

## Situation Report

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## Northern Uganda: Emerging Threats to Peace Talks

Introduction

Ongoing peace negotiations between the Government of Uganda and rebel Lord's Resistance Army (LRA) have defied a two-decade history of failed peace initiatives. The talks, mediated by the Government of South Sudan and held in their capital Juba, have brought relative calm to northern Uganda for the first time in years. Improved security due to the cessation of hostilities has expanded freedom of movement. This has allowed an estimated 500 000 displaced persons to return home.<sup>2</sup> In Juba, the parties have reached agreements on three of five agenda items,<sup>3</sup> achieving what the chief mediator calls 'a point of no return' (*The New Vision*, June 2007).

In June, however, the negotiations went on hiatus for both sides to conduct 'consultations' with civil society on the third agenda item: accountability and reconciliation. The parties have already agreed to establish a viable national alternative to International Criminal Court indictments for top LRA leaders, but the difficulty lies in the detail. How will the Ugandan government assure the rebels of its commitment to shield them from ICC arrest warrants? Equally, how can the rebels assure the Ugandan government that LRA leader Joseph Kony and his commanders will submit to a sincere national legal process? Nevertheless, both sides have expressed real willingness to work towards an acceptable compromise.

Chronic delays though have challenged this confidence. The LRA delegation postponed its consultations for three months because of funding disputes with international donors. Some in the international community claim that the rebels have abused funds to regain their military strength. Fortunately, with the support of Chief Mediator Riek Machar, the Vice President of the Government of Southern Sudan and United Nations special envoy Joaquim Chissano, the former Mozambiquan President, the rebel consultations have finally commenced with a historic first official trip to Uganda's capital. This visit has rekindled hope across Uganda that both parties are back on track towards reaching a final agreement.

Still, the past months have exposed three underlying factors that should temper this optimism. First, Ugandan President Museveni is reportedly growing impatient and considering regional military action against the rebels in January 2008 if negotiations remain stalled. Second, the defection of a senior-level commander and rift between LRA top leader Joseph Kony and his second-in-command Vincent Otti have raised fears of rebel volatility. Third, escalating tensions in southern Sudan may spell disaster for the delicate peace agreement there, diverting

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attention from the Juba mediation and even worse, rekindling violence that spills over into northern Uganda.

This report evaluates these three emerging factors and their threat to peace talks for northern Uganda. For the war-affected communities of northern Uganda, it is almost *déjà vu*. Many times before, in the two decades of this conflict, promising peace initiatives have been abruptly derailed by these very same problems. Thus far, these peace negotiations have been able to avoid or at least minimize these chronic threats. Yet, now the Juba process faces its greatest test; can it ultimately overcome a history of mistrust and militarization?

Threat One: Regional Military Action With the Juba negotiations delayed, there has been growing discussion of regional military action against the LRA rebels, which would surely overturn the peace process. It would likely cause more severe displacement in northern Uganda, while risking revived border violence between Uganda and the Democratic Republic of Congo. However, before considering the possible prospects of military action, it is important to first consider its current drivers and larger place in northern Uganda's narrative.

The most overt driver of impending military action has been the Ngurdoto Agreement signed by Uganda and the DRC in early September. The agreement mandates military cooperation to disarm cross-border rebel groups and explicitly mentions action against the LRA 'within 90 days.' The Ugandan government has justified this clause in the midst of the peace process by stating that the rebels are in violation of the Cessation of Hostilities Agreement (CHA) by their continued presence in DRC (Kulayigye, 2007). The LRA top commanders have been based in Garamba Park in north-eastern DRC since late 2005. Under the CHA signed in August 2006, the rebels are required to assemble in Ri-Kwangba, just across the border in Sudan. Presently, the LRA have largely moved back and forth between Garamba and the assembly site, though allegedly favouring the former.

