United Nations High Commissioner for Human Rights (OHCHR), August 2007.

³¹ In 1986, President Museveni created the "Commission of Inquiry into Violations of Human Rights" to examine all human rights abuses committed by governments between December 1962 and January 1986, thus excluding abuses of the rebels he led to power in 1986, the National Resistance Army (NRA). Idi Amin established a "Commission of Inquiry into the Disappearances of People in Uganda" in 1974 to look at the period between 25 January 1971 and 1974. Motivated by political expediency and poorly supported, neither commission promoted reconciliation or helped prevent future conflict. South Africa and Sierra Leone are among the most frequently cited examples of truth commissions that produced mixed results. For example, see Rosalind Shaw, "Rethinking Truth and Reconciliation Commissions: Lessons from Sierra Leone", United States Institute of Peace, February 2005.

³² The Amnesty Act was amended by the Amnesty Amendment Bill (2003) on 18 April 2006 to exclude ICC-indicted LRA leaders. But the bill requires the internal affairs minister to provide a list of excluded individuals for parliamentary approval, which has not yet happened. As a result, Kony and other leaders are still technically eligible for amnesty.

³³ See Tim Allen and Mariëka Schomerus "Hard Homecoming: Lessons Learned From the Reception Center Process in Northern Uganda", independent study commissioned by UNICEF and USAID, 15 August 2006. These figures most likely understate the problem, as many formerly abducted people returned straight to their home villages and do not pass through reception centres.

³⁴ Other penalties discussed informally include a bar on LRA leaders holding political positions for ten years; banishment from Acholiland for five years; confinement to a small area for a period; a bar to army service or work with children; and compulsory cooperation with a truth and reconciliation commission.

³⁵ See Crisis Group Briefing, *Peace in Northern Uganda?*, op. cit., for discussion and further references on traditional justice in northern Uganda. Recent surveys there reinforce previous findings that traditional justice for top LRA commanders has mixed support at best, particularly among victims outside Acholiland. One report found that only 3 per cent supported traditional justice as the most appropriate accountability mechanism for grave LRA and army crimes, while 29 per cent

The ICC investigation of the LRA has been crucial for promoting peace, improving security in northern Uganda and embedding international accountability standards into negotiations.³⁶ A situation is admissible before the ICC only if the state concerned is unwilling or unable to investigate or prosecute grave abuses. Under the Rome Statute's complementarity principle, it must defer if Uganda undertakes credible prosecutions against LRA commanders by a special domestic tribunal.³⁷ Once a complementarity claim is lodged, the obligation to execute ICC arrest warrants is postponed pending a decision by the Court's Pre-trial Chamber.³⁸

Uganda's intended special domestic tribunal must have teeth to persuade the international judges who will review it in this way.³⁹ At the very least, LRA commanders should face criminal charges and penalties similar to those that would be applicable before the ICC. Care must be taken to avoid a precedent in northern Uganda that undermines the ICC's deterrent value and its capacity to pursue other cases where there is a need for international prosecution, such as Darfur.⁴⁰ Khartoum is watching Uganda events closely and should not be handed a recipe for a sham trial with hollow penalties.

Care must also be taken that the consultation process does not strengthen army impunity. There is wide-spread feeling in northern Uganda that the army has committed grave abuses during the twenty-year conflict, a sentiment supported by some international human rights organisation reports.⁴¹ In the past, the government has been willing to court-martial individual soldiers. The ICC decision not to indict any army commanders was probably correct given the time limit on its jurisdiction⁴² but the court-martial process has often been hasty and has never pursued the chain of command. The government must show commitment to investigate claims of systematic abuses by

the army and where there is corroboration, hold senior officers accountable by credible courts martial.

