

**NORTHERN UGANDA:
SEIZING THE OPPORTUNITY FOR PEACE**

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NORTHERN UGANDA: SEIZING THE OPPORTUNITY FOR PEACE

EXECUTIVE SUMMARY AND RECOMMENDATIONS

With peace negotiations due to restart in the southern Sudanese town of Juba on 26 April, the ten-month-old peace process between the Lord's Resistance Army (LRA) and the Ugandan government still has a chance of ending one of Africa's longest, most brutal conflicts. The present process is more structured and inclusive than previous efforts to end the twenty-year-old conflict, benefits from greater – if still inadequate – external involvement, and has made some significant gains, notably removing most LRA fighters from northern Uganda. And the implementation of the agreement to end Sudan's north-south civil war has reduced both the LRA's and the Ugandan army's room for manoeuvre.

But the favourable political constellation is likely to be fleeting, and to simply resume the process as previously constituted would be a recipe for failure. It is hamstrung by major weaknesses in representation, structure and substance. The LRA delegation, mainly diaspora Acholi detached from the conflict, lacks competency, credibility and cohesiveness. The agenda is being negotiated sequentially, so progress has been thwarted by failure to fully implement the cessation of hostilities agreement and fundamental disagreement over the issue of comprehensive solutions to the conflict. And the Juba negotiations are the wrong forum for tackling the underlying economic, political and social problems of northern Uganda, critical in ending the north-south divide in Uganda and breaking the cycle of conflict that has racked the country since 1986.

The comprehensive peace process that is required should proceed along two tracks. One is Juba, which should concentrate on ending the military conflict and providing a general roadmap for handling the broader grievances that need to be addressed, including accountability for serious crimes. The second track is one to which the government and donors should commit at Juba but then pursue subsequently in a broader, more inclusive forum in Uganda. It will need to empower northern Ugandans, involving, among others, Acholi traditional leaders and civil society, including women and youth, to steer redevelopment, rehabilitation and reconciliation initiatives within their community.

The rebels' temporary withdrawal from the talks on 12 January provided an opening to reshape the mediation efforts, expand external engagement and create a stronger and better institutionalised process. As part of a compromise to bring the LRA back to the table, South Africa, Kenya, Congo, Tanzania and Mozambique agreed to join the talks as observers. The Government of Southern Sudan, whose initiative Juba has been and which has continued to lead it, must now ensure that an effective infrastructure is in place to handle the logistical and technical aspects. In the rigidly hierarchical LRA, Joseph Kony is the key to a peace deal, and efforts to engage him must be enhanced. A respected intermediary, most likely the new UN Special Envoy for LRA-affected areas and former Mozambique president, Joaquim Chissano, should deliver directly to him a security and livelihood package that can be the basis for further discussion. Negotiations should be restructured so that small working groups can pursue all issues in parallel.

Both sides must be persuaded through the use of targeted leverage that peace is their only worthwhile option. The International Criminal Court investigation – although controversial – has increased pressure on the LRA and created an incentive for its indicted leaders to negotiate their safety. It should continue, at least until a just peace with robust accountability mechanisms is in place.

The UN, through a new panel of experts, and host countries should investigate and impose penalties on those in the diaspora who undermine the peace process by giving the LRA financial and material support. Contingency planning on a regional security strategy for use against the LRA if Juba fails should begin now with an initiative for military and political cooperation between Uganda, the Government of Southern Sudan, Congo and the UN missions in Sudan (UNMIS) and Congo (MONUC). Donors, who finance 40 per cent of Uganda's budget, must make clear to the government that they will not support unilateral military action against the LRA in Congo if talks collapse and that funding of northern Uganda's redevelopment is conditional on the active participation of local leaders.

RECOMMENDATIONS

To the LRA Leadership:

1. Reinforce the Juba delegation with senior military commanders and decision-makers.
2. Respect all terms of the cessation of hostilities agreement, including moving all fighters to the designated assembly areas, and stop all movements towards the Central African Republic (CAR).

To the Government of Uganda:

3. Take advantage to the greatest extent possible of the improved security in the north to develop an effective national land policy, demilitarise security by bringing in police, reestablish rule of law by building courts and improve delivery of essential services to displaced civilians.
4. Support establishment of a broader, more inclusive forum in Uganda to shape redevelopment, rehabilitation and reconciliation in the northern region, and help address north-south tensions.

To the Mediation Team:

5. Pursue direct talks with the LRA more vigorously, including by using a respected intermediary to deliver to Joseph Kony a clear security and livelihood package.
6. Restructure the negotiations so that working groups can deal with all five points of the agenda in parallel.
7. Promote a two-track process:
 - (a) the Juba negotiations to make peace with the LRA, establish a roadmap for dealing with northern Uganda's underlying structural problems, and secure commitments from the government to address those problems and from donors to support the process; and
 - (b) a broad-based, inclusive follow-up forum in Uganda, shaped by key stakeholders, including Acholi traditional leaders, women and youth, to tackle redevelopment, rehabilitation and reconciliation in the conflict-affected areas.
8. Start preparing the communities of northern and eastern Uganda to take an active role in the second track on redevelopment, rehabilitation and reconciliation so as to build sustainable peace.

To the Government of Sudan:

9. Do not interfere with the Juba talks and cease all military supply to the LRA, whether in Sudan or the CAR.

To the Government of Southern Sudan:

10. Publicly and privately reassure the LRA that its safety on Sudan's soil is assured as long as it remains committed to the peace process.

To UNMIS:

11. Deploy troops around the assembly areas and seek from the UN Security Council a specific mandate and additional means to support the Juba talks adequately.

To UN Special Envoy Joaquim Chissano:

12. Establish an office in Juba to coordinate all international engagement in support of the talks and liaise with the U.S. and UK in particular on an initiative to consolidate relations between Uganda, Congo and the Government of Southern Sudan and a joint LRA containment strategy.

To the U.S. and UK Governments:

13. Appoint senior diplomats to work closely with the UN Special Envoy and apply pressure on the Ugandan government to support a two-track strategy as described above and desist from threatening military intervention in Congo.
14. Launch, in cooperation with the UN Special Envoy, an initiative for diplomatic and military cooperation between Uganda, the Government of Southern Sudan, Congo, UNMIS and MONUC that involves:
 - (a) commitment to cooperate and exchange information for stabilising the common border areas and to desist from threatening military operations on another's territory;
 - (b) a joint contingency strategy to contain LRA force movements and prevent incursions into Uganda in the event of the Juba talks' failure; and
 - (a) a mechanism for joint monitoring and information exchange on all movements of armed groups in the border areas.
15. Provide the necessary military assistance, training and funding to support deployment of Congolese and SPLM troops to contain LRA movements in the rebel-infested areas.

To the UN Security Council:

16. Establish a panel of experts to investigate the LRA's sources of financial and military support, apply sanctions on its national and international suppliers, and encourage member states to prosecute diaspora

Ugandans who raise funds or provide weapons for the LRA from their territory.

17. Urge member states to provide enhanced financial and logistical support to the efforts of the UN Special Envoy and his team.

To Donors:

18. Warn the Ugandan government that any unauthorised, unilateral military intervention beyond its borders will result in strong consequences, such as the suspension of direct budgetary support and other forms of aid, and condition support for the rehabilitation and reconstruction of northern Uganda on the active participation of northerners, including civil society.

Kampala/Nairobi/Brussels, 26 April 2007

NORTHERN UGANDA: SEIZING THE OPPORTUNITY FOR PEACE

I. INTRODUCTION

For twenty years, northern Uganda has been the scene of a simmering conflict between the government and the insurgent Lord's Resistance Army (LRA). The fighting has largely been in the districts of Gulu, Kitgum and Pader, which are dominated by the Acholi ethnic group. The LRA has its roots in anti-government movements that formed in the north after President Museveni took power in 1986 by overthrowing an Acholi-led military government.¹ Its methods are unambiguously vicious.² While it attacks government forces at times, it mostly targets civilians. It has punished those suspected of collaborating with the government or forming self-defence forces by cutting off noses, lips and ears. Typically, rebels attack civilian camps, loot supplies, burn huts, and rape and abduct people. Abduction of children, both boys and girls, to carry loot, sustain combatant numbers and serve as sex slaves became systematic, while mutilations were used to instil fear in the population and create perpetual insecurity.

The results have been devastating for the Teso, Langi and Acholi communities. Approximately 1.4 million people – 90 per cent of the population in the three main war-affected districts – have been uprooted and herded by the government into internally displaced persons (IDP) camps guarded by the army.³ Squalid conditions in these

camps have proven a greater threat than LRA attacks. A 2005 ministry of health survey in conjunction with UN agencies found that up to 1,000 people died there each week from treatable illnesses like malaria and diarrhoea.⁴ Crude mortality rates, mortality rates for children under five and malnutrition rates are all above emergency levels in the camps.⁵ HIV rates in the north hover near 12 per cent, twice the national average.⁶ Over 12 per cent of females aged 30-44 are widows due to war-related causes, twice the national average.⁷ Women have faced widespread sexual and domestic violence within IDP camps, posing a threat to their security and livelihoods.⁸ The government has been unable to end the violence, which has in turn been largely ignored internationally. Northern Uganda has been, in the words of Jan Egeland, former UN Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, “the world's most neglected humanitarian catastrophe”.