The Ngurdoto Agreement reads that regional military action against the rebels in DRC would entail joint operations with the UN peacekeeping mission in Congo (MONUC). MONUC is the largest current UN peacekeeping operation, consisting of over 18 000 personnel spread throughout eastern DRC. In January 2006, the LRA killed eight Guatemalan peacekeepers when MONUC first approached them (BBC News Online 23 January 2006). Since then, the UN force has been preparing for action to expel the rebels from their base in Garamba. A small team of MONUC was reportedly protecting Indonesian engineers in June 2007 as they rebuilt an airfield in Dungu, just south of Garamba (International Crisis Group 2007). After the signing of Ngurdoto, MONUC said it was ready to assist and would move to increase its presence around Garamba (Wasike 2007). Construction has continued at Dungu airfield to facilitate the arrival of two battalions by the end of the year. In mid-October, MONUC and the Ugandan army held a meeting to discuss strategy for such an assault (Matsiko 2007).

Meanwhile, several international officials, growing impatient with the peace process, have added their voices of support for such regional military action. Speaking at the UN General Assembly in September, the Belgian Prime Minister called on MONUC to arrest LRA leader Joseph Kony (Assimwe 2007). In September again, US Assistant Secretary of State for African Affairs, Jendayi Frazer, urged for a timeline for negotiations and said that Washington would support regional action to mop up the LRA if talks stall or fail. Frazer's statement evoked a hostile response from the LRA, who threatened to withdraw from negotiations and resume war. US officials at the UN headquarters in New York have also allegedly been trying to build support for MONUC to employ against the LRA (Resolve Uganda October 2007:5) In addition, International Criminal Court officials have continued to call for the arrest of indicted LRA leaders, claiming that the rebels are manipulating negotiations to regain military strength (*The New Vision* 11 October 2007).

All this planning and lobbying has perpetuated Ugandan President Yoweri Museveni's growing impatience with the Juba process and propensity for a 'military solution.' Sources close to the President say he is strongly contemplating resumed military operations around January 2008, if negotiations have not progressed. The ongoing regional mobilization may provide precisely the pretext to reengage militarily. Yet, such action will only play into northern Ugandans' long-held suspicion that Museveni would never really commit to peace talks. Throughout the two decades of the conflict, the President has insisted that a 'military solution' is the only way to end the war.

Several times before, President Museveni has half-heartedly accepted mediation efforts, but kept an inclination toward military action (Afako 2003). Optimism surrounding past peace talks has been shattered by abrupt military threats or posturing. In 1994, Betty Bigombe's mediation was nearing an agreement when Museveni issued a seven-day ultimatum for the rebels to surrender (O'Kadameri 2002). In 2003, a proposed meeting between the Presidential Peace Team and LRA fell apart after the Ugandan army bombed the peace contact area. At the same time, the President has often made inflammatory statements that set back peace initiatives. For example, in September 2002, Museveni vowed to defeat the rebels before March 2003. In a November 2003 BBC interview, he again pledged to kill the rebel leaders before the end of that year. In December 2005, Museveni promised an end to the war by April 2006.

To be fair, the rebels have many times manipulated peace initiatives to regain military strength and suddenly resume attacks. Their gruesome tactics have also made a political resolution seem inappropriate. Yet, after two decades of rampant suffering in northern Uganda, giving timely peace initiatives a chance seems hardly debatable. Turning to the present, the Juba negotiations have already enabled significant improvements in the security situation. More importantly, the negotiations are widely held to be the most viable opportunity to establish security in the region and create space to address deeper grievances. Escalating military rhetoric and especially resuming military operations highly risk derailing this opportunity. Some international actors may believe that military threats put pressure on the rebels to negotiate, but they should reconsider the history of failed peace initiatives. Many times before, the rebels have abruptly withdrawn from peace talks when they felt cornered.

Furthermore, with every previous proclaimed military solution, war-affected communities have suffered more severe attacks and displacement. The most recent offensive by the Ugandan military was Operation Iron Fist in 2002. Though with some success at dislodging the LRA, the military push resulted in the war's expansion for the first time into the Lango and Teso sub-regions. The eastward movement of the rebels led to the abduction of hundreds and displacement of thousands, not to mention the infamous massacres in Lira, Apac and Katakwi districts (Lomo & Hovil 2004). Meanwhile, the numbers of internally displaced across northern Uganda has been rising rapidly since the late 1990s as the people in the Acholi sub-region were ordered to move into 'protected villages.' This may have been intended as a counter-insurgency strategy, but it had turned into a displacement nightmare for an estimated 1,6 million people by 2004.

