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Uganda: Current Conditions and the Crisis in North Uganda

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Summary

In February 2006, Ugandans voted in the first multi-party elections in almost 26 years. President Yoweri Museveni and his ruling National Revolutionary Movement (NRM) parliamentary candidates won a decisive victory over opposition candidate Kizza Besigye and the Forum for Democracy Coalition. Nevertheless, poll results showed a notable decline in support for President Museveni from previous elections. International election observers did not condemn the election results, nor did they fully endorse the electoral process. Critics charged the government with intimidating the opposition during the pre-election period, and Besigye spent much of the campaign period in jail. The election followed a controversial move by the Ugandan parliament in July 2005 to remove the constitutional two-term limit on the presidency. In February 2011, Ugandans voted in presidential and parliamentary elections. President Museveni won 68% of the vote, while his nearest opponent, Kizza Besigye, won 26% of the vote. In April 2011, a number of opposition leaders, including Besigye, were arrested after multiple "walk to work" demonstrations.

In the north, the government of Uganda has long fought the Lord's Resistance Army (LRA), an armed rebel group backed by the government of Sudan. Through over 20 years of civil war, the brutal insurgency has created a humanitarian crisis that has displaced over 1.5 million people and resulted in the abduction of over 20,000 children. In 2006-2008, the government of Uganda and the LRA were engaged in an effort to resolve the conflict peacefully. The government of Southern Sudan (GOSS) mediated the talks. In August 2006, the government of Uganda and the LRA signed a Cessation of Hostilities Agreement. In February 2008, the parties agreed on a Permanent Ceasefire and amended the Agreement on Accountability and Reconciliation and Agreement on Comprehensive Solutions. However, the leader of the LRA, Joseph Kony, failed to show up for the final signing of the agreement on a number of occasions. The cessation of hostilities has allowed an estimated 1.4 million people to return to their homes. In November 2007, an LRA delegation went to Kampala for the first time and held talks with senior Ugandan officials. In late 2007, Vincent Otti, the deputy commander of the LRA, reportedly was killed in Uganda by Joseph Kony, the head of the LRA. In December 2009, the deputy commander of the LRA, Bok Abudema, was killed by Ugandan forces in Central African Republic. In 2009 and 2010, a number of senior commanders have been killed or captured or have defected. In late November 2010, the Obama Administration announced a "Strategy to Support the Disarmament of the LRA", as called for in P.L. 111-172.

In late October 2007, President Museveni visited Washington, DC, and met with President Bush and other senior Administration officials. President Museveni also met with several Members of Congress. During his visit, President Museveni discussed a wide range of issues, including U.S.-Uganda relations, the crises in Somalia and Darfur, trade, and HIV/AIDS. Uganda deployed an estimated 2,700 peacekeeping troops to Somalia, shortly after Ethiopian forces invaded Mogadishu and installed the Transitional Federal Government (TFG). As of July 2010, more than 20 members of the Ugandan peacekeeping forces have been killed. In late November 2010, President Museveni visited Mogadishu, Somalia.

On July 11, 2010, the Somali terrorist group Al-Shabaab carried out multiple suicide bombings in Kampala, Uganda. An estimated 76 people, including one American, were killed and more than 80 injured. The United Nations, the African Union, and the United States condemned the terrorist attacks. More than 20 suspects are currently in prison.

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Recent Developments

In April 2011, a number of opposition leaders, including Besigye, were arrested after multiple "walk to work" demonstrations. The government of Uganda stated that the demonstrations were illegal and President Museveni accused Besigye of being behind these "bogus demonstrations". Since early April, Besigye had been detained and released three times. The leader of the Democratic Party, Nobert Mao, was also arrested on April 11 and 18. According to some reports, the government is also putting pressure and restrictions on some media outlets in order to block coverage of the demonstrations.

On February 18, 2011, Ugandans voted in presidential and parliamentary elections. President Museveni won 68% of the vote, while his nearest challenger, Besigye, won 26% of the vote. The ruling National Resistance Movement (NRM) won the majority of seats in parliament. An estimated 90 members of parliament lost their seats, including some ministers. According to the Ugandan Electoral Commission, an estimated 59% of the registered voters participated in the elections. The Obama Administration stated that "the elections and campaign period were generally peaceful, but we note with concern the diversion of government resources for partisan campaigning and the heavy deployment of security forces on election day." The Commonwealth Observer Group expressed similar concerns. The African Union stated that the elections were peaceful and transparent, but called for a Review of the Electoral Law. Opposition groups declared the elections to be fraudulent and rigged.

An estimated 13.4 million Ugandans were registered to vote. There were eight presidential candidates, although the majority were not considered a serious challenge to President Museveni. Dr. Besigye was considered by observers a serious challenger. He won 37% of the votes cast in the 2006 presidential election. Three national opinion polls had given president Museveni a 65-67% victory. The opposition was unable to field one candidate to run against President Museveni, and seem weakened by internal divisions. An estimated 300 independents competed in the parliamentary elections, although many of these independents were seen as allies of the ruling party. Independent candidates received the largest number of seats in parliament, 37, after the NRM's 279-seat victory in the 370-member parliament.

Many observers and some governments were concerned that there might be violence during and after the elections. In mid-February, President Museveni warned in a speech that his government will take tough measures in order to maintain security. In late January 2011, the State Department issued a travel alert cautioning American citizens in Uganda or those planning to travel during the election period. Mr. Besigye rejected taking his case to court but called for street demonstration by his supporters. As of early March 2011, there were no reports of violence or demonstration.

The United Nations Report

In September 2010, the government of Uganda issued a strong statement condemning a report by the United Nations Commission on Human Rights (UNCHR) on human rights abuses in the Democratic Republic of Congo (DRC). The report accused several DRC neighbors of serious human rights abuses. The government of Uganda in a letter to the United Nations stated that "the draft report under reference is a compendium of rumors deeply flawed in methodology, sourcing and standard of proof. Its timing, scope, motive, and subsequent leakage to the media were all made in bad taste."

The Kampala Terrorist Attacks

On July 11, 2010, the Somali terrorist group Al-Shabaab carried out multiple suicide bombings in Kampala, Uganda. An estimated 76 people, including one American, were killed and more than 80 injured. The United Nations, the African Union, and the United States condemned the terrorist attacks. More than 20 suspects are currently in prison.

The attacks took place at a rugby club and Ethiopian restaurant while people were watching the final match of the World Cup. The following day, an Al-Shabaab official, Ali Mohamud Rage, stated that "we are sending a message to Uganda and Burundi, if they do not take out their AMISOM troops from Somalia, blasts will continue and it will happen in Bujumbura (Burundi's capital) too."[1]

The international community condemned the attacks. In an interview with the South African Broadcasting Corporation, President Obama stated that he had called President Museveni to express "the condolences of the American people for this horrific crime that had been committed." The United Nations Security Council in a statement said "members of the Security Council condemn in the strongest terms the terrorist attacks that occurred in Kampala, Uganda, on 11 July 2010, causing numerous deaths and injuries." The African Union also condemned the attacks.

In late July 2010, at the 15th Assembly of the Heads of State and Government of the African Union in Kampala, Uganda, the African Union agreed to send an estimated 4,000 more troops to strengthen AMISOM. Guinea and Djibouti pledged a battalion each. Members of the Inter-Governmental Authority for Development (IGAD) also agreed in early July to send an estimated 2,000 troops.

[1] http://www.bbc.co.uk/news/10602791

Uganda: Background and Political Developments

Uganda, a country slightly smaller than Oregon, gained its independence from Britain in 1962. Until the mid-1980s, the East African country was mired in civil war and ethnic strife, and its people suffered under a brutal dictatorship. By the time President Yoweri Museveni's National Resistance Army/Movement (NRA/M) took power in early 1986, the country's economy was in ruins, with an inflation rate of over 240% and an almost nonexistent economic infrastructure. President Museveni is credited with bringing relative political and economic stability to Uganda, although he has not been able to end the conflict in northern Uganda. His strategy in the late 1980s and 1990s was to co-opt his political opponents and, when necessary, to use military means to neutralize rebel groups. Museveni's first government included opposition figures who had served in previous governments and arch critics of the NRM. Despite efforts aimed at achieving national reconciliation, armed opposition to his government continued for much of the 1980s and 1990s.