The International Criminal Court (ICC) prosecutor, Luis Moreno-Ocampo, opened an investigation into the conflict in 2004.⁹ The ICC unsealed warrants against five LRA commanders on 13 October 2005.¹⁰ These rattled the

persons in Gulu, Kitgum, and Pader districts, northern Uganda”, Uganda ministry of health, 1 July 2005, www.who.int/hac/crises/uga/sitreps/Ugandamortsurvey.pdf.

⁴ Ibid.

⁵ Ibid; also see “Internally Displaced Camps in Lira and Pader, Northern Uganda: A Baseline Survey”, preliminary report, Médecins sans Frontières, November 2004, www.msf.org/msf/international/invoke.cfm?component=pressrelease&objectid=CD3DA72E-43DE-4DF5-A2BFDA6C49D620F1&method=full_html.

⁶ “Health and mortality survey”, op. cit., p. 30.

⁷ “Counting the Cost: Twenty Years of War in Northern Uganda”, Civil Society Organisations for Peace in Northern Uganda, 30 March 2006, p. 13, www.oxfam.org.uk/what_we_do/issues/conflict_disasters/csoption_uganda.htm.

⁸ At least 60 per cent of women in the largest IDP camp in the north, Pabbo Camp in Gulu District, have suffered sexual domestic violence. “Suffering in Silence”, UNICEF, June 2005, cited in www.irinnews.org/report.asp?ReportID=47689.

⁹ This was the prosecutor's second investigation, begun on 29 July 2004. The first, into the situation in Ituri, Democratic Republic of Congo, commenced on 23 June 2004.

¹⁰ Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen and Raska Lukwiya. Lukwiya was killed by the Ugandan army in August 2006.

¹ Remnants retreated to the north, regrouped into the United People's Democratic Army (UPDA) and launched a guerrilla war to thwart the consolidation of President Museveni's power. A young Acholi woman, Alice Auma, claimed to be possessed by spirits and created a populist, messianic Christian spiritual group, the Holy Spirit Movement (HSM). Incorporating some UPDA fighters, it launched a spiritual campaign to cleanse the Acholi and a military campaign to overthrow Museveni. Thousands of Acholi joined the HSM's march toward Kampala. Museveni's response was strong, thousands were killed, and the conflict deepened north/south divisions. Northerners, particularly Acholi, felt victimised by the war and marginalised in the new Uganda. See Crisis Group Africa Report N°77, *Northern Uganda: Understanding and Solving the Conflict*, 14 April 2004.

² On LRA human rights abuses, see “Stolen Children: Abduction and Recruitment in Northern Uganda”, Human Rights Watch, vol. 15, no. 7(A), March 2003, <http://hrw.org/reports/2003/uganda0303/>.

³ “Health and mortality survey among internally displaced

affected commanders, giving them an incentive to start talking about a peace agreement that might bring immunity from prosecution, and put pressure on the Sudanese government to cut support for the rebels.¹¹

With the LRA and the government apparently about to return to the southern Sudanese town of Juba to negotiate a resumption of the stalled but still promising nearly year-old peace process, a resolution to one of Africa's longest and most brutal conflicts may be within grasp. While the talks must indeed reopen and the 26 August 2006 cessation of hostilities agreement must be restored so as to consolidate security gains that have already improved the lives of war-wary northern Ugandans, simply resuming the process as previously constituted would be a recipe for failure. Despite the gains it has made, the Juba peace talks have some of the wrong issues on the table, the wrong LRA negotiators and insufficient leverage to overcome the parties' mutual mistrust and wavering commitment.

This report analyses the progress, the challenges and the positions of the actors in the conflict and recommends a way to remedy the weaknesses in the process.

II. PRECARIOUS PEACE TALKS

The Juba peace process has advanced further than any previous initiative and is the best hope for a negotiated resolution to the conflict. The 26 August 2006 cessation of hostilities agreement yielded security dividends in northern Uganda that must be protected. A series of setbacks, culminating in the LRA's announcement on 12 January 2007 that it was withdrawing from negotiations until the venue was shifted and the chief mediator replaced, dimmed hopes but both sides have now committed to renew the cessation of hostilities agreement and restart negotiations.

A. ACHIEVEMENTS

The cessation of hostilities agreement was the first bilateral truce between the LRA and the government. The sides agreed to suspend military operations and hostile propaganda. All LRA fighters were to assemble by 19 September at one of two assembly points in South Sudan: Owiny Ki-bul for those in northern Uganda or South Sudan, and Ri-Kwangba for those in Congo. The Southern Sudanese army (SPLA) was to protect the assembly areas and create a monitoring team comprised of two representatives from each side, two senior African Union (AU)-appointed officers and a senior SPLA officer as team leader to track compliance and implementation.

As a result, most LRA fighters left northern Uganda,¹² enabling some 230,000 of the region's 1.7 million people to leave the government camps.¹³ Restrictions on freedom of movement have been eased, so people can move greater distances around the camps, and more land has been opened up for the impoverished people to farm. Roads throughout the conflict area have become accessible into the night. Greater security and mobility have permitted humanitarian workers to travel without army escorts and improved the delivery of aid and services to camps.

Politically, the Juba talks have matured into a credible process. First, there is a structured, formal process with

¹¹ Crisis Group Africa Briefing N°41, *Peace in Northern Uganda?*, 13 September 2006. For more on the ICC's role, see below.

¹² A few stayed but were ordered by Kony and Otti not to attack civilians. Crisis Group interviews, Kampala, February 2007.

¹³ Few, however, have actually gone home. Those in Acholiland, where displacement began in 1996, have mostly only been allowed to move to satellite camps whose conditions are often no improvement. IDPs have only gone home in Lango and Teso, where displacement began in 2003. The government has been sending mixed messages, for example telling everyone they had to leave by 31 December 2006, and has been slow to give resettlement packages to those who have moved to satellite camps.

a clear negotiating agenda and a defined mediation framework steered by the Government of Southern Sudan. Early on the parties agreed to a five-point agenda: (1) cessation of hostilities; (2) comprehensive solutions to the conflict; (3) reconciliation and accountability; (4) formal ceasefire; and (5) disarmament, demobilisation and reintegration (DDR). While a comprehensive solution to the conflict at Juba is highly problematic given the LRA's lack of political legitimacy, it is significant that the government has acknowledged sustainable peace in the north requires addressing not only the military threat posed by the rebels but also the structural causes and consequences of the conflict.

Secondly, the peace process has eroded the reclusive LRA leadership's self-imposed seclusion, opening direct communication channels that have helped to maintain momentum and create opportunity for alternate track negotiations. Acholi leaders and civil society have been at the forefront of efforts to bring the LRA in from the bush. The first confidence-building meeting took place at the end of July 2006, when a large delegation of Acholi representatives from northern Uganda and southern Sudan met the LRA leadership along the Congo/Sudan border. In the wake of these meetings the LRA declared a unilateral cessation of hostilities on 4 August that helped pave the way for the bilateral agreement. On 14 November, Gulu Local Council Chairman Norbert Mao and Gulu Resident District Commissioner (RDC) Walter Ochora led a delegation to meet the LRA leader, Joseph Kony, and his deputy, Vincent Otti, near Ri-Kwangba.¹⁴ On 9 December, they headed a government-facilitated trip to reunite Kony with his mother after twenty years of separation.

Besides promoting trust and good will, these meetings spurred high-level conversations between the LRA leadership and the government. Otti and Dr Ruhukhana Rugunda, the government's chief mediator and internal affairs minister, have had numerous phone conversations. During the 9 December visit, Ochora briefed President Museveni over the telephone, after which the president spoke with Otti for 30 minutes.¹⁵ Subsequently, Museveni set up three phone lines for Kony and Otti. Kony and the president have spoken several times as a result.¹⁶

Thirdly, although ultimately insufficient to this point, the talks have been bolstered by more sub-regional, regional and wider international engagement than previous initiatives. While attempts by the former Ugandan minister,

Betty Bigombe, in 2004-2005, for example, helped lay the foundation for the current initiative, her efforts were doomed by indifferent external support.¹⁷ The Juba process has been initiated, hosted and brokered by the Government of Southern Sudan and several regional countries have now promised to join the talks as observers and guarantors of a deal in order to bring the LRA back to the negotiating table.

International support for new peace talks with the brutal LRA after so many failures was initially tepid but has warmed. In addition to sending technical and political observers to Juba, the UN Office for the Coordination of Humanitarian Affairs created a \$4.8 million support fund on 5 October 2006.¹⁸ Former Under Secretary-General for Humanitarian Affairs Egeland travelled to the Sudan/Congo border on 12 November to meet Kony in a failed bid to get the rebels to release captive women and children. The Security Council issued a statement in support of the talks on 16 November,¹⁹ and Secretary-General, Kofi Annan, appointed the former president of Mozambique, Joaquim Chissano, to serve as Special Envoy for LRA-affected areas.²⁰ The slow but steady increase of external support reflects recognition that the LRA poses a cross-border security threat, and peace in northern Uganda would have broad security and economic benefits.