Despite the apparent acceptance of formal, legal mechanisms in the June agreement, significant obstacles remain to getting LRA leaders to sign and implement an agreement with credible prosecutions that could put them in prison. Kony deeply mistrusts Museveni and the army and is unlikely to believe the judiciary is capable of providing fair trials. Leaders of previous rebel groups in Uganda have received plush jobs and money, not a prison cell, in return for signing a peace deal, and Kony is unlikely to think he deserves less. After years of brutality, guaranteeing the safety of LRA leaders might be impossible in northern Uganda. Acholi capacity for forgiveness is often romanticised and the desire for vengeance vastly underestimated.⁴³ During a meeting of community leaders in Gulu in July 2007, LC-V⁴⁴ Chairman Norbert Mao said most of Kony's brothers in his home village, Odek, had been killed in revenge attacks.⁴⁵ A recent survey also found that 30 per cent of Acholi would feel uncomfortable living with LRA leaders in their community; that rose to roughly 50 per cent in other war-impacted districts of northern Uganda.⁴⁶

If, despite intensive international effort and engagement, Kony and the top LRA commanders refuse to sign an agreement with credible domestic prosecutions, then safe haven outside Uganda may yet need to be considered – highly unpalatable as this is – as the price of ending further large-scale suffering.⁴⁷ Although security conditions have improved since the start of the process, humanitarian conditions remain dire for most northern Ugandans. The nearly 1.5 million still displaced from their homes urgently want peace. If safe haven is at the end of the day genuinely the only way to achieve an agreement that ends the long

wanted to use the ICC and 28 per cent Ugandan courts. "Research Note", op. cit.; also, "Making Peace Our Own", op. cit.

³⁶ See Crisis Group Report, *Northern Uganda: Seizing the Opportunity for Peace*, op. cit., p. 15.

³⁷ Article 17 of the Rome Statute. Under Article 19, either the Ugandan government or the four indicted LRA could file a complementarity challenge at any time.

³⁸ Article 95 of the Rome Statute.

³⁹ Article 19 of the Rome Statute.

⁴⁰ UN Security Council Resolution 1593. The Security Council referred the Darfur situation to the ICC on 31 March 2005; the court issued arrest warrants against Sudan's humanitarian affairs minister, Ahmed Haroun, and a Janjaweed leader, Ali Muhammad Ali Abd al-Rahman, on 2 May 2007.

⁴¹ See "Abducted and Abused", Human Rights Watch, July 2003, vol.15, no.12 (A), and "Breaking the Circle", Amnesty International, 17 March 1999.

⁴² The ICC only has jurisdiction over crimes committed after the Rome Statute entered into effect on 1 July 2002.

⁴³ For example, see "Trial Justice: The International Criminal Court and the Lord's Resistance Army", Tim Allen, June 2006; also, "Making Our Own Peace", op. cit., and "Research Note", op. cit.

⁴⁴ The LC-V Chairman is the popularly elected political head of a district.

⁴⁵ Crisis Group observations, 13 July 2007. Crisis Group was present at the meeting but did not participate.

⁴⁶ "Research Note", op. cit.

⁴⁷ See Crisis Group Briefings, *Peace in Northern Uganda?*, op. cit., and *A Strategy for Ending Northern Uganda's Crisis*, 11 January 2006. In the event of a true conflict between peace and justice, where credible prosecutions are rejected but all other elements of peace are within reach, a negotiated safe haven deal may be warranted. The UN Security Council has the political mandate to make such a determination and the authority under Article 16 of the Rome Statute to defer ICC investigations for renewable one-year increments in the interests of peace. The conditions of any such deal should be clearly stated and monitored, and the safe haven revoked if they are breached.

war, allows IDPs to return home for good and removes the regional LRA security threat the government may understandably want to pursue this option. Anecdotal evidence from Crisis Group meetings suggests that, faced with the choice, many northern Ugandans would accept that Kony and other top commanders find refuge abroad, as Amin did.⁴⁸ The current consultation process should explore opinion on this more deeply – but the onus remains on those who would pursue this option to establish beyond reasonable argument that proper accountability options are simply not deliverable and that, ultimately, this is the only way of bringing the suffering of the people of the region to an end. It is important that the international community send a clear message that in the case of Uganda, whatever may be the balance of argument elsewhere (e.g. Zimbabwe) the safe haven option is not at all favoured, and could only as an absolute last resort be contemplated as an alternative to ICC or credible local prosecutions.

IV. MAINTAINING MOMENTUM

Both parties still must demonstrate they are committed to completing the substantial remaining work. The international community, particularly donors, must work closely with regional partners and the GoSS mediation team to keep Juba talks focused, disciplined and moving forward towards an agreement that can be implemented.