Uganda at a Glance

Population: 32.3 Million

Population Growth: 2.6% (2009)

Comparative Area: Slightly smaller than Oregon

Infant Mortality Rate: 52.7 deaths/1,000 live births (2007)

Life Expectancy at Birth: 52.34 years

HIV/AIDS Prevalence Rate: 5.4% (2007)

HIV/AIDS Deaths: 77,000 (2007)

Religions: Roman Catholic 42%, Protestant 42%, Muslim 12%, Indigenous beliefs 4%.

Language: English (official)

GDP (purchasing power parity—PPP): $42.1 billion (2008)

GDP per capita (PPP): $1,300.00 (2009)

Source: CIA, *The World Factbook, 2010*.

In May 1996, after a long transitional period, President Museveni was elected to a five-year term in direct presidential elections in what was known until 2005 as a "no-party" system. Museveni won 74.2% of the votes, while his opponent, Paul Ssmogerere, former deputy prime minister and longtime rival of the president, received 23.7%. The elections were declared by international observers to be free and fair. A national referendum on multiparty politics was held in June of 2000. Museveni prevailed, with 90.7% of Ugandans favoring a no-party government system. The president stated that multiparty politics could only be introduced once a no-party system had succeeded in eliminating the threat of a return to sectarian politics. In 2005, Museveni changed his position on this issue (see below). The NRM remains the dominant party, although some of its members openly express their opposition and frustration about NRM's leadership. Some party leaders are also focused on the issue of succession, while new members of parliament challenge the old establishment of the ruling party. Despite some serious challenges facing the leadership, Uganda has made and continues to make important progress on a number of fronts. The East African country is more stable today than a few years ago, and the prospect of a final agreement with the Lord's Resistance Army (LRA) could lead to lasting peace in Uganda.

The 2001 Presidential Elections

On March 12, 2001, Uganda again held national elections, and President Museveni won 69.3% of the votes cast,[2] while his closest challenger, Kizza Besigye, received 27.8%. Besigye, a doctor and Museveni's one-time ally, was a member of the NRM and Museveni's personal physician during the insurgency in the early 1980s. He ran on an anti-corruption platform, vowing to rid the government of its excesses. He also raised questions about Uganda's military involvement in the Democratic Republic of the Congo (DRC). Election observers, both local and international, declared the elections to be free and fair, although they acknowledged that the electoral process and management had many weaknesses. The results of the elections were rejected by Besigye on the grounds that there were discrepancies and inconsistencies in the electoral process. He filed a petition at the Supreme Court challenging the declaration of Museveni as president-elect and sought to annul the elections. Besigye subsequently lost the petition and said he would respect the Supreme Court verdict. In August 2001, Besigye fled Uganda and later surfaced in South Africa.[3]

The Third-Term Debate and Adoption of a Multi-Party System

Uganda was ruled under a "no-party" system after Museveni took power in 1986. In March 2003, President Museveni suggested to his National Executive Committee, the leadership organ of the NRM, that the Movement should consider lifting the ban on a multi-party system. He and his supporters also urged a review of the two-term limit for a president. According to the Ugandan constitution at the time, "A person shall not be elected under this Constitution to hold office as President for more than two terms as prescribed by this article."[4] Under this provision, President Museveni's term would have expired in 2006, but many of his supporters argued that without Museveni, Uganda might plunge into another civil war. Critics of the president contended that Museveni did not wish to relinquish power. The president holds most power. In January 2003, President Museveni told a British reporter "we will follow the Constitution because that is what I fought for. The present Constitution says not more than two consecutive terms."[5] Those ruling party members who criticized the president's third term proposal were removed from power, including Eriya Katagaya, the then-first deputy prime minister and a longtime ally of President Museveni.[6] The vice president also resigned, reportedly to pursue her academic studies in the United States. In May 2005, the Ugandan parliament voted to approve a referendum on multi-party politics. On July 28, 2005, Ugandans voted overwhelmingly in favor of a multi-party system, after almost 19 years of a "no party" system. Reportedly, more than 92% of the registered voters said yes to a multi-party system, although the polls were boycotted by the Forum for Democratic Change, an opposition party. In July 2005, the Ugandan parliament voted to remove the two-term limit on the presidency.

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[2] Ugandan Elections 2001, at http://www.uganda-elections.com.

[3] Besigye fled into exile a day after he met with visiting U.S. congressional delegation Members.

[4] The Constitution of Uganda can be found at http://www.parliament.go.ug/images/constitution_1995.pdf.

[5] John Kakande. "Museveni Speaks on 3rd Term." *The New Vision*, January 3, 2003.

[6] "President Should Listen to Old Friends, Avoid Disaster (Editorial)." *The Monitor*, May 3, 2002.

The 2006 Multi-Party Elections

In February 2006, Ugandans voted in the first multi-party elections in almost 26 years. President Museveni won 59% of the votes, while the leading opposition candidate, Kizza Besigye, won 37% of the votes. The ruling NRM won 202 seats in parliamentary elections, while the opposition Forum for Democracy Coalition won 40 seats. The election results show a decline in support for President Museveni from his 74% and 69% victories in the 1996 and 2001 elections, respectively. Meanwhile, Besigye's 37% share represented a 10% gain over his 2001 vote share. International election observers did not condemn the election results nor did they fully endorse the electoral process. According to the European Union election monitoring group report, "Uganda's first multi-party presidential and parliamentary elections since 1980 have demonstrated significant improvements in comparison to previous elections." According to the same report, "Despite a number of problems experienced by voters on election day, EU Chief Observer Max van den Berg, who spent the day traveling between Kampala, Gulu and Soroti, noted that voters came out in large numbers, knew that they had a choice between change or continuity, and made this choice with calm and dignity." But the elections were marred by intimidation, counting irregularities, voter name deletions, and show of force by the government. Harassment by authorities and the trial of the opposition candidate, Besigye, were seen as part of the overall strategy to secure victory. Kizza Besigye was charged and imprisoned soon after his return to Uganda to run as a candidate for president. He was charged with rape, terrorism, and treason. He was released from prison in January 2006 and challenged President Museveni in the February 2006 presidential election.

The Situation in Northern Uganda

While much of the country has remained stable since the NRM took power in 1986, civil war has ravaged northern Uganda for over 20 years. The situation was characterized until recently as one of the world's worst humanitarian crises, where civilians, particularly children, are the most affected, according to the United Nations and numerous reports by non-governmental organizations. The conflict and the humanitarian crisis in northern Uganda have killed tens of thousands of civilians due to deliberate targeting of children by the Lord's Resistance Army (LRA) (see below), although the actual number of those killed is unknown. In recent years the LRA has had no active presence in Uganda.

According to a report by the Civil Society Organizations for Peace in Northern Uganda (CSOPNU), a coalition of 50 Ugandan and international groups, more than 2 million civilians have been affected. An estimated 90% of the population in the northern region of Acholiland, particularly in the districts of Gulu, Kitigum, and Pader, have been displaced; and some estimate that 80% of the forces in the LRA are the abducted children from these areas. For the past two decades, the victims in this conflict have largely been civilians, although the conflict began as an effort to overthrow the Museveni regime. The victims reportedly were abused routinely by security forces, and the government failed to provide adequate protection to civilians, particularly children in northern Uganda, according to several reports.

The LRA abducted more than 20,000 children over the past decade for forced conscription and sexual exploitation.[7] According to the United Nations:

> the most disturbing aspect of this humanitarian crisis is the fact that this is a war fought by children on children—minors make up almost 90% of the LRA's soldiers. Some recruits are as young as eight and are inducted through raids on villages. They are brutalized and forced to commit atrocities on fellow abductees and even siblings. Those who attempt to escape are killed. For those living in a state of constant fear, violence becomes a way of life and the psychological trauma is incalculable.[8]

Although the situation in northern Uganda has improved significantly since 2008, the U.N. Security Council reported in May 2007 that "the LRA has not released any children, women or non-combatants from its ranks." Similarly, the U.N.S.C. report voiced deep concern over "the absence of any concrete signs regarding the release of children associated with various forces, especially local defense units and LRA." The U.N.S.C. report also stated that government security forces continue to occupy schools in abandoned communities, thereby significantly delaying the reopening of schools.