B. PROBLEMS

Although the cessation of hostilities agreement was renewed on 1 November and 16 December, it was plagued by documented violations from both sides and expired on 28 February 2007 without being fully implemented. The LRA repeatedly failed to assemble at either Owiny Ki-Bul or Ri-Kwangba.²¹ 45 fighters briefly entered Owiny Ki-bul on 14 September to collect food but quickly left. Fearing landmines and an attack by the Ugandan army, most rebels remained hidden. On 27 September Ugandan army soldiers approached Owiny Ki-bul in violation of the agreement while guarding a convoy of journalists and diplomats.²² As the troops advanced, the LRA scattered.

¹⁷ Donors would not create a peace secretariat to support the initiative, leaving Bigombe largely on her own.

¹⁸ See "United Nations Launches Juba Initiative Fund to Aid Peace in Northern Uganda", UN press release AFR/1439. Canada, the UK, Sweden, the Netherlands and Norway are among the contributors.

¹⁹ United Nations Security Council S/PRST/2006/45.

²⁰ United Nations Security Council S/2006/930.

²¹ A report by the monitoring team in December 2006 concluded that LRA failure to assemble at Ri-Kwangba was not a violation of the agreement because the Government of Southern Sudan did not provide the required water supplies.

²² The Ugandan army has been in southern Sudan since March 2002, when it signed a memorandum of understanding with

¹⁴ The Local Councillor Chairman is the popularly elected political head of a district. The RDC is the national government's appointed political representative in a district.

¹⁵ "President Museveni talks to LRA leader Otti, while Kony hails govt", *Daily Monitor*, 11 December 2006.

¹⁶ Crisis Group interviews, February 2007.

As discussed below, small clashes broke out in mid-October as the rebels attempted to cross the Nile to rejoin their leaders near Garamba National Park in Congo. The army and LRA fought again on 29 November between Magiri, Nisitu and Ngangala, near Juba, and on 30 November in the area of Liria, when an army helicopter dropped a bomb near Opari, close to Owiny Ki-bul.

Feeble monitoring and protection mechanisms have been the cessation of hostilities agreement's great flaw. The Southern Sudanese army was responsible for guarding the assembly areas but did not deploy enough troops.²³ No AU officials joined the monitoring team. Moreover, the challenge of monitoring two assembly zones spread across a vast and volatile landscape with poor infrastructure was too much for the small team. It never formally visited the Ri-Kwangba assembly area and did not release its first report until three weeks after the 19 September deadline for implementation expired, creating an information vacuum that froze the peace process while the parties traded accusations and gunfire.

A 1 November addendum to the agreement made matters worse by expanding the monitors' area of responsibility but not their capacity. In an effort to increase its willingness to comply by allowing its forces to spread out and be less exposed to attack, the LRA was given large "areas" in which to assemble, not particular "points" as in the first agreement.²⁴ The Ugandan army was required to stay out of a 15km radius around each assembly area and gave the Southern Sudanese army responsibility for security east of the Juba-Nimule road.²⁵

Members of the AU or "another similar international organisation" were no longer required but only requested to supplement the monitoring team. In an attempt to help, Egeland announced on 15 November, during a Juba visit, that the UN would make helicopters available from its Sudan mission (UNMIS) to transport monitors to the assembly areas and would provide a few civilian observers,

from staff already in Juba, to reinforce monitoring efforts. The impact on the ground, however, was negligible.²⁶

The result has been a combustible security situation and stalled negotiations. With the LRA, the Ugandan, Southern Sudanese and Khartoum armies, and Khartoum-backed spoilers such as the Equatoria Defence Forces mingling in dangerous proximity in Eastern Equatoria, there has been spate of attacks on civilians. On 18 October 2006, roughly 40 were killed in ambushes within a 30km radius around Juba. Although the LRA was initially blamed, the SPLA subsequently arrested seventeen persons alleged to be operating under Khartoum's orders.²⁷ On 12 December, two days before talks were set to resume, three trucks driven by Ugandan businessmen were ambushed on the Juba-Nimula road, the commercial artery that links Uganda to Juba.²⁸ Four civilians died. On 2 and 4 January, thirteen were killed in two separate ambushes along the same road.

One UNMIS peacekeeper was killed and two wounded in an ambush near Magwi on 26 January. Responsibility for these attacks is unclear. Khartoum-backed militias eager to disrupt economic activity, undermine the peace talks and destabilise southern Sudan remain a likely candidate. But the LRA cannot be discounted, and it seems likely at the least that roving bands of hungry rebels have been attacking and looting villages in Eastern Equatoria.²⁹

Fighters near Owiny Ki-bul dispersed after the Ugandan army approached on 27 September. Those in Eastern Equatoria, who constitute many of the movement's core fighters and several of its top commanders, including ICC-indicted Dominic Ongwen, tried to take advantage of the

Khartoum as part of Operation Iron Fist, a campaign designed to destroy the LRA's safe havens and supply lines. In November 2006, Sudan's National Assembly voted not to extend the agreement, which expired on 31 December, but the army remains.

²³ At Owiny Ki-bul, the SPLA apparently deployed only 23 soldiers. Crisis Group interviews, Juba, October 2006.

²⁴ The LRA are to assemble within a 15km radius of Owiny Ki-bul's administrative headquarters and 10km of Ri-Kwangba's.

²⁵ The implications of the last provision were not made clear. The LRA argued that the Ugandan army should redeploy west of the road but it refused. Instead, as a confidence-building measure, it withdrew from bases at Magwi, Palutaka and Tibika that ringed Owiny Ki-bul and were its main command and communications points in southern Sudan.

²⁶ For example, monitors and mediators were given lowest priority access to the UN helicopters.

²⁷ They were apparently former Sudanese Armed Forces (SAF) who had not been integrated into Joint Integrated Units and had refused to go north when the SAF redeployed in May 2006. However, attacks continued, and reports suggest South Sudan President Salva Kiir released the arrested in December after concluding they were not involved in the attacks. The subsequent attacks have been blamed on SAF-backed militias, most likely the Equatoria Defence Forces (EDF). Prior to the start of talks, attacks against civilians around Juba were first blamed on the LRA but appear to have been by local militias, perhaps the EDF on Khartoum's orders. Who in fact is responsible for these attacks, and whether one group or several, ultimately remains unclear.

²⁸ "Uganda traders killed in Juba", *Daily Monitor*, 16 December 2006.

²⁹ In early March 2006, the governors of the Western, Central and Eastern Equatoria provinces met in Torit to discuss the LRA. They issued a statement that the LRA would no longer be tolerated in Sudan and should be forced out. The governors, particularly in Eastern Equatoria, have begun to raise local militia, especially in the Magwi area, to ward off possible LRA attacks.

situation to cross the Nile and regroup with the main rebel contingent. When the army blocked them, they attacked civilians for food and clashed with Dinka cattle herders about 15km south of Juba on 15 October. The next day, the army went on the offensive and clashed with the same LRA group near Ngangala. SPLA forces blocked the army's attempt to engage another LRA column in the vicinity of Kagwaada, resulting in a tense standoff. Ongwen, accompanied by 50 fighters, was finally able to cross the Nile north of Juba in the beginning of January 2007. Another commander, Ceasar Accellum, soon followed. There have also been credible reports of SPLA-LRA clashes in Western Equatoria.

Despite the expiration of the cessation of hostilities agreement, both sides publicly pledged to adhere to its principles and refrain from offensive operation. Although the security situation in southern Sudan has deteriorated, an uneasy calm is holding in northern Uganda; the Ugandan army has deployed along the border with Sudan and prevented significant LRA infiltration.³⁰

From September 2006 until December, talks were bogged down in a self-perpetuating pattern of renewed cessation of hostilities agreements, pauses for implementation and missed assembly deadlines. The parties disagreed on the scope of the agenda and substantially diverged on the substance of issues. The early decision to adopt a sequential approach to the agenda rather than pursue its items in parallel meant that the inability to implement the cessation of hostilities agreement blocked the entire process.

After the cessation of hostilities was reaffirmed on 14 December, the parties moved on to the second agenda point, comprehensive solutions to the conflict. The LRA delegation made broad political and economic demands, including: a commission to be formed in consultation with the LRA and financed by a trust fund independent of the government to oversee reconstruction and rehabilitation in northern and eastern Uganda; a referendum on federalism two years after signature of a peace deal; compensation for cattle alleged to have been stolen by the government and Karamojong rustlers; land reform; and creation of a new national army reflective of Uganda's ethnic diversity. Insisting that the LRA was not a credible representative and Juba not an appropriate forum for such issues, the government balked, and the parties recessed for Christmas without bridging their differences.

The third agenda point, reconciliation and accountability, has been equally difficult. The 14 November and 9 December confidence-building meetings included Ugandan

lawyers who briefed the indicted LRA commanders on the ICC investigation and the need for a strong accountability mechanism in any peace agreement. Among the options proposed was a formal legal proceeding in Uganda in which the LRA would accept responsibility for atrocities and an array of punishments short of incarceration. Examples were a bar on its leaders holding political positions for ten years; banishment from Acholiland for five years; confinement to a small area for a period; bar to army service or work with children; and compulsory cooperation with a truth and reconciliation committee.

The indicted commanders were also told they might be held civilly liable to compensate victims. According to an observer, Kony and Otti appeared to understand the accountability issue could not be easily sidestepped but were cool to the specific proposals.³¹ Otti told Crisis Group he rejects the version of *mato oput*, the Acholi reconciliation ceremony, being discussed as an alternative, because, he said, it was not the traditional version.³² He also insisted that President Museveni likewise submit to any accountability mechanism.