The LRA leadership's primary interest since talks began has been security. A combination of improved army effectiveness in northern Uganda, CPA implementation in southern Sudan and ICC pressure makes fighting in the current regional climate extremely difficult. After twenty years, however, the leadership does not necessarily see a life of peace as possible. Mistrust of Museveni, fear of the ICC or local accountability mechanisms and concern about civilian revenge create doubts and divisions among leaders about whether they can ever leave the bush. Moreover, the LRA has not given up hope regional dynamics may become more favourable again. Should the CPA collapse, the LRA might regain a safe haven in southern Sudan and Khartoum sponsorship. The strategy is thus to build strength and increase both diplomatic and military options. A prolonged peace process offering time, supplies, reduced military pressure and a chance to rebrand itself as a defender of marginalized northern Ugandans is in the LRA's interests.

⁴⁸ For example, during a recent meeting with several hundred Acholi in an IDP camp outside Gulu, Crisis Group asked how many supported resettling Kony and Oti abroad. Most hands went up.

The government also sees the peace process as a means to multiple ends. Despite threats to return to Congo to hunt the LRA (and other "negative forces" such as the ADF and PRA), immediate military options are limited.⁴⁹ It does not have the needed international backing and Kinshasa approval for armed action against the LRA in Garamba. Even if it did, Museveni does not want a potentially messy cross-border campaign on the eve of the November Commonwealth summit (CHOGM) in Kampala. For now, the Juba process is also an opportunity to tempt the LRA by promises of money and jobs to sign a narrow peace deal focusing on disarmament, demobilisation and reintegration (DDR) and with limited accountability mechanisms. However, the government's present efforts might be advanced as justification for turning to a military option after the CHOGM, if the Juba talks are stalled.

A. DISCIPLINE

The recent dispute over consultations showed again that the Juba process has a tendency to become mired in extraneous issues and manipulated for questionable motives. Donors and mediators must continue to exercise vigilance and impose constraints in the following ways:

Time. A timetable is needed to prevent unnecessary delays. Building confidence and working through complex issues should not be rushed but as time goes by, the LRA may regain strength, develop more options and rise in value to Khartoum. Slow progress and frequent setbacks also reinforce scepticism about the peace process and fear of renewed conflict in northern Uganda, hindering resettlement and redevelopment. Negotiators should consider setting timetables and flexible deadlines for remaining issues: the reconciliation and accountability agreement annex, DDR, a formal ceasefire and an implementation protocol for comprehensive solutions.

Food. More controls are needed on supplies to the LRA. Giving food reduces the rebels need to loot, builds good will and potentially helps draw them out of the bush. But the LRA may be inflating numbers to gain a surplus. Verifiable figures are needed so donors do not inadvertently help it stockpile or sell food. Monitoring of where food goes and how it is used will only be possible if auditors

⁴⁹ See "Uganda Might be Forced to Re-enter Congo", *New Vision*, 15 August 2007. The Allied Democratic Forces (ADF) were responsible for attacks against civilians, including several bombings in Kampala, in the mid and late 1990s. However, recent MONUC estimates suggest that half the ADF combatants are Congolese primarily interested in artisanal mining and trade. Uganda claims the People's Redemption Army (PRA) are rebels based in Congo and linked to opposition political leader Kizza Besiye. However, the PRA appears more rumored than real, and there have been no attacks attributed to it in Uganda.

can go into Congo or the LRA assemblies, as required by the cessation of hostilities agreement, in Sudan.

Money. To prevent the LRA from using the talks to improve its financial situation, donors should adopt a collective zero-tolerance policy for corruption, mismanagement and personal profiteering.⁵⁰ The talks are funded by donors through the Juba Initiative Fund of the UN's Office for Coordination of Humanitarian Affairs (OCHA), which does a good job but has been asked to perform a task outside its normal operations. Donor and UN requirements for financial transparency and accountability create tensions with both the LRA delegation and the GoSS peace secretariat, which handles the talks' logistics and administration. The recent addition of international auditing firm KPMG is a long overdue step in the right direction, but the auditing must be rigorous and backed by donor discipline. In addition to the LRA, the Government of southern Sudan's peace secretariat should be a focus of scrutiny and will likely need to be reformed for greater efficiency.⁵¹

Timetables and tighter financial controls would cause friction with the LRA but it would likely ultimately accept them for lack of a genuine alternative.