The LRA: Early Years

In 1985, the Milton Obote regime was ousted in a military coup by General Tito Lutwa Okello and other military officers from northern Uganda. The coup came at a time when the NRM attacks against the Obote regime threatened Obote's hold on power. In 1986, the NRA defeated the Okello regime, forcing the military and their supporters to flee to northern Uganda. Shortly afterward a rebel alliance was formed, the Uganda People's Democratic Army (UPDA). The UPDA began attacks against government military installations primarily in northern Uganda. The same year, Alice Lakwena, an Acholi spiritual healer, emerged as the dominant leader of the rebel alliance. Lakwena's faction, the Holy Spirit Movement, initially dominated the alliance and also began to make its move in Southern Sudan. After a devastating battle with the Ugandan military in Jinja, 60 miles from the capital of Kampala, in which a large number of the rebel alliance members were killed or captured, Lakwena fled to Kenya. By the late 1980s and early 1990s, UPDA was no longer active. One of Lakwena's key members and reportedly a relative, Joseph Kony, then in his early 20s, emerged as the leader of the remaining forces and later emerged as the LRA leader. A major military strategy shift took place in the early 1990s with the emergence of Kony. Kony's group began to primarily target civilians in northern Uganda and forged a strong alliance with the government of Sudan.

The Lord's Resistance Army (LRA)

The LRA is a Ugandan rebel group active since the mid-1980s. Under the leadership of Joseph Kony, the LRA has conducted military operations in northern Uganda, the DRC, the Central African Republic (CAR), and Southern Sudan. The primary targets of the LRA have been the civilian population, especially women and children. The LRA was given protection, facilities for training, and supplies by the government of Sudan to wage war in northern Uganda and Southern Sudan until a few years ago. The takeover of the government in Southern Sudan by the Sudan People's Liberation Movement (SPLM) curtailed LRA activities in South Sudan. The Sudan Comprehensive Peace Agreement (CPA) has a provision that all foreign groups, which include the LRA, must be forced out of Sudan. In 2005, some LRA units went into DRC, reportedly looking for a new home after the SPLM took power. Over the past several years, the LRA has been weakened significantly and has lost a number of its top leaders in battle or defection. The LRA currently has presence in parts of DRC and the Central African Republic (CAR). The LRA

[7] Uganda Complex Emergency. U.S. Agency for International Development (USAID), July 2003.

[8] http://www.un.org/events/tenstories/06/story.asp?storyID=100

is not operational in northern Uganda. The government of Uganda has carried out a number of military operations against LRA forces in CAR and jointly with Congolese forces in DRC.

Regional Implications and the LRA

Under the leadership of Joseph Kony, the LRA has conducted military operations in northern Uganda, the Democratic Republic of Congo (DRC), and Southern Sudan. The regional impact of the northern Uganda crisis has been particularly hard for Southern Sudan, in part because of its geographic proximity and also due to the government of Sudan's support for the LRA rebels. In Southern Sudan, the LRA allied with the government of Sudan to attack the Sudan People's Liberation Army (SPLA), the liberation movement fighting then successive Sudanese governments, according to U.S. and regional officials. Southern Sudanese civilians have been victims of LRA attacks. The LRA was given protection, facilities for training, and supplies by the government of Sudan to wage war in northern Uganda and Southern Sudan, according to South Sudan, U.S., and regional officials. The LRA targeted civilians in Eastern and Western Equatoria and in the Juba region, the regional capital. The LRA leadership and its troops had a permanent presence in Southern Sudan under the protection of the government of Sudan. In the Juba region, LRA forces used schools and other government facilities to train and house their troops.[9]

In late 2005, the LRA intensified its attacks targeting civilians in Southern Sudan, especially in Yei and Juba areas. However, the signing of the Comprehensive Peace Agreement (CPA) in 2005 between the government of Sudan and the SPLM has threatened the survival of the LRA as a force in Southern Sudan. The takeover of the government in Southern Sudan by the SPLM has made LRA activities very difficult. The CPA has a provision in the Security Agreement that all foreign groups must be forced out of Sudan. The late leader of Southern Sudan, Dr. John Garang, had the LRA and foreign terrorist groups in mind when he insisted on this provision.[10] In 2005, some LRA units went into DRC, reportedly looking for a new home after the SPLM took power. Military clashes in DRC in 2006 reportedly led to the killing of eight Guatemalan United Nations peacekeepers in the DRC. The Congolese government acknowledged the presence of LRA forces in Garamba National Park in 2007. In early November 2007, President Joseph Kabila stated that LRA forces will be forced to leave DRC once a peace agreement is reached between the LRA and the government of Uganda. He also made it clear that the LRA would be expelled from DRC if they failed to reach an agreement.[11]

Attempts to End the Conflict: Background

A number of attempts in the past at a negotiated settlement with the LRA failed, in large part due to LRA intransigence and due to the government of Uganda's inconsistent positions. The first serious effort was launched by former Ugandan government minister Betty Bigombe in the early 1990s with the full support of President Museveni. In 1993, Bigombe made contact with the LRA leadership and the LRA initially expressed interest in a negotiated settlement. Prior to this effort, the government of Uganda launched what was known as the Operation North campaign. Operation North campaign was designed to deny the LRA support in the North and to arm the

[9] The author visited towns in Southern Sudan over the past decade on multiple occasions where the LRA has been active.

[10] Ted Dagne interviewed Dr. John Garang on a number of occasions during the Security Arrangement negotiations.

[11] Ted Dagne met with President Kabila and discussed issues related to Uganda and DRC in November 2007.

civilian population with bows and arrows, known then as the Arrow Group. The operation failed and created strong animosity between the government and elements in northern Uganda. The Bigombe initiative ended when President Museveni threatened to use force against the LRA and demanded its surrender. Other initiatives, both local and regional, failed to produce tangible results. Bigombe was once again engaged in an effort to bring an end the conflict in northern Uganda. In late 2004-2005, contacts were made with the leadership of the LRA and the LRA also had appointed two senior commanders, Vincent Otti and Sam Kolo, as negotiators in this new initiative. The peace initiative stalled in 2005 when Kolo defected to the government side and the government of Uganda began its military campaign. Resolution of the conflict through military means has not been successful, in part due to ineffective operations against the LRA and an apparent lack of will by the government to end the conflict through a negotiated settlement.

In October 2005, the International Criminal Court (ICC) issued arrest warrants for five top LRA leaders, including Kony. Some observers, while supportive of the ICC prosecution of these leaders, maintain that the ICC action could hinder peace efforts. Other observers argue that despite the ICC process, the parties were able to reach important agreements for the first time in decades. Moreover, hundreds of LRA members and leaders have returned to Uganda under a government amnesty program. According to the peace agreement, traditional justice "shall form a central part of the alternative justice and reconciliation framework."

Peace Initiative

After a series of failed peace efforts, the government of South Sudan appears to have made some significant strides in brokering the conflict. Following months of talks in Juba, Sudan, the two parties signed a formal cessation of hostilities agreement on August 26, 2006. Under the agreement, LRA insurgents were expected to gather at assembly points in southern Sudan. The deadline for assembly was extended after ceasefire observers reported that both sides violated the agreement that October. The Ugandan army has admitted to approaching a rebel safe haven in Sudan, claiming it was escorting journalists and diplomats on a fact-finding mission. Meanwhile, LRA soldiers, claiming they feared attack by the Ugandan forces, violated the agreement by leaving a designated assembly point in southern Sudan. Many observers remain skeptical that all of the remaining LRA insurgents will comply with the terms of the agreement.

President Museveni has offered amnesty if the rebels accept a peace agreement. According to media reports and U.S. officials, there is support among many civilians in northern Uganda for reconciliation rather than revenge against the LRA leaders. Nevertheless, unless the ICC's Chief Prosecutor, Luis Moreno-Ocampo, accepts a local judicial solution, the indicted insurgents would have to accept asylum in a country not bound by the Rome Treaty. The ICC has announced that it will not consider any amnesty proposal until after the successful completion of a peace agreement.

Following speculation that the Ugandan government was going to yield to the LRA's demand that ICC arrest warrants be annulled, President Museveni announced on July 19, 2007, that warrants for the top LRA leaders will remain in place until a peace agreement has been reached: "We are not going to ask the ICC to lift the arrest warrants. If [the LRA leaders] don't conclude the peace talks they could be arrested and taken to the ICC or get killed. If they conclude the peace deal, that is when the government can write to the ICC to say we have found an alternative solution."