On 12 January 2007, three days before talks were to resume, the LRA announced it was withdrawing until Dr Riek Machar, vice-president of the Government of Southern Sudan, was replaced as chief mediator and the venue shifted from Juba. Citing an 8 January speech in Khartoum in which President Bashir pledged to force the LRA out of Sudan, the LRA said Juba was no longer safe.³³ It accused Machar of a disdainful, bullying approach to its delegation, resulting in one-sided pressure for capitulation,³⁴ and argued that long friendship between the Ugandan government and the SPLA created a hostile environment for the LRA.

In fact the LRA delegation was shopping for a new venue before Bashir's speech.³⁵ Unwilling to risk assembly as

³⁰ The last major LRA commander in Eastern Equatoria, Col. Kweyelo Latoni, is apparently under orders not to re-enter Uganda.

³¹ Crisis Group interview, Gulu, February 2007.

³² Otti told Crisis Group: "*Mato oput* would not be a good thing. When the paramount chief came to us we asked him about the *mato oput* and tried to correct him but he is very young... and he doesn't know anything.... I know very well what is *mato oput*, even more than the paramount chief and the other chiefs. What they are doing is very wrong". Crisis Group interview, Vincent Otti, November 2006. For more on *mato oput*, see Crisis Group Briefing, *Peace in Northern Uganda?*, op. cit., p. 16.

³³ Bashir stated: "We believe now that the only solution for the LRA problem is the military action. We must either expel them or exterminate them". The full speech is at www.smc.sd/en/artopic.asp?artID=23385&aCK=EH.

³⁴ The LRA delegation claims Machar has used SPLA soldiers to harass and intimidate them and say they have been held as virtual hostages in Juba.

³⁵ According to an observer close to the talks, during the Christmas recess the LRA delegation visited 33 embassies in

called for by the cessation of hostilities agreement and powerless to advance negotiations over comprehensive solutions, it opted for delay in order to see if a new venue and new mediator might improve its prospects. Its main hope was to level the playing field somewhat by finding a foreign mediator willing to compensate for its own bargaining weakness by pushing President Museveni to make compromises.

The LRA was probably also motivated by a perception it could exploit the absence of a unified international approach. LRA delegates told Crisis Group that Kenya and some other countries had given clear indications they were prepared to take over the talks.³⁶ Western diplomats confirmed that some embassies in Nairobi were sympathetic to the LRA's grievances and fostered its belief that a change of venue was possible.³⁷ In fact, however, the LRA's call to change venue and mediator received little support. Kenya ultimately declined to take over the mediation, as did South Africa. Fifteen embassies, including that of the U.S., issued statements urging the LRA to return to Juba.

The LRA tactic did highlight a weakness in the mediation process, which has never been effectively institutionalised. On paper, the Government of Southern Sudan has created a team responsible for negotiations and a peace secretariat to handle logistics and administration. But Machar runs the show, so his mistakes – more from inexperience as a mediator than bias – have consequences. He has leaned harder on the LRA, and some of his tactics have been ill-advised, such as abandoning the rebel delegation along the Congo/Sudan border in August 2006 after it failed to secure Otti's participation. He brought in an array of NGOs and outside advisers to assist the process but the influx created confusion and suspicion since roles were not clearly identified.³⁸

The episode also raised questions about the LRA's commitment to the peace process. It has pulled out – temporarily – several times previously.³⁹ While the

government is pushing for a quick deal, Otti told Crisis Group the talks could last four or five years.⁴⁰ Concerns that the military leaders are primarily interested in a breathing space that will permit them to rebuild their forces are fed by the reliance on a delegation from the Acholi diaspora that is disconnected from fighters in the bush.

C. BACK ON TRACK?

Despite the LRA's repeated denial that it would return to Juba, the efforts of UN Special Envoy Chissano paved the way for just that, as well as renewal of the cessation of hostilities agreement. He met with Kony along the Congo/Sudan border on 1 and 10 March to search for a compromise. Rugunda, the government negotiator, accompanied him on the second visit and talked face-to-face with Kony for the first time. Acholi leaders, meeting in Juba at the beginning of the month, called for the talks to resume and proposed reforms to strengthen the peace process. The Dutch NGO Pax Christi brokered a week-long meeting ending on 11 April in Mombasa (Kenya) between the LRA delegation and a government delegation led by General Salim Saleh, President Museveni's brother, which was followed by a two-day session at Ri-Kwangba attended by Chissano, Rugunda, Kony and Otti.

The result was that the parties extended the cessation of hostilities agreement on 14 April through June and agreed the LRA would have six weeks to assemble at Ri-Kwangba. The Owiny Ki-bul assembly area has been dropped, and all LRA in Eastern Ekuatoria are to be transported by the Government of Southern Sudan across the Nile to Ri-Kwangba. While this moves the LRA further from northern Uganda and reduces the immediate threat to civilians, it also gives the rebels an opportunity to regroup in a single location and potentially strengthen their military posture. To alleviate Ugandan government concerns on this score, eight AU monitors from Kenya, South Africa, Tanzania and Mozambique are to join the monitoring team full-time at Ri-Kwangba.

The sides also agreed to resume formal talks in Juba on 26 April. Representatives from Kenya, Tanzania, Mozambique, South Africa and Congo are expected to reinforce these as observers, thus broadening involvement in a process that has been overly dependent on Machar. Another positive development is the government decision to include Amongin Aporu, former state minister for disaster preparedness, on its delegation to help address gender interests, including special difficulties in reintegrating young LRA women into civilian life.

Nairobi in search of a new host for the talks. Crisis Group interview, Nairobi, January 2007.

³⁶ Crisis Group interview, Nairobi, February 2007

³⁷ Crisis Group interview, Kampala, February 2007.

³⁸ Observers close to the talks have claimed that some NGOs, angry at not being reimbursed for expenses, encouraged the LRA to venue shop and paid bills for it in Nairobi. Crisis Group interview, Nairobi, February 2007.

³⁹ The LRA delegation walked out on 9 August 2006 to protest the government's refusal to reciprocate the unilateral cessation of hostilities Otti announced on 4 August. Claiming the army killed three fighters travelling towards Owiny Ki-bul, it also suspended participation on 29 November, two days before a deadline for fighters to assemble under the cessation of hostilities agreement.

⁴⁰ Crisis Group interview, Vincent Otti, November 2006.

III. ACTORS AND INTERESTS

A. THE GOVERNMENT OF UGANDA

After indifferently pursuing or undermining peace initiatives in order to seek military victory and prolonging the conflict for political advantage,⁴¹ the government has finally committed to high-level, sustained involvement at Juba. Following initial delay and debate about whether to go, it appointed a credible, competent, senior delegation that has stayed at the table. As confidence-building gestures, it facilitated trips to the LRA's jungle base in Congo and granted Kony's request to meet with his mother. It has given the LRA money for satellite communications, talked directly with the rebel leadership and worked at maintaining the cessation of hostilities agreement.

The government has sought to limit the agenda and focus narrowly on addressing the LRA leadership's security and livelihood concerns. While some, like chief negotiator Rugunda, believe a limited deal with Kony is possible, the slow and uneven progress and concerns about the LRA's commitment have reinforced the pessimism of others. "I've come to conclude that these are peace jokes, not peace talks", a prominent northern Ugandan politician said.⁴² "I have strong doubts that Kony can be convinced to come out", an army commander told Crisis Group, "I think this fellow is beyond redemption and there is only a military solution to the problem".⁴³

Consequently, the government has simultaneously threatened and negotiated. President Museveni did not ask for or expect the southern Sudanese peace initiative and had made clear in the past his preference for a military solution.⁴⁴ However, with the SPLM eager to establish its authority in southern Sudan and get Ugandan forces – government and rebel alike – out, his room for military action was diminished, and commitment to the talks became necessary to preserve ties with the new Government of Southern Sudan.

Threats to intervene in Congo, however, continued. Chief of Defence Forces General Aronda Nyakirima said in August 2006 that "if they [LRA] make the mistake of not taking advantage of the peace talks, Uganda will go to

[Congo] with or without the government's authority".⁴⁵ This rhetoric has been backed by attempts to build international support for military action if the Juba talks do not succeed.

In April 2006, just prior to the start of talks, the then defence minister, Amama Mbabazi, asked the Security Council for approval to enter Congo in hot pursuit or to establish a coordinated regional military campaign to root the LRA out of the Garamba area.⁴⁶ Museveni reportedly asked visiting U.S. Assistant Secretary of State Jendayi Frazer on 19 June for support.⁴⁷ Over the summer, Uganda and the UK worked on a Security Council resolution designed to improve the prospects of executing the ICC's arrest warrants. It would have imposed sanctions on LRA leaders, directed the UN Congo mission (MONUC) and UNMIS to coordinate information sharing with each other and regional partners, and supported amnesty for non-indicted LRA fighters. London also wanted to create a panel of experts to investigate the LRA's sources of support but Kampala rejected this. When word of the proposed resolution was leaked in August, it was shelved.