B. FOCUS

Ending the conflict has two tracks: a negotiated peace deal that addresses the LRA military leadership's core security and livelihood concerns; and ending the political, economic and social marginalisation of northern Uganda. The following actions are necessary to continue progress toward these goals:

Begin DDR negotiations while finalising justice mechanisms. Negotiations over the next agenda point, DDR, will be difficult because they involve the security and livelihood concerns of Kony and Otti. Position papers on DDR issued by the LRA in the talks' early stages had improbable demands such as disarmament of both the rebels and the army to create a new national force with a 5:4:1 ratio of army, LRA and other rebel groups. LRA military leaders have not yet provided clear security and

livelihood demands. "The LRA aren't fools", a senior GoSS minister told Crisis Group. "They are keeping their ammunition for the last round".⁵² Preparatory DDR talks should start now so as to begin clarifying positions and create momentum for progress once the justice issued is finalised.

Deal with key people on core issues. Kony is the LRA's centre of gravity, while deputy commander Vincent Otti makes most field decisions. Direct talks with both Kony and Otti are the only reliable way to make progress on detailed justice and DDR agreements. If LRA military leaders are not in Juba, doubts will remain about whether positions taken there are consistent with those in Garamba. The international community will be reluctant to support implementation of an agreement if buy-in from LRA leaders is unclear.

Proceed along two tracks. The two-track approach – defusing the LRA security threat in Juba and dealing with the long-term issues in northern Uganda – is the best way to address the north's pressing problems. The government, which has a long history of failing to match actions with words in northern Uganda, should move forward with redevelopment plans to the extent possible in advance of a final peace agreement. UN Special Envoy Chissano has played a very positive role in Juba and should extend his scope to strengthening efforts in northern Uganda to tackle the conflict's root causes.⁵³

Continue to deepen international engagement. International support, led and channelled by the UN, has been essential in promoting recent progress and improving security for millions of civilians. Both the U.S. and UK – powers with influence on Museveni, military capacity and intelligence assets – can play a prominent role in adding the leverage lacking from the current process. Crisis Group has called in the past for the U.S. to appoint a senior diplomat to work closely with Chissano. Washington has opted for a more indirect role, naming a senior adviser to deal with issues from the State Department. It should become more active in the peace process, giving the LRA security guarantees,⁵⁴

⁵⁰ Concerns about LRA financial motives for pursuing peace arose at the start of the process, when Riek Machar gave Kony \$20,000 in May 2006. The LRA withdrew from talks in January 2007, demanding a new venue, new mediator and increased stipends. After being guaranteed more money (and permission for all its fighters to regroup in Congo), it returned in April. While the arrangement enabled the talks to restart, it also rewarded the LRA and emboldened delegates to make increasingly impractical financial demands. Most recently, as noted, the LRA made excessive demands for money to fund consultations.

⁵¹ KPMG signed a contract with GoSS in August 2007 to provide financial auditing services for the talks.

⁵² Crisis Group interview, Juba, July 2007.

⁵³ Chissano's mandate is to "facilitate the search for a comprehensive political solution to address the root causes of the conflict in northern Uganda and the implications of the LRA activities in the region ... develop a cohesive and forward-looking policy approach among all external actors...[and] liaise with the International Criminal Court, United Nations missions in the Great Lakes region and regional actors concerned on matters pertaining to the indicted LRA leaders", Security Council S/2006/930.

⁵⁴ For example, the U.S. could reassure the LRA that it would be removed from the State Departments' list of terrorist organisations once a peace deal was implemented or that the US would support a Security Council resolution postponing the ICC

supporting long-term development and DDR and maintaining pressure on Museveni to stick to a negotiated settlement.

C. CUTTING OFF OPTIONS

Both parties are pursuing multiple options simultaneously, and neither yet sees a peace agreement as its best and only course. Regional cooperation backed by leadership from the wider international community is required to keep pressure on the LRA and discourage government temptation to take unilateral military action in Congo.