In August 2007, he stated that if the parties agreed to resolve their differences peacefully, the issue of accountability could be addressed through local and traditional mechanisms.[12]

The Ugandan government's continued negotiations with the LRA reached the critical question of how Agenda No. 3 (Reconciliation and Accountability), reached in June 2007, should be concluded. Uganda. In February 2008, the government of Uganda and the LRA reached several agreements. The parties agreed on a Permanent Ceasefire, amended the Agreement on Accountability and Reconciliation, and the Agreement on Comprehensive Solutions (see **Appendix**). The LRA leadership moved into the Garamba National Park in the DRC and has not given indication of signing the agreement since April 2008. In late October 2007, the LRA sent a delegation to Kampala for the first time in almost two decades to meet with senior Ugandan officials. The LRA delegation also went to northern Uganda to consult with its constituency as the parties got closer to concluding the peace talks.

Operation Lightning Thunder

In late 2008, the governments of the Democratic Republic of Congo, Southern Sudan, and Uganda launched a major military operation against the LRA forces. The operation forced LRA forces to disperse into other parts of DRC but failed to achieve its military objective of defeating the LRA. In retaliation, the LRA reportedly killed an estimated 1,000 people in the DRC and Southern Sudan. More that 180,000 people were displaced in the DRC. The joint military operation was the first major coordinated attack against the LRA.

Humanitarian Conditions

The overall impact of the crisis in northern Uganda is not clear, although day-to-day life for many in this region has changed significantly. The economy in northern Uganda has been devastated, especially in light of the fact that much of the population is displaced internally and some have left the region. According to various sources, there are an estimated 446,300 internally displaced persons (IDPs) in northern Uganda as of November 2010. More than 400,000 IDPs have returned to their home areas in 2009-2010. Children who are not in internally displaced persons camps often leave their homes at night to sleep in hospitals or churches, although over the past year conditions have improved. These children were known as "Night Commuters." Education for many of these children seems out of reach, since many are unable to stay in one place to attend school. According to a World Vision report, *Pawns of Politics:*

> The north has suffered insecurity, manifested by violence against civilians, abductions and displacement. This insecurity has resulted in death, loss of property, and disruption of development activities. Children are losing vital educational opportunities; they are at greater risk for contracting HIV/AIDS and other STDs; and they are forced into child prostitution, child soldiering, and other forms of bondage.[13]

As a result of the war and perceived ethnic bias and marginalization, the NRM government is unpopular in northern Uganda. Over the past several years, the government of Uganda has

[12] Ted Dagne met with President Museveni in Uganda in August 2007 and discussed a wide range of issues.

[13] *The Pawns of Politics: Children, Conflict and Peace in Northern Uganda.* World Vision, 2004.

expanded civilian protection and significantly increased its budget for reconstruction and development in northern Uganda.

Social and Economic Profile

Economic Conditions

Uganda is blessed with fertile soils, regular rainfall, and sizable deposits of copper and cobalt. Its largest sector is agriculture, which employs 78% of the workforce and accounted for about 90% of export earnings and 23.4% of Uganda's Gross Domestic Product (GDP). Coffee exports make up half of its export earnings, and Uganda is Africa's largest coffee producer. Other major exports include cotton, tea, and to a lesser extent, maize. Crop production has been hampered by security concerns in the northern and western regions of Uganda. To stabilize the economy, Museveni adopted a policy of reducing inflation while simultaneously increasing production and export earnings. Uganda raised producer prices on export crops, increased the prices of imported petroleum products, and boosted civil service wages.

Long periods of forced displacement in northern Uganda have seriously disrupted agricultural productivity in the region, but USAID reports that recent security improvements have allowed a number of farmers to return home and resume normal cultivation. According to USAID officials in Uganda, the restoration of normal farming practices is essential to the recovery process. Throughout FY2007, USAID contributed significant funds to the U.N. Food and Agriculture Organization (FAO) and Catholic Relief Services (CRS) to distribute farm equipment and seeds to Ugandan farmers prior to the Spring 2007 planting season. In 2006-2007, food production was better than expected, in part due to good weather conditions.

The industrial sector has also expanded, with real output growth approaching 10% a year. Industry constituted 20.4% of GDP in 2004/2005. The main industries include the processing of coffee, cotton, tea, sugar, tobacco, edible oils, dairy products, and grain milling as well as brewing. Other ventures include vehicle assembly and the manufacture of textiles and metal products. According to the Economic Intelligence Unit (February 2011), real GDP growth is estimated at 6.3% in 2011, and 7% in 2012.

Obstacles to economic growth remain. Uganda's heavy reliance on coffee exports makes it vulnerable to international commodity price fluctuations and poor weather conditions. Privatization initiatives pose a problem, as they are seen by many to be a scramble for previously state-owned property. Another problem plaguing Uganda's economy is corruption. Uganda relies upon international donors for 41% of its national budget. Those donors, in particular Ireland, Norway, Sweden, and the United Kingdom, have become increasingly critical of governance issues and a rise in defense spending.

The late June 2009 discovery of an oil reserve in the fields of western Uganda much larger than initially estimated has many speculating about the potential implications for Uganda's economy. The oil was discovered in an exploratory mission by oil and gas groups Heritage and Tullow. The oil reserve is located in the Albertine Basin, close to Uganda's border with the Democratic Republic of Congo.

Human Rights Conditions

According to the State Department's *Country Reports on Human Rights Practices in 2010*,

> Serious human rights problems in the country included arbitrary killings; vigilante killings; mob and ethnic violence; torture and abuse of suspects and detainees; harsh prison conditions; official impunity; arbitrary and politically motivated arrest and detention; incommunicado and lengthy pretrial detention; restrictions on the right to a fair trial and on freedoms of speech, press, assembly, and association; restrictions on opposition parties; electoral irregularities; official corruption; violence and discrimination against women and children, including female genital mutilation (FGM), sexual abuse of children, and the ritual killing of children; trafficking in persons; violence and discrimination against persons with disabilities and homosexual persons; restrictions on labor rights; and forced labor, including child labor.[14]

HIV/AIDS

In the 1980s and early 1990s, Uganda was one of the African countries most devastated by the HIV/AIDS epidemic. Over the past decade, however, Uganda has made significant progress in the fight against HIV/AIDS, and the Museveni government is widely credited for implementing a sweeping reform to address the HIV/AIDS epidemic. According to USAID, the prevalence of HIV has dropped over 50% in the last 15 years. Today the overall prevalence rate is 6.7%. Moreover, prevalence among pregnant women declined significantly. Despite these impressive declines, HIV/AIDS is still a serious problem in Uganda. An estimated 91,000 Ugandans died in 2005, and there are over 1 million orphans from the AIDS crisis. Uganda's HIV/AIDS prevention program known as ABC (Abstinence, Be Faithful, or Use Condoms) is credited for the reduction in HIV infections and has been viewed by the U.S. Administration as a model for the rest of sub-Saharan Africa. In 2007, the United States provided $188 million to support Uganda's fight against HIV/AIDS (see **Table 1** below for a summary of U.S. assistance to Uganda).

Anti-Homosexual Resolution

In 2009, a member of Parliament from the ruling National Resistance Movement, David Bahati, introduced a bill that will make it a crime to engage in, promote, or fail to report homosexuality. President Museveni reportedly has expressed his opposition to the bill. Members of Congress, the Obama Administration, and others in the international community have condemned the bill. The draft bill states:

- Any person who engages in homosexuality is liable to a fine not exceeding 500 currency points or imprisonment not exceeding 10 years or both.
- Any person who engages in a homosexual act with someone who is under 18 years old could face the death penalty, if the offender is infected with HIV, the offender is a parent or guardian, the victim is disabled, and the accused is a serial offender.

[14] http://www.state.gov/g/drl/rls/hrrpt/2010/af/154375.htm

- Any individual who promotes homosexuality will face five years of imprisonment and fines.
- Any person who fails to report commission of any offense in this act could face six months imprisonment.

According to the author of the bill, David Bahati, "the pro-gays have made the world believe that whoever will be found guilty of getting involved in homosexuality will be sentenced to death. No. Only when an adult forces a child or someone under the age of 18 into homosexuality, that is where the death penalty should apply."[15] In May 2010, a committee setup by the Ugandan government reportedly recommended the withdrawal of the bill from parliament.