President Museveni sent Mbabazi to Kinshasa in August to seek agreement for joint operations with MONUC and the Congolese against the LRA after Congo's elections.⁴⁸ While Museveni implies that President Joseph Kabila and then Vice-President Jean-Pierre Bemba consented, Congolese officials have only voiced support for an effort in which each army would act within its borders, not for Ugandan operations in Congo.⁴⁹ When U.S. Senator John Edwards visited Uganda in early October 2006, Museveni again asked for U.S. support of a Security Council resolution authorising force "if the LRA does not show seriousness".⁵⁰

So far government sabre-rattling has mainly been a tactic to coerce the LRA into a quick deal. According to the army's spokesman, Felix Kulayigye, the government remains "committed to be patient for Juba to succeed.

⁴¹ See Crisis Group Report, *Northern Uganda*, op. cit.

⁴² Crisis Group interview, Gulu, February 2007.

⁴³ Crisis Group interview, Gulu, February 2007.

⁴⁴ "There are those who believe in the magic of peace talks – which I do not believe in", President Museveni stated in June 2005. "[I]f you believe that you can convince evil to stop being evil, go ahead. But in the meantime, I do not want to give up my [military] option". "Interview with President Yoweri Museveni", IRIN News, 9 June 2005.

⁴⁵ "Govt warns it will invade DR Congo if talks with LRA fail", *East African*, 22 August 2006.

⁴⁶ "Uganda's foreign, defence ministers brief Security Council, Call for Strong Measures to Disarm Lord's Resistance Army", UN press release, 19 April 2006, www.un.org/News/Press/docs/2006/sc8695.doc.htm.

⁴⁷ "Museveni asks U.S. backing to re-invade Congo", *New Times*, 22 June 2006.

⁴⁸ Mbabazi's cabinet portfolio had been changed to security minister in the meanwhile.

⁴⁹ For Uganda's claims, see "Museveni says Congo's leaders agree to military assault on LRA", *Daily Monitor*, 29 October 2006. For Congo's view, Crisis Group interviews, New York, October 2006 and Kinshasa, November 2006.

⁵⁰ "Museveni asks U.S. to back plan B against LRA", *Daily Monitor*, 3 October 2006.

Provocations aside, we will not be the first to leave the peace talks". He described the chances of the army "marching into Garamba" as "very remote", a last option if talks fail, the Congolese and MONUC do not confront the LRA, and the ICC warrants are not executed.⁵¹ However, the government is likely to continue pushing for more robust military pressure.

Uganda's press has been filled with speculation, government propaganda and unsubstantiated accusations that the LRA is rebuilding and moving into the Congo district of Ituri to ally with other rebel groups and establish a foothold from which to launch a reinvigorated campaign against the civilian population of northern Uganda.⁵² There is nothing inherently wrong with some tough talk to pressure the LRA but too much could jeopardise the peace process. So far, the international community has put a brake on military adventure. Establishment of an elected government in Congo is another constraint on aggressive military options, and the imminence of the November Commonwealth summit in Kampala adds to pressure not to exacerbate conditions for the IDPs.

However, the government is also concerned about the consequences of peace, which might strengthen an opposition stronghold politically and economically. A revitalised north with a deep sense of grievance towards the ruling National Resistance Movement (NRM) could be a potent source of competition for Museveni, whose support has declined in recent elections.⁵³ The lifting of the ban on the political parties in 2006 leaves him more vulnerable. In recent parliamentary elections, the NRM was soundly defeated in the Acholi areas. Peace is also likely to increase international pressure for security sector reform, including more transparency in army finances. This could undermine Museveni's hold on the military, which has been based on sharing spoils with the leaders of the rebellion that brought him to power.

The relationship with the Government of Southern Sudan also influences calculations. Conflict forged special ties between Uganda and southern Sudan. For years Kampala supported the SPLA, which in turn helped it against the

Khartoum-backed LRA. The SPLA was a junior partner, dependent on Uganda's aid, while Museveni benefited as the privileged U.S. proxy funnelling money and arms to the Sudanese insurgency. Kampala could not reject the SPLM peace initiative or go against its wish to free southern Sudan of all foreign military.

But army hardliners and Museveni are less interested in negotiating an agreement than giving the appearance of exhausting all options so they can push for military action in Congo. The government wants to avoid blame for spoiling the talks. Within it, the army is most sceptical of a peace deal, the most forceful in urging force, and most tainted by allegations of plunder and past pursuit of personal economic interests in Congo.

B. THE LRA

The LRA is not a threat to the government's survival but is a security threat for civilians in northern Uganda, southern Sudan and north eastern Congo. Its brutal tactics give it a capacity to destabilise and terrorise out of proportion to diminished numbers. Improved army effectiveness in northern Uganda and the loss of a safe haven and supply lines in southern Sudan mean significant escalation of violence if the peace talks collapse is probably unlikely in the short term. The LRA is mostly moving away from northern Uganda and seems to have little appetite for confrontation for now, but it has not been defeated. It has weapons and is still a potent fighting force. Reports from visitors to its Garamba base suggest morale is high and few fighters see much incentive to return to northern Uganda's squalor. Its main problem is sustaining itself. Reportedly a unit had to trek to the Central African Republic (CAR) to receive ammunition from Khartoum and its local rebel allies.⁵⁴ Better army protection of IDP camps and its own inability to operate as effectively on a large scale mean the LRA cannot fully replenish its numbers through abductions in northern Uganda.

Otti has had a more public role in the peace process, leading some to assume Kony's stature has shrunk, but he lacks the trust of other commanders and Kony remains the final decisionmaker. Several observers and former LRA told Crisis Group he may be more amendable to a deal than Otti.⁵⁵ He has made positive comments about Museveni, for example, calling him "a good man", and was reportedly willing to send Otti to Juba before the deputy balked. Facing Acholi elders from southern Sudan in August 2006,

⁵¹ Crisis Group interview, Kampala, October 2006.

⁵² Uganda's press has been littered with alarmist articles about the LRA's presence in eastern Congo and strong comments by army personnel, for example, Chris Magezi (army public relations officer/spokesman for northern region), "LRA has committed numerous violations of truce", *New Vision*, 8 November 2006; "Some LRA move to Ituri", *New Vision*, 4 September 2006.

⁵³ Museveni was elected president in 1996 with 74.3 per cent of the vote; his nearest competitor, Paul Ssesemogere, received 23.6 per cent. He defeated Kizza Besigye in 2001 by 69.3 to 27.8 per cent, and again in 2006 but with 59 per cent to 37 per cent. The north has consistently voted heavily for the opposition.

⁵⁴ Some reports suggest the LRA may be linking with the allegedly Khartoum-backed *Union des Forces Démocratiques pour le Rassemblement* (UFDR). The CAR signed the ICC's Rome Statute on 7 December 1999 and ratified it on 3 October 2001.

⁵⁵ Crisis Group interview, Gulu, February 2007.

he took responsibility for LRA atrocities there and asked forgiveness. According to an observer of the meeting, he was hesitant to make the same gesture towards the Acholi of northern Uganda only because it would prejudice his ICC case.⁵⁶ Erratic and elusive, he is nonetheless capable of rationally calculating self-interest. The most cited symptoms of his delusional irrationality, his messianic and mystical spiritual beliefs, have barely been evident in recent meetings. Gone are the long dreadlocks and white robes and the elaborate rituals of cleansing by holy water that visitors once experienced.

Reliable reports indicate the LRA is now based in Congo, near Mt. Nancongo, north west of Garamba National Park near the Sudan border, where it has established a village with a school and cultivated fields.⁵⁷ The area is large, remote and underdeveloped, with no telephone access or radio contact in most parts. Thick forest, three-metre elephant grass and roads ruined by decades of neglect make it virtually impenetrable. Camped near the intersection of weak states separated by porous borders – Congo, the CAR and (southern) Sudan – the LRA has found an ideal sanctuary and hiding place.

So far, it has mostly left the locals alone, buying food in markets rather than looting.⁵⁸ The few civilians were far more concerned until their recent departure about abusive, poorly trained Congolese soldiers,⁵⁹ as well as ivory

poachers (including rogue SPLA elements) and the Mbororo, nomadic cattle-herders and poachers from Chad and the CAR.⁶⁰ The LRA is not seen by local authorities as a direct security risk warranting significant attention. Among the Congolese civilians and military interviewed by Crisis Group, there was a strong consensus that the greatest present threat is the Ugandan army's re-entry,⁶¹ a concern inflamed by numerous incursions since the LRA arrived in September 2005. Congolese military intelligence officials in Aba spoke of six in October-November 2005.⁶² Tensions rose further in December 2005 when Congolese soldiers shot at Ugandan troops near Aba.

Exact figures are unknown, but meetings held by mediators with the LRA at Nabanga in southern Sudan and eyewitness estimates as some fighters moved to assembly points suggest that previous estimates of 300-400 combatants are too low, and 800-1,000, or even more, is a better approximation.⁶³ These are in three main groups: 200-300 remaining in Eastern Equatoria, some 400 based west of Garamba and a reserve force of four columns moving between the Garamba base and the CAR border.

