

UPDATE ON THE JUBA PEACE PROCESS AND THE CHALLENGES AHEAD

Address delivered by the Hon. Minister of Internal Affairs, Hon. Ruhakana Rugunda at the launch of the Transitional Justice Project of the Faculty of Law, Makerere University

The Rt. Hon. Speaker of the Parliament of the Republic of Uganda
Hon. Members of Parliament
The Director, Refugee Law Project
Invited Guests
Ladies and Gentlemen

Thank you for giving me an opportunity to update you on the progress of the Juba Peace Process and to express my views on the challenges ahead.

1. UPDATE

Peace Talks between the Government of the Republic of Uganda and the Lord's Resistance Army opened in the Southern Sudan capital of Juba on 14th July 2006. The talks are following a five-item agenda:

- Cessation of Hostilities
 - Declaration to stop fighting
 - Cessation of mutually Hostile Propaganda
 - Comprehensive Solutions
 - Participation in National Politics and Institutions
 - Economic and Social Development of Northern and Eastern Regions of Uganda
 - Settlement of Internally Displaced Persons
 - Reconciliation and Accountability
 - Mato Oput
 - Amnesty
 - Others
 - Formal Ceasefire Agreement
 - Disarmament, Demobilisation and Re-integration.
- i) An Agreement on Cessation of Hostilities was signed on the 26th August 2006. this Agreement and its four agenda provided for the surfacing of all LRA fighters and their assembling, initially in two places, Ri-Kwangba and Owiny ki Bul, finally on the request of LRA, it was agreed that they should have only one assembling area, Ri-Kwangba. LRA's surfacing and movement out of Uganda improved security and increased people's confidence to move from the IDP camps back to their villages. This movement is continuing.
- ii) The Agreement on Comprehensive Solutions was signed on the 2nd May 2007. Under this Agreement, both parties committed themselves to:

-Pursuing constitutional means to participate in national politics and institutions.

- The return, resettlement and rehabilitation of Internally Displaced Persons.

- Economic and social development of North and North Eastern Uganda

They also agreed to put in place transitional security arrangements for the LRA leaders, combatants and personnel.

iii) The Agreement on Accountability and Reconciliation was signed on the 29th June 2007. Under the Agreement, both parties committed themselves to:

- Preventing impunity and promoting redress in accordance with the Constitution.
- Promoting national legal arrangements, consisting of formal and non-formal institutions and measures for ensuring justice and reconciliation.
- Widely consult on mechanisms, procedures and processes to be adopted in accountability.
- Promote, with necessary modifications, traditional justice mechanisms such as Culo Kwor, Mato Oput, Kayo Cuk, Ailuc etc.

In addition, Government undertook to:

- Remove the LRA from the list of terrorist organisations upon the LRA abandoning rebellion, ceasing fire and submitting its members to the process of disarmament, demobilization and reintegration.
- Make representations to any state or institution which has proscribed the LRA/M to take steps to remove the LRA from such list.

In line with the Agreement, Government finalized its consultations. The LRA delegation is still consulting. As soon as the LRA delegation is through with its consultations, the two delegations will go back to Juba and negotiate an Annex to the Agreement on Accountability and Reconciliation. The Annex will form part of the Agreement. It will spell out the processes, procedures, mechanisms and modalities for accountability and reconciliation

2. CHALLENGES

i) *Commitment to the Peace Process.*

The current Juba Peace Talks are not the first attempt to reach a peaceful settlement with the LRA. Many attempts have been made before. All previous attempts have not yielded the intended result which is a peaceful solution to the conflict.

LRA has shown reasonable degree of commitment to the peace process and the Government of Uganda has been definitely committed to the peace process.

ii) *The ICC warrants of arrest*

Many people have expressed the opinion that the ICC warrants of arrest that were issued against some leaders of the LRA are a hindrance to peace. They go further and suggest that these warrants should be set aside before a peace agreement is signed.

It is the view of Government of Uganda that the ICC indictments are not a hindrance to the peace process.