In late January 2011, David Kato, a Ugandan gay rights activist, was beaten to death. Ugandan authorities have arrested one suspect. President Obama said he was "deeply saddened" about the death of Mr. Kato.

Regional Relations

Uganda is a member of the East African Community and enjoys friendly relations with fellow members Kenya and Tanzania. Uganda has at times had tense relations with two of its other neighbors, Rwanda and, more recently, the Democratic Republic of Congo (DRC), resulting from its 1998 troop deployment into eastern Congo. While the Ugandan government claimed the troop presence was aimed at discouraging attacks from Ugandan rebels based in the region, there were widespread allegations of natural resource exploitation, and Uganda eventually removed its troops under international pressure in 2003. In 2005, Museveni threatened to send troops back to the region when LRA forces moved from Sudan to the DRC if Congo failed to deny them sanctuary, although the current peace talks may avert further contention.

Ugandan Troops in Somalia

Approximately 3,400 Ugandan troops have been stationed in Somalia since early 2007 in an effort to increase security and put a stop to the violent conflict in Mogadishu. The Ugandan troops (members of the Uganda People's Defense Forces) are serving with forces from Burundi in the African Union Mission in Somalia (AMISOM). As of November 2010, there were an estimated 8,000 AMISOM peacekeeping forces in Somalia. Other AU countries (Nigeria, Burundi, Ghana, and Malawi) that pledged a combined total of 6,500 troops to AMISOM have attributed their delayed deployment to logistical and financial issues. The Peace and Security Council of the African Union announced in mid-July 2009 that Ugandan troops would remain in Somalia for another six months. Army spokesman Major Felix Kulayigye announced the extension and argued that it does not make sense to withdraw Ugandan troops simply because the Reconciliation Congress is underway. As of July 2010, an estimated 26 Ugandan peacekeepers and 29 peacekeepers from Burundi have been killed. In late November 2010, President Museveni visited Mogadishu and met with Somali officials and AMISOM forces.

[15] Uganda: Bahati defends anti-gay bill. http://en.afrik.com.

U.S.-Uganda Relations

Relations between Washington and Kampala are warm. Over the years, successive American administrations have supported the Museveni government as a reformist regime and a staunch ally of the United States. In July 2010, President Obama called President Museveni to express his condolences after the suicide attacks in Kampala, Uganda. Assistant Secretary of State for Africa Johnnie Carson has visited Uganda several times in 2009-2010. The Clinton Administration championed the Museveni regime, and President Clinton visited Uganda during his 1998 tour of Africa. Relations cooled, however, when Ugandan troops intervened in the Congo in 1998. Clinton Administration officials were also critical of Uganda and Rwanda when the two former allies clashed in eastern Congo in 1999 and 2000. The Bush Administration restored good relations with Kampala. Former Secretary of State Colin Powell visited Uganda during his four-nation trip to Africa in 2001. Secretary Powell met with President Museveni and opposition leaders to discuss a wide range of issues, including Sudan and DRC. He praised Museveni for lowering Uganda's HIV/AIDS infection rate. In 2001, Uganda withdrew several battalions from the DRC and by May 2003, almost all of Uganda's troops had been withdrawn. President Museveni has also been a leading ally of the United States in the fight against international terrorism and was one of the first African leaders to pledge support in the war against Iraq. In October 2007, then President Bush assured President Museveni of his commitment to support Uganda on a wide range of issues, including fighting HIV/AIDS and malaria. The two leaders discussed regional security issues, including the crises in Sudan and Somalia.

The LRA and the Obama Administration Response

In late November 2010, the Obama Administration announced a policy entitled a "Strategy to Support the Disarmament of the Lord's Resistance Army." The new strategy calls for support to "eliminate the threat to civilians and regional stability posed by the LRA. The strategy has four objectives: "1. increase protection of civilians; 2. apprehend or remove from battlefield Joseph Kony and senior commanders; 3. promote defection, disarmament, demobilization, and reintegration of LRA fighters, and 4. increase humanitarian access and provide continued relief to affected communities."[16]

U.S. Assistance

As outlined in **Table 1**, the United States provides significant humanitarian and development assistance to Uganda. In FY2007, the United States provided $332.1 million to Uganda, and $419 million for FY2008. In FY2009, Uganda received $404.1 million and an estimated $456.8 million in FY2010. The Obama Administration has requested $480.3 million for FY2011 and $527.7 million for FY 2012. In 2007, the Millennium Challenge Corporation approved a $10 million Threshold program to support anti-corruption activities. Moreover, Uganda is eligible for trade benefits, including textile and apparel benefits under the African Growth and Opportunity Act (AGOA). Approximately half of all U.S. non-food aid in Uganda is directed at ameliorating the crisis in the north. USAID continues its support for the displaced children and orphans in Uganda. The Displaced Children and Orphans Fund (DCOF) assists war-affected children in northern and western Uganda by rebuilding traditional community and family structures and working to fight

[16] http://c2050222.cdn.cloudfiles.rackspacecloud.com/WhiteHouseLRAStrategy_opt.pdf

the spread of HIV/AIDS. The DCOF funded programs such as the Community Resilience and Dialogue (CRD), which focused on aiding abducted children between 2002 and 2005. The CRD rehabilitated 7,000 abducted children and reunified and resettled 5,700 with their families. U.S. funding for northern Uganda was $106.3 million in FY2007. In 2007, USAID opened an office in Gulu, northern Uganda.

Table 1. U.S. Assistance to Uganda

($ in thousands)

	FY2008 Actual	FY2009 Actual	FY2010 Actual	FY2011 Request	FY 2012 Request
Total	419,025	404,152	458,100	480,302	527,774
Development Assistance	32,600	45,950	72,025	69,283	77,933
Economic Support Fund	17,500	15,000			
Foreign Military Financing			300	300	00
Global Health and Child Survival-State	255,000	257,550	271,584	294,084	332,906
Global Health and Child Survival-USAID	40,451	45,282	66,000	89,500	99,500
International Military Education and Training	625	629	591	600	500
Int. Narcotics Control and Law Enforcement			235	1,535	1,535
Nonproliferation, Antiterrorism, Demining and Related Programs	200		1,030		
Public Law 480 (Food Aid)	72,649	25,000	40,335	25,000	25,000

Source: State Department.

Legislation

S. 1067, Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009. Introduced May 19, 2009; passed the Senate on March 10, 2010; passed the House on May 12, 2010; signed into law (P.L. 111-172) on May 24, 2010.

Appendix. Ceasefire Agreement

AGREEMENT ON A PERMANENT CEASEFIRE
JUBA, SUDAN

This Agreement, between the Government of the Republic of Uganda (the Government) and the Lord's Resistance Army/Movement (LRA/M) (herein referred to as the 'Parties') provides as follows:

THE PARTIES:

HAVING BEEN engaged in negotiations in Juba, Southern Sudan, in order to find just, peaceful and lasting solutions to the conflict, and to promote accountability and reconciliation and restore harmony and tranquillity within the affected communities;

HAVING concluded a cessation of hostilities agreement on the 26th of August 2006 and thereafter other agreements;

HAVING resolved to bring to an end all forms of armed conflict;

CONVINCED of the urgent need for a permanent ceasefire to pave way for lasting peace and reconciliation;

RECOGNISING the significance of this agreement in the quest for national unity and development;

NOW THEREFORE AGREE as follows:

1(8)

1. DEFINITIONS

Unless the context suggests otherwise, the following words and phrases shall have the meaning assigned thereto:

"Buffer zone" refers to the area within the Southern Sudan delineated by a fifteen (15) - kilometres distance from the specified perimeters of the Ri-Kwang-Ba Assembly Area.

"Ceasefire" refers to the permanent cessation of hostilities under this Agreement.

"Child" refers to any person below the age of eighteen (18).

"CHMT" refers to the Cessation of Hostilities Monitoring Team.

"CMT" refers to the Ceasefire Monitoring Team.

"Gender" refers to the two sexes, men and women, within the context of society.

"GoSS" refers to the Government of Southern Sudan.

"GoU" refers to the Government of the Republic of Uganda.

"IDDRS" refers to the Integrated Disarmament, Demobilisation and Reintegration Standards of the United Nations.