Protected by Congo's forests, the LRA remains a credible cross-border threat. Since the start of the peace process, Crisis Group has verified at least two occasions when it attempted to send fighters into northern Uganda. The first was in mid-April 2006, when a group left Garamba and cut south east towards Uganda, killing two miners near Bwere in the process.⁶⁴ On 24 April, 450 Ugandan soldiers entered Congo north west of the southern Sudanese village of Laoxo in search of the LRA but clashed with Aba's Congolese commando regiment near Lagabe and was forced to withdraw. Although the primary mission of those commandos is supposed to be to prevent LRA expansion in Congo, the bitter legacy of the Ugandan army's presence in eastern Congo from 1998 to 2003 made them more concerned with the Ugandan presence.

⁵⁶ Crisis Group interview, Gulu, February 2007.

⁵⁷ In late September 2005, roughly 100 LRA led by Otti crossed from Sudan into Congo near Aba in Orientale Province, east of Garamba National Park. While the Congolese army rapidly deployed commandos to Aba, meetings took place between the Congolese military, the LRA, MONUC and local officials in October. The LRA said it came in peace, asked for asylum and claimed it had been in contact with the defence minister, Adolphe Onusumba. However, officials would only accept the LRA presence if the rebels disarmed, which they refused. The rebels returned to southern Sudan, escaping Congolese troops sent to drive them out. Walking north west on the Sudanese side of the border, they slipped into the remote, sparsely populated Duru area in Dungu district, north west of Garamba National Park. LRA groups in southern Sudan began trickling into the new headquarters. After a clash with the Ugandan army in southern Sudan on the Yei-Maridi road on 21 April 2006, roughly 400 crossed into Congo. A further 300, including Kony and two other indicted commanders, arrived mid-2006.

⁵⁸ Crisis Group interviews, eastern Congo, September 2006.

⁵⁹ After several drunken soldiers killed a Catholic catechist in late September 2006, local civilians killed one of the soldiers and demanded withdrawal of the Park Regiment from Dungu. Its troops were sent to Isiro in October but have not received training yet or returned to Dungu. Crisis Group interviews, Dungu and Faradje, September 2006. Local officials suggested roughly 50 per cent deserted before being sent to Isiro and remain roaming in the area. Crisis Group interviews, January 2007.

⁶⁰ According to park officials, roughly twenty to 25 elephants are killed per month by ivory poachers, Crisis Group interview, eastern Congo, September 2006. Most of the ivory is trafficked through Uganda to Europe and Asia.

⁶¹ The only dissent came from people in Dungu, who insisted the SPLA was worse. Crisis Group interviews, September 2006.

⁶² Crisis Group interview, Aba, September 2006.

⁶³ For example, although less than 100 LRA were estimated to be in northern Uganda before the start of the talks, at least twice that number were seen moving north toward the Owiny-Kibul assembly area. Estimating LRA numbers is still an imperfect science, however. The most recent eyewitness reports suggest that roughly 800, including women and children, are camped near Mt. Nancongo, to which must be added fighters remaining in southern Sudan and Northern Uganda and roaming to the west around the CAR-Congo-southern Sudan border.

⁶⁴ Crisis Group interview, Congo, September 2006.

The second attempt was in August, during negotiation of the first cessation of hostilities agreement. Two large groups went east in a pincer movement. One, of about 300, was spotted on 11 August moving along the southern Sudan/Congo border near Laoxo but contact was lost. The second, of roughly 150, each allegedly with two Kalashnikovs, came south east from Garamba⁶⁵ and broke up into small groups to evade detection. Warned by local authorities, Congolese troops from Aru and Mahagi along the Uganda border planned an ambush. Ugandan intelligence also detected the movements, and Chief of Defence Forces Aronda Nyakairima wrote his Congolese counterpart, General Kisempia, on 8 August threatening, “[s]hould these criminals cross from DRC and conduct any operations on Ugandan soil, the Uganda army will not hesitate to defend our country and hot pursue the invaders to wherever their hideouts are”.⁶⁶ On 18 August, 50 rebels looped around the Congolese and entered the southern part of Aru district, then moved further south east into Mahagi district. Congolese forces clashed with them on 25 August at Zeu, near the border, killing one.

When the 26 August cessation of hostilities agreement was signed, Congolese commanders tracking the rebels were ordered to guide them to the assembly points. The Congolese sent messages but the group, which had satellite phones, did not respond. On their way back, the LRA allegedly beat several civilians, raped a woman, and killed a man.⁶⁷ When it became clear the fighters would not go to the designated Sudanese areas, Congolese forces attacked on 9 September near Mt. Monoko Mibala and two days later Melei. Two Congolese and four LRA were killed.

The rebels stayed near Kandoyi, according to aid workers, until returning to Garamba in October.⁶⁸ On the way they killed a village chief in Ndoa, kidnapped and released five children in Malisi and looted food. The Aba commandos and Garamba Park Rangers deployed to villages along the route and prevented further attacks.⁶⁹ Competent Congolese troops, supported by MONUC, should be stationed around Dungu and along the Faradje-Dungu road to prevent similar threatening movements toward northern Uganda, deeper penetration into Congo or use of Congo as a safe haven on the way to the CAR.⁷⁰

The LRA has used the talks to collect food, material and money and reestablish diaspora support.⁷¹ Machar’s gift of \$20,000 and food during his first meetings with LRA leaders in April-May 2006 has been followed by a steady stream of food.⁷² Some organisations facilitating the talks gave the LRA satellite phones and airtime. Meetings with representatives from northern Uganda were opportunities for the LRA to get such items as tents. Even the government has reportedly sent money to pay for satellite airtime. A Western official told Crisis Group that old support networks among Acholi in European capitals such as London may be resuming aid.⁷³ Most of this seems to be financial and political, but the details remain murky.

The leadership staffed its Juba delegation with diaspora Acholi who left northern Uganda after Museveni came to power and strongly dislike his government. Based in cities like London, Washington and Cologne, many have issued press releases and distributed leaflets criticising Museveni and outlining an expansive agenda in the name of the Lord’s Resistance Movement (LRM), the LRA’s self-proclaimed political wing. There is doubt whether the LRM actually represents the rebels; members are often dismissed as opportunists manipulated by Kony.

Riddled with questions about its competency, credibility and cohesiveness, the LRA delegation has not been effective. Its inexperience has slowed negotiations. Persons close to the mediation complain about poor preparation, lack of discipline, over-sensitivity and inability to make decisions without consulting the military leadership.⁷⁴ Only one member lives in northern Uganda; the rest reside abroad. Some are more associated with the United Peoples Congress (UPC) party of the deceased two-time former president, Apollo Milton Obote, than with the LRA. The delegation’s plausibility was further weakened when Kony, citing security concerns, decided on 5 August 2006 to withdraw from it the few fighters who were in the early talks. Factionalism is a further weakness. A hardline, London-based element that gave military aid in the past has tried to persuade the LRA to pull out of Juba. A U.S.-based element is more conciliatory and committed to the peace talks.

⁶⁵ Some groups operate under guise of the LRA, making accurate identification difficult. Congolese eyewitnesses based their belief that the fighters were LRA on their short, dreadlocked hair and foreign language.

⁶⁶ “Observed LRA maneuvers towards the Ugandan border”, Letter from Ugandan Chief of Defence Forces Aronda Nyakairima to General Kisempia, 8 August 2006.

⁶⁷ Crisis Group interviews, eastern Congo, September 2006.

⁶⁸ Crisis Group interview, Kampala, November 2006.

⁶⁹ At least one clash occurred during the first week of October 2006 north east of Faradje. One LRA was killed.

⁷⁰ A platoon of the Aba commandos was moved to Faradje

around November mainly to quell unrest caused by the Park Regiment.

⁷¹ The LRA is also trying to recruit captured fighters now living in Gulu. Kony and Otti have been calling and sending text messages urging them to rejoin the LRA near Garamba. According to ex-fighters, some have returned to the bush, and others are considering doing so. Crisis Group interviews, Gulu, February 2007.

⁷² See Crisis Group Briefing, *Peace in Northern Uganda?*, op. cit.

⁷³ Crisis Group email communication, international expert, November 2006.

⁷⁴ Crisis Group interview, Nairobi, January 2007.

Kony and Otti undoubtedly approved each member and remain in close contact with the delegation, via satellite phone and direct meetings. It would be too simplistic to argue, as some in the government do, that the delegation has hijacked the peace process and substituted its personal political and financial ambitions for the LRA's real position. It is distinctly possible the delegation is doing exactly what it was selected to do: relieve pressure on the LRA by ensnaring Uganda and Sudan in a process that can be extended long enough for the rebels to rebuild and await a collapse of Sudan's CPA that could lead to renewed support from Khartoum. As long as talks are conducted mostly indirectly through unreliable intermediaries, not directly with LRA military leaders, the process will be plagued by questions about the rebels' true commitment and motivation.

The LRA leadership's core concerns appear to be security and livelihood. Without a fresh infusion of external support, the movement likely can limp along but regional dynamics are changing to its detriment. According to a prominent Acholi traditional leader close to the peace process, "if you deal with the issue of where Kony and his fighters go and how they are going to live, then the rest will fall into place".⁷⁵ Kony's desire for a deal may also be influenced by his health. Crisis Group has been told by people close to the mediation that he is gravely ill; his conversations with President Museveni have revolved around his health, security and livelihood.⁷⁶

However, the LRA is also trying to use the peace talks to position itself as an insurgency with a coherent political agenda, adopting the SPLA and Sudan's CPA as models. Early in the negotiations Machar gave Kony and Otti copies of that agreement, and LRA delegates have been referring to a "CPA for northern Uganda" in their position papers. Efforts to move the talks to Naivasha and have the Intergovernmental Authority on Development (IGAD) take over as mediator seem a conscious attempt to mirror the venue and structure of Sudan's peace talks.