Kampala-Kinshasa tensions continue to complicate efforts to formulate a common strategy on the LRA. Ugandan and Congolese troops clashed in August over a disputed island in Lake Albert important for both countries' oil exploration.⁵⁵ Behind the scenes negotiations appear to have defused that conflict but the episode added to a growing catalogue of differences, complicated the shaky foundation for cooperation on the LRA and prompted Uganda's defence minister to renew threats to re-enter Congo to deal with rebels.⁵⁶ The intervention threat is primarily for internal consumption but the inflammatory rhetoric is another sign that conflict and suspicion rather than confidence and collaboration characterise relations.⁵⁷

There are, nevertheless, some recent opportunities for improvement. Talks in Kinshasa on 12 August opened the way for further cooperation and a summit in Arusha, Tanzania between Presidents Museveni and Kabila on 9 September. At the meeting, Museveni and Kabila agreed to move their troops 150km from the border, cooperate on Lake Albert oil exploration, and collaborate on a joint

pipeline project. The presidents also vowed to redouble efforts to eliminate within 90 days, through peaceful or coercive means, "negative forces" operating within their borders. In previous meetings, Congolese officials had told their Ugandan counterparts that one regiment was to be deployed around Garamba National Park by the end of August. That has not yet occurred and further delay is likely due to the fighting that broke out in late August in North Kivu between the Congolese army and insurgents led by Laurent Nkunda. Nonetheless, such a deployment, though small, could pave the way for further increases and potential joint operations to contain the LRA or force it out of Congo.

Increasing the costs of further war, limiting its room for manoeuvre and reducing opportunities for spoilers are the only ways to persuade the LRA to pursue peace with greater commitment. The following steps should be taken:

Expand the monitoring team's mandate and capacity to operate in Congo. The cessation-of-hostilities team is currently unable to enter Congo where most LRA now are. Practically and politically, serious monitoring there would be difficult. The area is vast, the forests are dense, and roads are virtually nonexistent. The monitoring team includes Ugandan army representatives, whom Kinshasa is reluctant to let in. The necessary memorandum of understanding would be easier to obtain if it was agreed that Congolese and MONUC troops would accompany the monitors on Congolese territory. The threat alone of monitoring in Congo might have a deterrent effect on the LRA, making Kony think twice about hostile movements or efforts to recruit, resupply or link up with other rebel groups. Similarly, the presence of monitors in Congo would be a small check against Ugandan army incursions.

Deny Sudan to the LRA. Improved Ugandan army effectiveness was critical in making LRA operations in northern Uganda untenable. Sudan should become an equally inhospitable environment. Two SPLA battalions have been deployed in the vicinity of Ri-Kwangba but more must be done to prevent the LRA from re-entering Sudan should the Juba process derail. Larger SPLA deployments along the Congo border would also help reduce the real estate available to the LRA and limit its options.

Deploy MONUC and FARDC. Military presence and capacity need to continue to expand in the area of Congo where the LRA is located so as to contain the rebels and lay the groundwork for future operations should the peace process fail. Only 80 distant MONUC peacekeepers with a limited mandate and no Congolese troops are in Oriental Province where the LRA is. While Congo has many urgent security issues, neither it nor MONUC can afford to allow that territory to become a safe haven for a regional stability threat like the LRA. MONUC and FARDC have indicated

arrest warrants for renewable one-year increments as long as the LRA complied with a peace deal.

⁵⁵ A British contractor working for Heritage Oil and Gas, the Canadian firm exploring for oil in the area, was killed. See "Oil Team Attacked, Briton Killed", *New Vision*, 3 August 2007.