"LRA/M" refers to the Lord's Resistance Army/Movement.

"Ri-Kwang-Ba Administrative Headquarters" refers to the area defined by the attached grid reference and map.

"Ri-Kwang-Ba Assembly Area" refers to the area within the Southern Sudan delineated by a ten (10) - kilometres radius from the administrative headquarters of Ri-Kwang-Ba.

"SPLA" refers to the Sudan People's Liberation Army.

"SOP" refers to Standard Operating Procedures.

2(8)

2. DECLARATION AND COMMENCEMENT OF CEASEFIRE

2.1. The Parties hereby declare and shall observe a permanent ceasefire commencing 24 hours after the signature of the Final Peace Agreement.

2.2. Upon the coming into force of the ceasefire the Cessation of Hostilities Agreement shall lapse. This provision supersedes contrary provisions of the Cessation of Hostilities Agreement.

2.3. The LRA/M and the GoU shall ensure that their forces abide by the terms of the ceasefire.

3. ASSEMBLY AND ENCAMPMENT

3.1. All forces of the LRA shall be encamped within Ri-Kwang-Ba Assembly Area.

3.2. The forces of the Parties shall respect the buffer zone around Ri-Kwang-Ba Assembly Area.

3.3. In the preparation of detailed agreements and arrangements for disarmament, demobilisation and reintegration, the implementation of measures necessary to adhere to gender and child specific UN IDDRS standards for encampment shall be given the highest priority.

3.4. Except with the express written permission from the Office of the Chief Mediator, and with notification of the CMT established in Clause 4.1 of this Agreement, nobody shall approach or gain access to the LRA Assembly Area.

4. CEASEFIRE MONITORING

4.1. Upon the coming into force of this Agreement there will be reinforcement of the Cessation of Hostilities Monitoring Team (CHMT) transforming it into the Ceasefire Monitoring Team (CMT) as outlined in Clause 4.3 of this Agreement.

4.2. The CMT shall report to the Chief Mediator.

4.3. The CMT shall be composed of:

(a) The Team Leader who shall be a senior officer in the SPLA.

(b) The Deputy Team Leader who shall be a senior officer in the SPLA.

3(8)

(c) Five representatives of each of the Parties.

(d) Five members from each of the African Union observer countries to the peace talks.

(e) A five-person liaison team from the United Nations.

4.4. The Chief Mediator may in consultation with the Parties restructure the composition of the CMT.

4.5. The CMT shall be considered constituted when at least the SPLA Team Leader or Deputy Team Leader, at least two (2) members of each of the Parties and two (2) members from each of the African Union observer countries are present.

4.6. The CMT shall receive training on international standards of ceasefire monitoring.

4.7. Upon the coming into force of this Agreement the Standard Operating Procedures (SOP) of the CHMT shall become the Standard Operating Procedures of the CMT.

4.8. The SOP shall whenever necessary, be revised in order to bring it into conformity with this Agreement.

4.9. The CMT shall have free and unhindered access to the Assembly area in carrying out its duties.

4.10. The members of the CMT shall enjoy full protection of both Parties.

4.11. All personnel and equipment of organizations or persons duly authorized to enter or operate in the Assembly Area in support of the Ceasefire Agreement shall be afforded full protection and security.

4.12. The terms of reference for the CMT shall include but not necessarily be limited to:

(a) taking full responsibility for the management of the Assembly Area;

(b) monitoring the implementation of this Agreement;

(c) amicable resolution of any disagreement arising out of the implementation or interpretation of this Agreement;

(d) analyzing and reporting events and trends to the Mediator, who will brief the Parties accordingly;

4(8)

(e) reporting to the mediator violations and cases which the CMT is unable to resolve amicably; and,

(f) monitoring the delivery of basic assistance to the LRA in the Assembly Area.

4.13. The CMT shall carry out its functions consistently with the principles contained in the Final Peace Agreement.

5. CEASEFIRE VIOLATIONS

5.1. The Parties shall refrain from violating the ceasefire.

5.2. The following shall constitute violations of the ceasefire:

(a) Any attacks, threats or acts of violence directed against the other Party and/or civilians and/or any other person or persons by either Party or both Parties.

(b) Harassment, attacks, hostage taking, and arrest of combatants as well as seizure of arms and equipment belonging to the other Party.

(c) Harassment, attacks, abduction, hostage taking or unlawful arrest of civilians and personnel of humanitarian agencies as well as seizure of properties of individuals and organisations.

(d) Obstruction of the activities of the CMT as described in Part 4 of this Agreement and in the CMT Standard Operating Procedures.

(e) All hostile propaganda directed against the other Party, including defamatory, untruthful or derogatory statements.

(f) Violation of the right to life of LRA/M members by either Party or third parties associated with the Parties.

(g) Any presence, movement or other actions of LRA forces outside Ri-Kwang-Ba Assembly Area.

(h) Acquisition, recovery or replenishment of arms, ammunition or other military equipment by the LRA.

(i) Recruitment of forces by the LRA/M.

(j) Any other act that might undermine the ceasefire.

5(8)

6. RESPONSIBILITIES OF THE GOVERNMENT OF SOUTHERN SUDAN

6.1. The GoSS shall ensure that:

(a) a full SPLA battalion is deployed for the protection of the Ri-Kwang-Ba Assembly Area, inclusive of the buffer zone;

(b) in the implementation of this Agreement, international standards and mandates, in particular, relevant mandates in Security Council Resolution 1325 on Women, Peace and Security (2000), and Security Council Resolution 1612 on Children and Armed Conflict (2005) are applied;

(c) adequate security, logistical and service support is provided to the LRA encampment sites in the Assembly Area;

(d) food and other supplies to assembled and encamped LRA forces meet the relevant international standards set by the Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS) of the United Nations; and,

(e) as far as possible, culturally appropriate food is supplied to the Assembly Area.

6.2. The GoSS and the LRA shall collaborate with relevant Sudanese civil society and international agencies to ensure that the layout, access, services and procedures of LRA encampment sites within the Assembly Area conform to applicable standards and specifications of the UN IDDRS.

7. COMMUNICATION

7.1. The Parties shall ensure that the terms of this Ceasefire Agreement and all orders requiring compliance are communicated to all their forces.

7.2. The terms of this Agreement shall also be communicated to the civilian population via print, electronic and other media.

8. EXTERNAL SUPPORT TO THE CEASEFIRE

8.1. Neighbouring countries, regional and international partners shall respect this Agreement and help ensure its successful implementation.

6(8)

Annexure to the Agreement on Accountability and Reconciliation

This Annexure to the Agreement on Accountability and Reconciliation signed between the Government of the Republic of Uganda (the Government) and the Lord's Resistance Army/Movement (LRA/M) (the Parties) on 29th June 2007 (the Principal Agreement) provides as follows:

THE PARTIES:

HAVING SIGNED the Principal Agreement by which the parties committed themselves to implementing accountability and reconciliation with respect to the conflict;

PURSUANT TO the terms of the Principal Agreement calling for the adoption of mechanisms for implementing accountability and reconciliation;

HAVING CARRIED OUT broad consultations within and outside Uganda, and in particular, with communities that have suffered most as a result of the conflict;

HAVING ESTABLISHED through consultations under Clause 2.4 of the Principal Agreement, that there is national consensus in Uganda that adequate mechanisms exist or can be expeditiously established to try the offences committed during the conflict;

RECALLING their commitment to preventing impunity and promoting redress in accordance with the Constitution and international obligations, and recalling, in this connection, the requirements of the Rome Statute of the International Criminal Court (ICC) and in particular the principle of complementarity;

CONFIDENT that the Principal Agreement embodies the necessary principles by which the conflict can be resolved with justice and reconciliation and consistent with national and international aspirations and standards;

NOW THEREFORE AGREE as follows:

1

Primacy of the Principal Agreement

1. This Annexure sets out a framework by which accountability and reconciliation are to be implemented pursuant to the Principal Agreement, provided that this Annexure shall not in any way limit the application of that Agreement, whose provisions are to be implemented in full.

2. The Government shall expeditiously prepare and develop the necessary legislation and modalities for implementing the Principal Agreement and this Annexure ('the Agreement').

3. The Government, under clause 2 above, shall take into account any representations from the parties on findings arising from the consultations undertaken by the Parties and any input by the public during the legislative process.