The motivation behind the image remaking is probably mixed. Defining itself as a politically-motivated insurgency may be part of an attempt to get a better practical deal. But constructing a vague and expanding agenda that the military leaders have not shown much concern for in the past may as well be a tactic in a campaign to regroup. The LRA wants to escape the ICC warrants and the U.S. terrorism list, and the peace talks offer a forum for its leaders to cultivate an image as misunderstood freedom fighters. They have used the media and meetings with northern leaders as opportunities to win at least Acholi hearts and minds, which potentially also serves a military purpose since more voluntary recruits are needed now

that improved security has made abductions in northern Uganda more difficult. While years of brutality make success problematic, the LRA gained a fair degree of support in the early stages of the conflict, and many of its negotiating demands resonate with the strongly anti-Museveni Acholi.

C. SUDAN

Though Sudan's government of national unity includes the SPLM, the ruling National Congress Party (NCP) continues to dominate most policy, particularly on security. It began to support the LRA in the mid-1990s as part of its counter-insurgency strategy in the South of using local forces to fight the SPLA and terrorise civilians. This served also to hurt Museveni, a long-time ally of the late SPLM chairman, John Garang. The CPA, which ended the 21-year North-South war, stipulated that the NCP would end support of the southern militias but it still uses them to destabilise the security situation and undermine the Government of Southern Sudan. Support for the LRA is reduced but credible reports suggest Khartoum is resupplying weapons and ammunition through territory in the CAR controlled by that country's rebels. It likely regards the LRA as a reserve spoiler it can use to weaken SPLM authority in southern Sudan and so does not want the peace talks to succeed.

The Government of Southern Sudan initiated its mediation because it was unable to deal militarily with the LRA's expansion into southern Sudan between August 2005 and March 2006. At the time, it posed the single largest security threat to the South as it moved from its traditional areas in Eastern Equatoria to Central and Western Equatoria near the CAR border.⁷⁷ Struggling to reorganise its military and fearing direct confrontation with the Sudanese Armed Forces (SAF), the SPLM opted for a diplomatic solution.⁷⁸

The peace process has minimised LRA disruption in southern Sudan. The other major factor has been withdrawal of the Sudanese army from the Juba area in May 2006, which severed its link with the LRA. But security is deteriorating again as Khartoum-allied southern militias that refused integration into the SPLA and are not being integrated into the Sudanese army – as the CPA anticipated – resume activity. Violence spiked in the Juba area in October-November 2006, with ambushes and attacks on commercial vehicles and civilian settlements. Fighting between the SPLA and the SAF and SAF-supported militias in Malakal in late November shifted attention away from the LRA to the broader problem of insecurity in the South. Nevertheless, the new cessation of hostilities

⁷⁵ Crisis Group interview, Gulu, February 2007.

⁷⁶ Crisis Group interviews, Kampala and Nairobi, January 2007.

⁷⁷ Ibid.

⁷⁸ Crisis Group interview, Khartoum, March 2006.

agreement supposes the SPLA will do a much better job of monitoring LRA assembly areas.⁷⁹

Their mandate, specifically focused on supporting CPA implementation, has largely prevented the 10,000 UNMIS peacekeepers from being active in anti-LRA efforts. Recognising the LRA threat to regional stability, the Security Council in March 2006 directed the mission to “make full use of its current mandate and capabilities” in dealing with the LRA and other armed groups posing a threat to civilians.⁸⁰ However, that mandate is subject to interpretation and may need amendment to authorise unambiguously more direct involvement in support of Juba.⁸¹

UNMIS is also constrained by a leadership vacuum. In October 2006 Sudan expelled Jan Pronk, the Secretary-General’s Special Representative, after he published details on his personal blog of army defeats by the Darfur rebels. UNMIS is unlikely to give more support to the Juba talks without strong new leadership or directives from New York.

D. CONGO

The Kinshasa government does not see the LRA as a threat or a priority; its concern is limited to preventing a Ugandan invasion. The LRA is in a remote, sparsely populated border area of little strategic interest. Uganda’s complaints are viewed as pretexts for clamping down on its domestic opposition and threats to cross the border as indications of desire to continue to benefit from gold and timber rackets. An official said: “Museveni has wrongly accused us of harbouring many militia who are not a threat to his country; this is not the first time”.⁸² Government members denied to Crisis Group any agreement with Museveni for joint operations after the recent elections.⁸³

Congolese officials see Uganda’s complaints also as an effort to deflect attention from meddling in Ituri. After supporting militias there during the 1998-2003 war, Kampala was instrumental in creating the Congolese Revolutionary Movement (MRC) in July 2005 to fight Kinshasa. Most of the gold and timber smuggled out of Ituri passes through Ugandan middlemen, and local Congolese officials claim their Ugandan counterparts are

complicit.⁸⁴ UN observers have not been able to confirm direct Ugandan army intervention in Ituri in the past year but indicate that weapons continue to be smuggled to militias through Uganda.⁸⁵ In early 2007, Kampala complained officially that another Ugandan rebel group, the Allied Defence Forces (ADF), raided several times across the border from Congo. However, MONUC estimates that over half the ADF fighters are Congolese. They have become involved in agriculture, artisanal mining and trade, and no attack against Uganda has been confirmed for several years.

Despite the successful 2006 elections, the Congolese state remains weak, with little capacity to deal with security problems on its periphery. Elements of its army, which has poor discipline, low wages and decrepit institutions, are the largest threat to its own citizens.⁸⁶ President Kabila and Prime Minister Gizenga have prioritised restoring security in Ituri and the Kivus and have said nothing recently about the LRA. Ugandan and Congolese officials have met several times in 2006 and 2007 without agreement on the LRA. The legacy of the war still taints relations, as evidenced by the fact that Museveni was not invited to Kabila’s inauguration in December 2006, but Kinshasa has an economic interest in normalising relations, as oil was recently discovered along the border in Lake Albert.

The Ugandan army’s wartime adventure in Congo scarred its reputation and makes support for re-entry into Congolese territory dubious. The wartime intervention was originally justified by claim that a security vacuum was attracting Ugandan rebel groups like the ADF.⁸⁷ Once across the border, the army pushed deep into Congo, looting its mineral wealth for personal plunder and increasing instability by backing a variety of ethnic militias. An estimated 50,000 died in Ituri in the process. On 19 December 2005, the International Court of Justice found Uganda guilty of violating Congo’s sovereignty and ruled it should pay billions in compensation. With this record, the Ugandan army is unlikely ever to be invited back.⁸⁸ Moreover, it has consistently failed to defeat the LRA decisively, and its major campaigns have often made the

⁷⁹ The SPLA provided only a fraction of the promised troops for previous monitoring assignments of LRA assembly areas. Crisis Group interviews, Juba, October 2006.

⁸⁰ See UN Security Council Resolution 1663 (24 March 2006).

⁸¹ See Crisis Group Africa Report N°106, *Sudan’s Comprehensive Agreement: The Long Road Ahead*, 31 March 2006, p. 17.

⁸² Crisis Group interview, member of government, Kinshasa, January 2007.

⁸³ Crisis Group interviews, Kinshasa, January 2007.

⁸⁴ Crisis Group interview, Congolese officials, Kinshasa, January 2007.

⁸⁵ Crisis Group interview, MONUC commander, Kinshasa, January 2007.

⁸⁶ See Crisis Group Africa Report N°104, *Security Sector Reform in the Congo*, 13 February 2006.

⁸⁷ Although the ADF was previously said to be defeated, reports of incursions and clashes with the Ugandan army increasingly appear in Uganda’s press. See, for example, “22 ADF rebels killed”, *The Daily Monitor*, 11 October 2006.

⁸⁸ Some reports suggest Congo would only allow the Ugandans onto their territory to deal with the LRA if Kampala paid \$10 billion compensation.

security situation worse.⁸⁹ Tactical performance has improved in recent years but much more is needed to translate this into victory in the remote areas of Congo where the LRA is ensconced.⁹⁰

To the extent the Congolese military has attempted to control the LRA, it has tended to worsen matters. Until recently, the only unit based in and around Garamba was the Park Regiment, mainly unintegrated remnants from Jean-Pierre Bemba's *Mouvement de Libération du Congo* (MLC) under Mai Mai command, ironically a Ugandan ally during the 1998-2003 war. It proved entirely unable to deal with LRA, while earning a reputation for abusing civilians.⁹¹ "It's difficult to distinguish soldiers from rebels here," a Congolese official in Dungu said.⁹²

MONUC's 17,000 peacekeepers look like a promising military option on paper but are stretched thin to meet Congo's massive challenges. "MONUC does not have the capacity or the mandate to be on the front lines of getting rid of foreign armed groups in Congo", said a senior MONUC official.⁹³ Its size is equal to that of the force the UN deployed in Sierra Leone but with responsibility for an area 32 times larger. Since its primary mandate is to protect civilians, densely populated areas like Ituri and the Kivus receive more attention. Its troops have not proven capable of conducting the type of operations needed against the LRA in remote areas. The sole effort to date ended in tragedy. Eight Guatemalan special forces were killed on 23 January 2006 during a botched operation in Garamba.⁹⁴ Armed with intelligence that Otti had only 50 guards, 70 Guatemalans were ambushed by 200 heavily-armed LRA.⁹⁵

MONUC is also mandated to support the Congolese army in dealing with foreign armed groups that threaten Congolese civilians or regional security. "Our role is to help the Congolese army, not replace them", an official said, "and our strategy is to enhance their capacity and encourage

them to take action".⁹⁶ The priority has been on groups that threatened the elections. With the elections now nearly over, MONUC should reassess security priorities and recognise that the LRA presence and the threat of Ugandan invasion warrant a more robust response.⁹⁷ According to a senior MONUC official, the UN's policy towards the LRA will be to "encourage a common regional approach to shared security threats".⁹⁸

⁸⁹ The most significant large campaigns were Operation North (1990-1992) and Operation Iron Fist (2003).