Today, escalating talk of regional military action has again alarmed war-affected communities and slowed the processes of return. Few observers have faith that the regional military action could deliver the arrest of LRA leaders or an end to the war without first causing more displacement and violence. Regional forces have failed in the past to overpower the rebels, who travel in small numbers and exploit the region's lawless border areas. MONUC, which is already overstretched in eastern DRC, has little capacity to wage an effective counter-insurgency against a dispersed rebel group in rough terrain. The US has promised valuable intelligence support, but superior technology does not ensure success. Even if regional military action succeeds, it would likely take time and affect civilians in the region.

In the worst-case scenario, however, resumed fighting could be devastating not only to northern Uganda, but also to the wider region. Outbreaks of violence would likely reverse processes of return in northern Uganda and deepen displacement.

Communities in southern Sudan might also face further attacks and abductions as the rebels move back into the Western Equatorial region. In the meantime, there is also risk that historical border tensions between Uganda and the DRC could escalate. In the Second Congo War, from 1998 to 2003, the Ugandan army invaded eastern DRC and occupied part of the Ituri region. Recent refugee flows and the discovery of oil in Lake Albert have caused sporadic border skirmishes. If the Ugandan army enters DRC again, many fear that they could become entangled in ongoing conflicts. From a more cynical perspective, Uganda might use this as an opportunity to re-access eastern DRC's rich resource base. In any case, regional military action at this time runs a high risk of sweeping away the progress made through the Juba peace process.

Threat Two: Rebel Volatility The second emerging threat to the peace process involves fears of LRA volatility stemming from internal feuding. For some time, there have been rumours of a growing split between LRA top leader Joseph Kony and his second-in-command, Vincent Otti. This rift was confirmed in early October by reports of a battle between the two. This was followed by the surrender of the LRA Director of Operations, Patrick Opiyo Makasi to MONUC forces near Garamba. In an interview with *The Sunday Vision* (De Temmerman 2007), Makasi claimed that fighting between the top rebel leaders has been ongoing for over a year. Lingering confusion about the status of Otti and the implications of this split for the LRA has raised anxiety about the future of the Juba peace negotiations.

Over recent weeks, there has been much speculation about the status of Otti. Since early October, Otti has not answered all five numbers of his satellite phone. This is particularly unusual because the LRA second-in-command has been in constant communication with several actors since peace negotiations began. Intelligence sources claimed that Kony arrested and then killed Otti in a power struggle. If so, this would not be the first time that the LRA top leader has purged a senior commander in the rebel ranks. However, the LRA negotiating team vigorously denied these claims, stating instead that Otti has been ill with cholera (Nyakairu & Matsiko 2007). They said that his telephone had been changed to avoid surveillance by the Ugandan army. The rumours and lingering secrecy have left many northern Ugandans alarmed about the rebel group's future in the peace process.

Finally, on 8 November, Kony confirmed to Gulu District Chairman Norbert Mao that Otti is under 'house arrest' for conspiring with the Ugandan army to kill him. Kony further accused five other senior commanders, including Makasi, of collaborating with Otti (Wasike et al 2007). This comes after several clear signs that Otti had been replaced. For one, his satellite phone is now supposedly in the hands of Kony's signaller, Labal Piny. The Ugandan press also reported that Kony has named Okot Odhiambo to replace Otti as his deputy (Wasike et al 2007). Odhiambo is a former brigade commander and one of four rebels indicted by the International Criminal Court.

Meanwhile, the fallout from this rift has raised fears of factionalism within the rebel ranks. In his interview, Makasi said that he defected because of alleged reprisals by Kony against those loyal to Otti. There was a false report on 21 October 2007 that three rebel commanders, Caesar Acellam (LRA Chief of Intelligence), Kwoyelo and Smart Okello had surrendered in Maridi, southern Sudan (Matsiko & Nyakairu). However, analysts still believe that these commanders were wounded and may have fled during the Kony-Otti fighting. In his call to Mao, Kony confirmed that five other commanders were involved in Otti's alleged plot. As of mid-November, the four other than Makasi have not yet surfaced, raising fears that they may be dead (*The Sunday Vision* 11 November 2007).