⁵⁶ See "Uganda Might be Forced to Re-enter Congo", *op. cit.*

⁵⁷ Uganda recently withdrew its representatives from the Intelligence Fusion Cell, a U.S.-initiated regional effort based in the Congolese town of Kisangani to share information and analysis about the threat of foreign armed groups in Congo. Hamstrung by half-hearted participation and poor cooperation, the Fusion Cell was further weakened in March 2007 when Congo attempted to have top Ugandan army commanders, including President Museveni's brother, placed on its terrorist list. Later, the LRA (and the ADF) were removed from that list, and Uganda and Sudan boycotted a 15 July meeting in Aru. The meeting was to discuss infringements of Congo sovereignty. Nine villages are reported occupied by foreign nationals and authorities. Ugandan and Sudanese officials claimed that they were not informed of the meeting in time and needed authorisation from their governments. Neither country seems to share Kinshasa's conviction these infringements are a serious security threat.

recently that they may increase troop deployments there, and they should do so. The Congolese would need to take main responsibility for any potential military operations, though none would be possible before the end of the year due to logistical constraints and the rainy season.

Develop a backup regional security strategy. To increase the leverage required to obtain a negotiated settlement, the LRA ought to be presented with a threat of credible military pressure. The limited aim of the security strategy that needs to be planned on a contingency basis should be to apprehend the LRA commanders against whom arrest warrants have been issued. The area in which they are located is remote, and regional military capacity is limited. International leadership and support, particularly from the U.S. and UK, is required to bring the LRA-impacted states together to plan an arrest strategy. At the same time, a clear message should continue to be sent to Kampala that unilateral action in Congo is unacceptable, and any use of force must be on a cooperative, regional basis.

Maintain ICC pressure. The threat of international prosecution helped bring the LRA to the bargaining table and remains important. The Rome Statute provides a clear mechanism – complementarity – to permit robust domestic accountability in lieu of international prosecution, and that would be acceptable here. It also has, in Article 16, a means of reconciling peace and justice if required – but the onus must remain squarely on those who would settle for less than complete accountability of the senior LRA leadership to establish that this is absolutely the only way to bring the suffering of the people of the region to an end.

Establish a UN Panel of Experts. To prevent Khartoum or other external spoilers from using the peace process to re-supply and rebuild the LRA, the UN should consider creating a Panel of Experts to investigate the rebels' sources of supply and propose appropriate sanctions on their supporters.⁵⁸

President Museveni and the Ugandan army, both sceptical of peace with Kony, must also be convinced that the range of alternatives to a negotiated settlement is narrow. Donors should be prepared to divert funds from direct budgetary support to assist the north if the government does not follow through on its pledged redevelopment programs, does not support robust accountability mechanisms that address abuses committed by all parties or turns from the peace process to military measures after the Commonwealth CHOGM.

V. CONCLUSION

The Juba peace process has matured in the last year from an ad-hoc exercise into a structured, internationally-supported initiative with credible momentum and clear dividends. Recent developments, particularly on the contentious yet crucial issue of accountability and reconciliation, provide hope that a deal could be concluded by year end. The talks still have to clear substantial obstacles to realise this promise. The approaching negotiations on specific justice mechanisms and then DDR will test the parties' resolve to make the sacrifices and compromises necessary to craft a deal. Ultimately, the issue of reconciliation and accountability is a question of political will and personal commitment as much as a legal problem, and both Museveni and Kony have much to prove on this front. The parties have agreed on broad principles, but now they have to tackle the substantive details.

Progress at the bargaining table and improved security on the ground would not have occurred without international engagement. To convert the current momentum into a signed and implemented final agreement, more leverage is necessary to create disincentives for stalling or undermining a negotiated settlement. Hard work remains but peace and justice are at last realistically within reach.

Kampala/Nairobi/Brussels, 14 September 2007

⁵⁸ See Crisis Group Report, *Northern Uganda*, op. cit.,

APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 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 the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

Crisis Group's international headquarters are in Brussels, with advocacy offices in Washington DC (where it is based as a legal entity), New York, London and Moscow. The organisation currently operates twelve regional offices (in Amman, Bishkek, Bogotá, Cairo, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina, Seoul and Tbilisi) and has local field representation in sixteen additional locations (Abuja, Baku, Beirut, Belgrade, Colombo, Damascus, Dili, Dushanbe, Jerusalem, Kabul, Kampala, Kathmandu, Kinshasa, Port-au-Prince, Pretoria and Yerevan). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Central African Republic, Chad, Côte d'Ivoire,

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September 2007

APPENDIX C

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