Inquiry into the Past and related matters
(*Principal Agreement: clauses 2.2 & 2.3*)

4. The Government shall by law establish a body to be conferred with all the necessary powers and immunities, whose functions shall include:

   (a) to consider and analyse any relevant matters including the history of the conflict;

   (b) to inquire into the manifestations of the conflict;

   (c) to inquire into human rights violations committed during the conflict, giving particular attention to the experiences of women and children;

   (d) to hold hearings and sessions in public and private;

   (e) to make provision for witness protection, especially for children and women;

   (f) to make special provision for cases involving gender based violence;

   (g) to promote truth-telling in communities and in this respect to liaise with any traditional or other community reconciliation interlocutors;

   (h) to promote and encourage the preservation of the memory of the events and victims of the conflict through memorials, archives, commemorations and other forms of preservation;

   (i) to gather and analyse information on those who have disappeared during the conflict;

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(j) to make recommendations for the most appropriate modalities for implementing a regime of reparations, taking into account the principles set out in the Principal Agreement;

(k) to make recommendations for preventing any future outbreak of conflict;

(l) to publish its findings as a public document;

(m) to undertake any other functions relevant to the principles set out in this Agreement.

5. In the fulfilment of its functions, the body shall give precedence to any investigations or formal proceedings instituted pursuant to the terms of this Agreement. Detailed guidelines and working practices shall be established to regulate the relationship between the body and any other adjudicatory body seized of a case relating to this Agreement.

6. The body shall be made up of individuals of high moral character and proven integrity and the necessary expertise for carrying out its functions. In particular, its composition shall reflect a gender balance and the national character.

Legal and Institutional Framework
(*Principal Agreement: Part 5*)

7. A special division of the High Court of Uganda shall be established to try individuals who are alleged to have committed serious crimes during the conflict.

8. The special division of the High Court shall have a registry dedicated to the work of the division and in particular, shall make arrangements to facilitate the protection and participation of witnesses, victims, women and children.

9. For the proper functioning of the special division of the court in accordance with the agreed principles of accountability and reconciliation, legislation may provide for:

(a) The constitution of the court;

(b) The substantive law to be applied;

(c) Appeals against the decisions of the court;

(d) Rules of procedure;

3

(e) The recognition of traditional and community justice processes in proceedings.

Investigations and Prosecutions
(*Principal Agreement: Part 4*)

10. The Government shall establish a unit for carrying out investigations and prosecutions in support of trials and other formal proceedings as envisaged by the Principal Agreement.

11. The unit shall have a multi-disciplinary character.

12. The Director of Public Prosecutions shall have overall control of the criminal investigations of the unit and of the prosecutions before the special division.

13. Investigations shall:

    (a) Seek to identify individuals who are alleged to have planned or carried out widespread, systematic, or serious attacks directed against civilians;

    (b) Reflect the broad pattern of serious crimes and violations committed during the conflict;

    (c) Give particular attention to crimes and violations against women and children committed during the conflict.

14. Prosecutions shall focus on individuals alleged to have planned or carried out widespread, systematic, or serious attacks directed against civilians or who are alleged to have committed grave breaches of the Geneva Conventions.

Cooperation with Investigations and Proceedings
(Principal Agreement: clauses 3.5 & 3.6)

15. Rules and procedures shall regulate the manner in which an individual may cooperate with any investigations and proceedings arising from this Agreement, by disclosure of all relevant information relating to:

    (a) His or her own conduct during the conflict;

    (b) Details which may assist in establishing the fate of persons missing during the conflict;

    (c) The location of land mines or unexploded ordnances or other munitions; and,

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(d) any other relevant information.

Provided that a person shall not be compelled to disclose any matter which might incriminate him or her.

Reparations
(*Principal Agreement: clauses 6.4 & 9*)

16. The Government shall establish the necessary arrangements for making reparations to victims of the conflict in accordance with the terms of the Principal Agreement.

17. Prior to establishing arrangements for reparations, the Government shall review the financial and institutional requirements for reparations, in order to ensure the adoption of the most effective mechanisms for reparations.

18. In reviewing the question of reparations, consideration shall be given to clarifying and determining the procedures for reparations.

Traditional Justice
(*Principal Agreement: clause 3.1*)

19. Traditional justice shall form a central part of the alternative justice and reconciliation framework identified in the Principal Agreement.

20. The Government shall, in consultation with relevant interlocutors, examine the practices of traditional justice mechanisms in affected areas, with a view to identifying the most appropriate roles for such mechanisms. In particular, it shall consider the role and impact of the processes on women and children.

21. The Traditional Justice Mechanisms referred to include:

    i. Mato Oput in Acholi, Kayo Cuk in Lango, Ailuc in Teso, Tonu ci Koka in Madi and Okukaraba in Ankole; and

    ii. Communal dispute settlement institutions such as family and clan courts.

22. A person shall not be compelled to undergo any traditional ritual.

5

Provisions of General Application

23. Subject to clause 4.1 of the Principal Agreement, the Government shall ensure that serious crimes committed during the conflict are addressed by the special Division of the High Court; traditional justice mechanisms; and any other alternative justice mechanism established under the Principal Agreement, but not the military courts.

24. All bodies implementing the Agreement shall establish internal procedures and arrangements for protecting and ensuring the participation of victims, traumatised individuals, women, children, persons with disabilities and victims of sexual violence in proceedings.

25. In the appointment of members and staff of institutions envisaged by the Agreement, overriding consideration shall be given to the competences and skills required for the office, and gender balance shall be ensured.

26. The Mediator shall from time to time receive or make requests for reports on the progress of the implementation of the Agreement.

6

IMPLEMENTATION PROTOCOL TO THE AGREEMENT ON COMPREHENSIVE SOLUTIONS

This Implementation Protocol (the Protocol) to the Agreement on Comprehensive Solutions (the Principal Agreement) signed between the Government of the Republic of Uganda (the Government) and the Lord's Resistance Army/Movement (LRA/M) (the Parties) provides as follows:

THE PARTIES:

HAVING SIGNED the Principal Agreement by which the Parties agreed to various measures aimed at attaining comprehensive, just and durable solutions to the conflict;

RECALLING the constitutional principles affirmed by the Parties in the terms of the Principal Agreement;

PURSUANT to the commitment in Clause 18 of the Principal Agreement to adopt implementation modalities for the Principal Agreement;

AGREE as follows:

1

1. This Protocol sets out the framework by which the principles and commitments agreed in the Principal Agreement are to be implemented and shall form an integral part of the Principal Agreement.

Participation in National Politics and Institutions

(*Principal Agreement: Part C*)

2.

The LRA/M shall nominate at least five (5) persons who shall be appointed by the President as cabinet Ministers in key Ministries within a period of six (6) months from the signing of the Peace Agreement.

The LRA/M shall nominate at least five (5) persons who shall be apponted by the President as ambassadors within a period of six (6) months from the date of the signing of the Peace Agreement.

In other Government Departments, Commissions, and other statutory bodies the LRA/M shall nominate at least twenty (20) qualified persons for appointment to senior positions by the Government through the relevant organs within six (6) months from the signing of the final Agreement.

3. The Government shall actively promote a policy for increasing access to all levels of education and training for people from the conflict affected areas, with a view to enhance their capacity to participate in National Institutions.

4. In furtherance of the above, the Government shall, in each year, in addition to any other scholarships within the District or National budget or the quota systems, fully sponsor 50 students from each of the districts in the conflict affected areas at University level or any other higher institution of learning for the next five years and of the fifty the LRA/M shall nominate five (5) persons per District in the conflict areas per year.

5. The Government shall operationalise the provision of the

2

Principal Agreement reaffirming the freedom of Ugandans to choose, advocate and promote democratically a system for their governance and the right of any Ugandan or groups of Ugandans to promote any system of governance including fedaralisl through constitutional means.

6. During the implementation of the Final Agreement, the Government will operationalise the Equal Opportunities Commission Act within six (6) months from the date of the signing of the Final Ageement.

7. The LRA/M shall nominate at least two (2) qualified persons as Commissioners under the Act and Government shall effect their appointment.

8. On the operationalisation of the Equal Opportunities Commission Act, the Commission shall immediately review and assess the nature and extent of any regional or ethnic imbalances and disparity in Central Government Institutions.