Any split within the LRA could spell doom to the ongoing peace negotiations. In southern Sudan throughout the 1990s, divisions within the Sudan People's Liberation Army (SPLA) made negotiations nearly impossible. Similarly, in the Darfur region presently, the fragmentation of rebel actors has undermined mediation initiatives. The LRA is probably less susceptible to such as power has always been consolidated around Kony, but internal feuding still risks undermining the consistency and commitment needed for negotiations.

The subject of inquiry has now become what Otti's departure means for the LRA's position toward peace talks, or in other words, which leader – Kony or Otti – was more supportive of negotiations. The popular view in the media of late has been that Otti had 'a key role in peace talks and spoke of looking forward to returning home' (Mwakugu 2007). Indeed, Otti seemed to be far more active in communicating with the media, negotiators and civil society. However, Otti was simultaneously making contacts with rebel groups in the region in case the LRA returned to war. Towards that aim, he had also reportedly overseen recruitment of former rebels of the Ugandan National Rescue Front (Nyakairu 2007). Therefore, others believe that Kony, though a more unpredictable figure, has been more eager to sign a peace deal. Of course, this will remain speculative until the dust from this current confusion has settled.

Nevertheless, disarray within the rebel ranks only plays into the volatility that has undermined peace initiatives in the past. Several times in the past, the LRA has manipulated talks and abruptly reverted to brutal attacks. During the Bigombe mediation in 1994, the rebels were discussing a military alliance with the Government of Sudan at the same time as they were approaching an agreement with Kampala. Mediation efforts by the Community of Sant'Egidio and Acholi Religious Leaders Peace Initiative in the late 1990s were frustrated by the rebels' lack of political cohesion. In 2002 and 2005, the LRA reacted violently to Ugandan government attempts to initiate talks through a unilateral ceasefire. A result of deep-seated mistrust, the rebels remain overly suspicious of manipulation in peace initiatives.

In the best-case scenario now, Kony will re-assert the LRA's commitment to the Juba peace process and clarify the status of the rebel leadership. Transparency alone would be a big step to re-build confidence among northern Ugandans who are anxious for progress towards a final peace agreement. There is a chance that the internal fighting could add incentives for Kony to push forward towards a deal. Otti may have, in fact, been a major obstacle to the peace process. Yet, this could be hopeful thinking. A more likely scenario is that the latest rift will encumber the LRA's political decision-making and make LRA even more reluctant to make concessions in negotiations. The recent upheaval could exacerbate Kony's sense of vulnerability, causing him to pull back from the peace process. Both Sudan and eastern DRC remain opportunistic environments for insurgent groups. Worse yet, Kony may use the claim that the Ugandan army was plotting to kill him to justify a return to war.

A related factor that could suffer from LRA volatility is the relationship between the rebel leadership and the negotiating team at Juba. The negotiating team is mostly members of the Diaspora from East Africa, Europe and North America who have tried to form a political wing allowing the LRA to negotiate. Yet, many observers have already criticised some individuals on the team for having their own agenda and using the process as a vehicle for economic advancement (ICG 2007). Moreover, there have long been concerns about the team's credibility to represent the rebel group. There is some fear that the team could negotiate a final deal with which Kony will not fully comply. The danger of the recent upheaval and secrecy is that this disconnect could be growing even wider. The delegation's persistent denial of Otti's arrest and/or death was embarrassed by Kony's disclosure.

Finally, there is the issue of funding. Caritas, a Catholic relief organization, has been supplying food support to Ri-Kwangba, where the rebels are supposed to assemble under the CHA. Last month, the International Criminal Court accused the LRA of selling this food to regain financial and military strength (*The Sunday Vision* 28 October 2007). The UN Special Envoy countered that Caritas' aid remains essential to CHA implementation. This is true, yet, there is still little knowledge of how the LRA has managed to sustain itself since Khartoum officially cut its support in 1999. Certainly, the rebels have exploited a profitable war economy that cuts across the region's lawless areas. However, there is also speculation of continued relations between the rebels and members of the Sudanese Armed Forces. With

Threat Three: Escalating Tensions in South Sudan growing volatility in the rebel ranks, the issue of money (and arms) trails is again relevant. Monitoring and limiting these channels is crucial in keeping the LRA's focus on the peace process. This leads well into the third and final threat facing the Juba talks.