What is required:

- Working out of appropriate mechanism of accountability and reconciliation. Such mechanism should be able to handle crimes for which indictments were issued by the ICC.
- Preventing impunity and promoting redress in accordance with the Constitution.
- Promoting national legal arrangement for ensuring justice and reconciliation.
- Removing the LRA from the list of terrorist organisations upon the LRA abandoning rebellion, ceasing fire and submitting its members to the process of disarmament, demobilization and re-integration.
- Making representations to any state or institution (*including the ICC*) to take steps to remove the LRA from the list of terrorist organisations upon LRA going through the above process.

It is incumbent upon all of us, including members of Parliament and all opinion leaders to adhere to this process. Impunity must not be condoned. Justice must be done.

iii) *Setting up an appropriate policy framework for implementing the terms of the Agreement on Accountability and reconciliation*

Under the Agreement on Accountability and Reconciliation, Government agreed to introduce necessary legislation, policies and procedures to establish a framework for addressing accountability and reconciliation. It was, for example, agreed to introduce a regime of alternative penalties and sanctions which shall, as relevant, reflect the gravity of the crimes or violations; promote reconciliation between individuals and within communities; promote rehabilitation of offenders; taking into account an individual's admissions or other cooperation with proceedings etc. Parliament will certainly play a major role in this process. The envisaged policy framework will have to take into account the need for justice and reconciliation. For example:

- Can there be true reconciliation if justice is not done?
- How can we mend broken relations without justice being done?
- If blanket amnesty is granted, won't this promote impunity?

These are some of the questions Parliament will have to grapple with as they debate.

iv) *Formal Vs the Informal justice mechanisms*

Under the Agreement on Accountability and Reconciliation, it was agreed that formal criminal and civil justice measures shall be applied to any individual who is alleged to have committed serious crimes or human rights violations.

Some people say that the cultural traditional practices are sufficient. This opinion does not take into account the cross-cultural and international dimensions of the

crimes committed. The challenge is to bring all those advocating for only the cultural practices to appreciate the cross-cultural and international dimensions of the problem. We have to find a solution that will be satisfactory to the vast majority of the victims. The objective is to come up with a solution that will not only be acceptable to the victims, but also acceptable to the affected, the country and the international community.

v) ***Satisfaction of the victims***

During the consultations, voices of “*we have forgiven the LRA and Kony. Let them come back.*” were heard. This statement has to be critically looked at. It is possible that this statement is being made by a population that is desperate for peace, the LRA having brutalized the people for such a long time. After the peace has been realized, what will happen? Will there be no possibility of revenge attacks? Remember, victims will be living together with those who brutalized them.

This is a major challenge. It is incumbent upon all of us, Members of Parliament, opinion leaders, civic leaders, religious leaders, and cultural leaders etc to work for forgiveness and reconciliation. It is true lives were lost, property destroyed, opportunities lost etc but, revenge is not the answer. Peace and reconciliation is the answer.

vi) ***Social and economic development of the LRA affected area***

It is true the conflict affected the social and economic development of the region. This is why Government put in place the three year, renewable Peace Recovery and Development Plan (PRDP) for Northern Uganda. The main objective of this plan is to rapidly uplift the region to the same level of development as the rest of the country. The resources available will have to be efficiently utilized for the purpose. Given the enormity of the problem, we will definitely need more resources.

vii) ***Re-integration of the traumatized***

There are significant numbers of traumatized people among those returning to their villages and those who will be coming back from the bush. These will need a lot of psycho-social support. It will be necessary to put in place special programmes for the severely traumatized. Immersing severely traumatized people back into the population without sufficient psycho-social support may cause other problems.

Secondly, it will be necessary to prepare society to receive the traumatized victims of the conflict. If society is not adequately prepared and equipped to cope, other problems might arise.

CONCLUSION

The peace process is on course. The government of Uganda remains committed to the process. The leadership and the people of Uganda highly appreciate the efforts by the Government of Southern Sudan (GoSS) for its constructive mediation role in the process.

We salute H.E. Joachim Chissano and the International Community for assisting in advancing the peace process forward.