9. In addition to the above, the issues to be addressed shall include:

10.

11.

(a) analysis of the current composition of state bodies ;

(b) steps to be taken to remedy any anomalies in the composition of state bodies;

(c) time frame in which to implement the recommendations of the Commission;

(d) a requirement to publish the terms of the referral and the final report of the Commission.

12. The Government shall publish its plan for implementing the recommendations of the Commission and shall implement the

3

recommendations.

13. The Government shall, where necessary, move Parliament to amend the Equal Opportunities Act for the effective implementation of the Final Peace Agreement.

14. The Government shall ensure that Ugandans from the conflict affected areas living abroad are encouraged to return and participate in nation building. The Government will strengthen existing arrangements in the Ministry of Foreign Affairs for this purpose.

15. The Government shall not victimize, arrest, detain or in any way mistreat any Ugandan who returns from abroad under this Peace Agreement.

16. The Government shall facilitate and finance the return of political leaders of LRM and any member of the negotiation team currently living abroad or any other person actively involved in the peace process and shall not victimize, arrest, detain or in any way mistreat such a person on his or her return by virtue of his or her association with the LRA/M.

17. The Government shall ensure the return of the property unlawfully confiscated from the returning persons in relation to the conflict. Where such property has been destroyed, compensation at market rate shall be paid by Government.

18. The Government shall provide a resettlement package to the LRA/M, the amount of which shall be agreed to in the Final Peace Agreement.

19. In addition, Government shall, in consultation with the Mediator, in recognition of all the LRA/M delegates and their efforts in brokering peace, provide a golden handshake in cash and kind to be agreed on in the Final Peace Agreement.

20. The Government shall support business and investment incentives to people in the conflict affected areas by identifying and committing special funds to the implementing agency for that

4

purpose.

Judiciary and Policing Issues

(*Principal Agreement: Clause 7*)

21. The Government shall strengthen the institutions of justice in the conflict-affected areas through the programmes of the Justice Law and Order Sector and any other relevant body.

22. The Government shall increase and strengthen the deployment of the Uganda Police Force in the conflict-affected areas.

Institutional Arrangements for Security Organs

(*Principal Agreement: Clause 8*)

23. The Government shall take all necessary steps to ensure that the composition of the armed forces and security agencies is based on merit and reflects the national character including regional and gender diversity.

24. In furtherance of Clause 8.2 of the Principal Agreement, the Government shall recognize the current ranks of the LRA combatants. Combatants who wish to join the National armed forces or any other security agencies shall be integrated at their rank. An integrated combatant shall benefit from any further training or promotional programs.

25. Recruitment into the armed forces and other security agencies and promotions shall be based on merit and shall reflect the national character including regional and gender diversity.

26. The Government shall establish and fully finance a specialized school in the conflict area for children of departed LRA combatants and any LRA combatant who would wish to attend such school.

5

Return, Resettlement and Rehabilitation of Internally Displaced Persons

(*Principal Agreement: Part D*)

Humanitarian Interventions in the Conflict Affected Areas

27. The Government shall develop a strategy for assisting the return of internally displaced persons (IDPs) from the affected areas in accordance with the IDP policy. In implementing the strategy the needs of IDPs who have already returned will be taken into account to ensure equitable support for resettlement.

28. The Government shall promote recovery programmes in the affected areas, and in particular, shall implement the Peace, Recovery and Development Plan (PRDP) expeditiously, and will further ensure that the Plan reflects the principles and commitments of this agreement.

29. The Government shall facilitate the process of the return of internally displaced persons in accordance with the terms of the Internally Displaced Persons policy.

30. The implementation agency, on the advice of the Parties, shall develop a policy for a credible and sustainable conflict affected area-exclusive scheme for re-settlement packages for internally displaced persons. This shall include a clear policy that will define and publish the resettlement packages that the IDPs are entitled to receive and the mechanisms and agencies for their delivery.

Economic and Social Development of North and North Eastern Uganda

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(*Principal Agreement: Part E*)

31. The interventions agreed by the parties in Part E of the Principal Agreement shall be developed and delivered by a national, self-accounting body to be established by an Act of Parliament.

32. The Government shall expeditiously prepare and introduce the legislation required for establishing the body, and will ensure that the body commences its work within six months from the signing of the Final Peace Agreement .

33. Half of the members of the above body shall be nominated by the LRA or its designated agent.

34. The Government will promote policies and programmes to address and mitigate any adverse environmental impacts of the conflict.

Strategy for Recovery and Institutional Framework

(*Principal Agreement: Clause10 and 11*)

35. The programmes for recovery of the affected areas shall be implemented through the agency identified in Clause 11 of the Principal Agreement, The implementing body shall be established within a month of the signing of the Agreement.

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36. The mechanisms of implementation will ensure easy access to dedicated funds by communities in the affected areas for their resettlement and for the enhancement of productive capacities.

37. The Legislation establishing the agency will provide for the adoption of sound management and accountability controls.

Victims and Vulnerable Groups

(*Principal Agreement: Clause 12*)

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38. The Parties agree that the Government shall develop and implement in the affected areas a policy for the support and rehabilitation of the victims of the conflict.

39. The Government shall set up a reparation and compensation fund to be managed by the body mentioned under Part E of the Principal Agreement.

40. For purposes of this Agreement, victims shall be categorized into General and Special victims. General victims are those who suffered generally as a result of the conflict. Special victims are those who suffered personal detriment by way of special injury, loss of loved ones, destruction or loss of property.

41. A victim declared or compensated by any justice mechanism under these agreements shall be compensated from the Reparation Fund.

42. The Government will ensure that the policy for the support of victims and the mechanisms for its implementation are in line with the principles and obligations set out in Clause 8 of the Agreement on Accountability and Reconciliation.

Livestock

(*Principal Agreement: Clause 13*)

43. The Government shall within three months of the commencement of the implementation of the Principal Agreement in accordance with Clause 13 of the Principal Agreement implement the restocking program under the supervision of the implementing agency under Clause 11 of the Principal Agreement or any other body approved by the Parties.

44. In considering individual losses, Government in consultation with the local authorities, shall establish verification committees in the conflict areas to assist in the assessment of individual losses.

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Transitional Security Arrangements

(*Principal Agreement: Part F*)

45. The agreement between the Parties on disarmament, demobilisation and reintegration shall specify the arrangements to ensure the safety of members of the LRA including Government's legal steps in handling the ICC warrants.

Stakeholders' Conference and Implementation

(*Principal Agreement: Clause 17*)

46. The full implementation of the Principal Agreement shall commence upon the removal or suspension of the ICC indictments to be followed by the final disarmament of all members of the LRA.

47. The Mediator shall liaise with the Parties on the preparations for the stakeholders' conference provided for in Clause 17 of the Principal Agreement.

Issues Relating to Land

(*Principal Agreement: Clause 14*)

48. Land owners whose lands have been used for settlement of internally displaced persons or establishment of barracks, detaches or any other Government agency , shall be entitled to repossess their land or to receive fair and just compensation.

49. The Government will give priority to strengthening the capacity of the District Land Boards and Tribunals in the affected areas to oversee and adjudicate cases of land ownership and disputes.

50. The implementation agency shall ensure the repossession of land by IDPs or any other rightful owner.

Provisions of General Application

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51. After the signing of the Final Peace Agreement, there shall be a pre-implementation period of six (6) months or any other longer period agreed to by the Parties.

52. During the pre-implementatin period, the Parties agree that:

    (a) A composite Implementation Schedule will be developed for the Final Peace Agreement (FPA).

    (b) Existing Government oversight and monitoring mechanisms for implementation of the FPA will be utilized.

    (c) A Pre-implementation Committee for the FPA which is composed of representatives of the two parties shall be established.

53. A dedicated chapter of the Final Peace agreement shall amongst other things, stipulate the composition and functions of the Implementation Committee.

54. In the appointment of members and staff of any implementation bodies envisaged by this Agreement, overriding consideration shall be given to the competences and skills required for the office, sensitivity to the candidate's knowledge of the affected areas, and gender balance.

55. During the pre-implementation period and before the commencement of the Disarmament, Demobilisation and Reintergration Agreement, the Government shall cause the suspension and withdrawal of the warrants issued by International Criminal Court.

56. The Mediator shall receive quarterly reports on the progress of the implementation of the Agreement.

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