Even if regional military action can be averted and rebel volatility contained, rekindled violence in southern Sudan could still disrupt the Juba peace process. Far worse, resumed violence, combined with the above threats, would certainly spell disaster for northern Uganda. Past peace initiatives that overlooked northern Uganda's regional context guaranteed their own failure. Part of the success of the Juba process has been that it involves key stakeholders from the region, especially the new semi-autonomous Government of South Sudan (GoSS). Yet, regional involvement has not necessarily brought a regional perspective. Securing a peace agreement for northern Uganda remains largely dependent on maintaining the peace in southern Sudan.

In January 2005, the ruling National Congress Party (NCP), based in Khartoum and southern Sudan People's Liberation Movement (SPLM), signed the historic Comprehensive Peace Agreement (CPA) that ended 21 years of civil war. The CPA promised southern Sudan semi-autonomous status, a 2011 referendum on secession, shared control of oil fields and redeployment of the Sudanese Armed Forces (SAF) from the south. The signing of the CPA clearly enabled the Juba negotiations. Recognizing the lingering threat of rebels in their territory, the GoSS offered to host and mediate peace talks between the LRA and the Ugandan government. The commitment of the GoSS to the negotiations, through its chief mediator Vice- President Riek Machar, has been critical to the progress achieved thus far.

However, in recent months, there have been growing concerns about the fragility of the CPA and its failing implementation. In early October, the SPLA suspended its involvement in the national unity government until progress was made on implementing key CPA items, such as wealth sharing and troop redeployments. In particular, up to 15 000 SAF troops remain in the oil-rich Abyei region, in violation of the CPA (ICG 2007). This has led to a build-up of military forces in the surrounding area and fears that fighting could break out. The distribution of oil revenue, critical to the functioning of both sides, remains a contentious issue. In November 2006, at least 150 people were killed in Malakal.

Meanwhile, southern Sudan remains deeply impoverished, awash in arms and with a striking lack of basic capital and infrastructure. The task of integrating a daunting 34 000 combatants of other armed groups into the SPLA has been frustratingly slow (UN Secretary-General 2007). The GoSS has struggled too with major budget shortfalls and latent leadership divisions. A continued lack of viable police and judicial structures means that the GoSS is largely irrelevant to life in some areas of southern Sudan. The international community, which heavily invested in the region just years ago, has largely withdrawn to focus on Darfur and other hotspots. The environment in southern Sudan remains deeply unstable. It would hardly be surprising for violence to resume in such desperation.

The deterioration of the CPA has left many worried about negative effects on the already delicate peace negotiations in Juba. The chief mediator will have less time to devote to the peace process if tensions continue to flare. Moreover, the GoSS and SPLA cannot act as reliable guarantors for the negotiations in the face of escalating hostilities. SPLM officials have said that war will resume if SAF troops are not redeployed from southern Sudan. An outbreak of violence would uproot the proceedings from Juba and likely have spill over effects in northern Uganda, not least refugee flows.

More importantly, the ominous collapse of the CPA raises the likelihood that the Government of Sudan will revive its support for the LRA. Throughout the 1990s, the NCP provided the rebels with substantial military and financial support to destabilise southern Sudan. This assistance was officially stopped after the 1999

Nairobi Accord, but there is evidence that SAF members continued providing arms to the rebels until 2005. There is now concern that Khartoum is eager to reestablish an alliance with the rebels to destabilise southern Sudan again before the secession referendum in 2011. In July and October 2006, there were reported government air-drops near LRA strongholds in Torit (Schomerus 2007). There have been no such reports this year, but recent tensions over the CPA threaten to raise the value of the LRA to its old patron. If Khartoum expresses interest and offers incentives, it could encourage the rebels to re-consider their commitment to negotiations and resume fighting.

Fortunately, there is still hope of salvaging the CPA, as both sides have taken steps to mitigate the escalating tensions. The SPLM recently sent a delegation to Khartoum to meet with President Omar el-Bashir, and the two sides have agreed to next steps in implementing the CPA. The prospect of resumed violence in the south at this time, while large-scale conflict continues in the western Darfur region, must be somewhat frightening for the Government of Sudan. Promises need to be followed by decisive action though if the CPA is to regain momentum. Meanwhile, the UN Security Council has voted to extend the mandate of UN peacekeepers in Sudan (UNMIS), tasked with supporting the implementation of the CPA. This is an important step, but must be followed by more rigorous international diplomacy. These escalating tensions should be a wake-up call for international actors, like the US, that have disengaged from southern Sudan.

There is also hope of averting this threat to peace in northern Uganda. A delegation of northern Ugandan civil society leaders is scheduled to travel to Khartoum to urge the Government of Sudan to avoid a rekindled relationship with the LRA. President el-Bashir, for his part, has said publicly that he supports the Juba peace process. Yet, such support can easily be overwhelmed by emerging security threats and opportunities. Without concerted pressure, Khartoum continues to have the power to spoil the Juba negotiations. If tensions continue to rise in southern Sudan, this could be the greatest threat to any hope of peace in northern Uganda.

Conclusion

This is not at all to suggest that there is no reason for optimism. Returning to our starting point, the Juba peace talks have defied a history of failed peace initiatives. Both sides have demonstrated commendable commitment and maintained a cessation of hostilities for a historic fourteen months. The people of northern Uganda have been given space to reclaim their freedom of movement and begin rebuilding their lives. The recent start of the LRA consultations in Uganda suggests that talks are back on track. Still, it would be naïve to say that peace is guaranteed. In the coming months, the Juba peace process faces its greatest test: can it ultimately escape a history of militarization, volatility and regional instability? All three of these emerging threats are recurring spoilers; they are the very problems that have undermined past peace initiatives throughout the conflict's two-decade history. Given the chance again, they will do the same.

The good news is that these threats could still be contained. The order has not yet been given or timeline solidified for regional military action. LRA leader Joseph Kony says the rebels are still committed to the negotiations and their negotiators, despite the internal turmoil. The parties in Sudan have not yet given up on their fragile peace agreement. However, averting these emerging threats will require decisive action now by several key actors, not least Ugandans themselves. There is a brief window to act before each of these threats gain an unstoppable momentum. Across Africa, countries that have sent observers to Juba – DRC, Kenya, Mozambique, South Africa and Tanzania – can play a key role in encouraging the Ugandan government to fully invest in negotiations. The African Union too can use its voice to promote a political, not a military solution. Meanwhile, the GoSS mediating team, with non-governmental and regional support, can encourage the LRA to maintain cohesion and commitment to negotiations. Finally, the international community can wield its leverage, through dollars and diplomacy, to push implementation of the CPA and keep the peace process on track.

The ultimate goal is giving war-affected communities the space and time they need to consider their priorities and elicit creative solutions. Rash regional military action and rebel intransigence constrain that space and limit that time. Worst of all, they make peace in northern Uganda far more elusive. For if the emerging threats prevail, the Juba process will not overcome, but instead, add to the long history of broken peace initiatives and protracted violence. That is a history that Africa, let alone northern Uganda, is ready to move beyond.

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In September 2007 the Inter Agency Standing Committee in Uganda estimated that 29% of IDPs (526 300 people) had returned to their homes of origin, with 49% (901 000 people) remaining in mother camps and 22% (409 000 people) in "decongestion" or "satellite" sites. Most full returns have been limited to the Lango and Teso sub-regions, where displacement has not existed for as long as it has in the Acholi sub-region.

<sup>3</sup> The five agenda items agreed upon for the Juba peace negotiations are: (1) cessation of hostilities, (2) comprehensive solutions to the war, (3) accountability and reconciliation, (4) disarmament, demobilization and reintegration (DDR), and (5) final ceasefire.

<sup>4</sup> Research for this report included confidential interviews with US and UN officials.

<sup>5</sup> Kony allegedly killed his commanders Otti Lagony in December 1999 and James Opoka in 2003.