⁹⁰ Improved performance is attributed to better training and command, the purging of "ghost soldiers" who inflated the army's apparent strength so commanders could pocket salaries, improved intelligence gathering, and use of Mi-24 helicopter gunships.

⁹¹ Crisis Group heard harrowing stories of rape, murder, intimidation and extortion by Park Regiment soldiers. Crisis Group interviews, Dungu and Faradje, September 2006

⁹² Crisis Group interview, September 2006.

⁹³ Crisis Group phone interview, Kampala, 22 November 2006.

⁹⁴ The operation was launched without fully informing MONUC. When the Guatemalans reached Garamba, air support was over three hours away.

⁹⁵ "Doubts still shroud UN peacekeeper deaths in Congo", Reuters, 15 November 2006.

⁹⁶ Crisis Group phone interview, Kinshasa, 22 November 2006.

⁹⁷ MONUC needs to focus more on the LRA but significant post-election security threats against densely populated areas in Ituri, the Kivus and Katanga remain.

⁹⁸ Crisis Group phone interview, Kinshasa, 22 November 2006.

IV. FIXING JUBA

The Government of Southern Sudan has been instrumental in starting a process that has progressed further than any prior initiative and has yielded significant security dividends in northern Uganda. But the mediation is seriously flawed. Representation must be strengthened, substance refocused and structure reworked. Sustained international engagement is necessary to regain momentum and produce success.

A. REPRESENTATION

The LRA's diaspora delegation is so problematic that Machar invited Acholi members of the Ugandan parliament and civil society leaders to join the talks in October. While broader participation of stakeholders in the process should be promoted, such a direct role for more legitimate Acholi leaders is unnecessary and risky. The delegation viewed them as competitors, brought in to marginalise the LRA and co-opt negotiations. Angered by Machar's decision to seat them at the table and submit a position paper, it demanded their departure. Indeed, adding Acholi leaders and turning the talks into a forum for dealing comprehensively with northern Uganda's problems would give the LRA undeserved legitimacy. Direct inclusion of Acholi civil society would also risk alienating the government by potentially turning the peace talks into a forum for mobilising political opposition.

Instead, the LRA delegation should be reinforced with senior rebel military figures. Not only would this enhance its credibility, but the fighters are much more appropriate interlocutors on issues like DDR and ceasefire terms. Indicted commanders do not need to be present for the preliminary stage but when the process has matured, they should come to Juba with appropriate security guarantees. The ICC makes its own decisions but has no independent enforcement mechanism and could be urged not to push for interruption of serious negotiations. UNMIS has hinted strongly it would not arrest ICC-indicted leaders in such circumstances.⁹⁹

Ultimately, Kony must be involved in direct talks. Current attempts to reach out to the LRA leadership are a good start but the people used to make contact are not adequately respected by the LRA. A clear package of security and livelihood offers should be delivered to Kony through a respected intermediary such as the UN Special Envoy.

B. SUBSTANCE

The talks are stuck between a not fully implemented cessation of hostilities agreement and the issue of comprehensive solutions to the conflict (agenda point two), on which the LRA is not a credible interlocutor.

Rather than trying to solve all northern Uganda's complex problems in Juba, a two-track process is needed. The first part of a comprehensive peace strategy is to defuse the LRA security threat, the second to deal with reconstruction, rehabilitation, and reconciliation. Juba's second agenda point should be reformulated accordingly. Rather than attempting to identify, inventory and redress historical grievances, the parties should simply acknowledge the need for redevelopment of the north and bridging of the north-south institutional divide. Their goals should be to create a general roadmap, including a binding government commitment to follow through, with strong international backing. Confronting the past must be part of a sustainable peace but Juba's objective should be a structure, commitments and guarantors. The Acholi community, including women and youth, must be active in the redevelopment phase; the process of promoting dialogue, encouraging participation and building consensus on priorities should begin now.

The government, with international help, should take advantage of the improved situation in the north to demilitarise security by bringing in police, re-establish rule of law by building courts, improve delivery of essential civilian services and address pressing redevelopment issues such as the need for an effective land policy. Transitional justice mechanisms like a truth and reconciliation commission should deal with army abuses, including gender-based violence, during the anti-LRA campaigns. All this is necessary given the magnitude of problems in northern Uganda and would help with Juba's second agenda point.

C. STRUCTURE

Rather than dealing with the agenda point-by-point in sequence, the process should be restructured so that working groups can tackle all issues in parallel, with the plenary convening periodically to check progress. The sequential approach has meant that the entire process can be held hostage over a single issue. Small working groups would promote greater interaction and dialogue. Instead of each agenda point being its own zero sum game, parallel negotiations would create opportunities for tradeoffs and compromise. For example, the LRA might be willing to move off its position on comprehensive solutions if this were directly linked to a government concession on DDR. Altering the mediation structure in this way would also

⁹⁹ "The U.N. is absolutely supportive of the ICC, however, there are no plans to make arrests in Sudan", said James Ellery, UNMIS southern region coordinator. "Therefore that should not be used as an excuse for Kony and Otti not to show up". "UN has no plans to arrest Kony", Reuters, 14 August 2006.

provide an opportunity to reinforce the LRA delegation with fighters, who are the most appropriate to discuss issues like DDR and a ceasefire.

Structured international support should guide the process. Chissano, the UN Special Envoy, is the crucial focal point, as his efforts to break the current deadlock demonstrated. For him to carry out his expansive mandate¹⁰⁰ and make a lasting impact on the talks, however, more infrastructure is needed. He should set up a fully staffed office in Juba, and the U.S. and the UK, both of which have strong links with the government and can apply effective pressure on President Museveni, should appoint senior diplomats to cooperate closely with him.

V. FINDING LEVERAGE

A balance of persuasion and pressure is needed to produce a settlement. Without incentives for peace, including increased costs of continued conflict, the parties are unlikely to make the necessary compromises. The young Government of Southern Sudan lacks sufficient leverage so more engagement from others, particularly the U.S. and UK, is required.

A. ON THE LRA

1. International Criminal Court

The ICC's investigation and arrest warrants focused international attention on the conflict, unnerved LRA leaders and curtailed Khartoum's aid. They helped bring the LRA to the table, keep it engaged and are not insurmountable obstacles to a deal. The threat of apprehension and prosecution presents the LRA with clear negative consequences if the peace process fails. The need for accountability mechanisms in any peace deal is not an external burden imposed by the ICC but something victims genuinely want. If the ICC warrants were put on hold before an effective peace deal was in place, many other issues as well as significant questions about the commitment to peace of both parties would remain. The international community should continue to provide strong support for prosecution and only consider asking the court to suspend its activity when and if the LRA leaders begin to implement a fair settlement.

The Rome Statute offers ways to reconcile the ICC's activity with a peace deal that features robust accountability mechanisms.¹⁰¹ Such mechanisms should aim to combine traditional reconciliation ceremonies and formal legal processes in a way that satisfies both the victims' need for justice and meets the Rome Statute's standards for accountability. Whether or not they met the Statute's standards would be assessed under Article 17, which requires the ICC, under the principle of complementarity, to defer to a genuine investigation or prosecution by the state concerned (in this instance Uganda).¹⁰² The Security

¹⁰⁰ "...facilitate the search for a comprehensive political solution to address the root causes of the conflict in northern Uganda and the implications of the LRA activities in the region...develop a cohesive and forward-looking policy approach among all external actors.... [and] liaise with the International Criminal Court, United Nations missions in the Great Lakes region and regional actors concerned on matters pertaining to the indicted LRA leaders", United Nations Security Council S/2006/930.

¹⁰¹ See Crisis Group Briefing, *Peace in Northern Uganda?*, op. cit.

¹⁰² Article 17 requires the Court to determine that a case is inadmissible where it "is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution". Article 19 allows such a state to lodge an admissibility challenge once prior to trial, though second or later challenges may be permitted in "exceptional circumstances", and requires the prosecutor to suspend an investigation as soon as a challenge is

Council also has the option under Article 16 to suspend an ICC investigation for renewable one-year increments if it considers this in the interests of international peace and stability. Such a decision could be taken if there were a peace deal with adequate accountability measures, even if those measures did not meet the complementarity requirements.¹⁰³

2. External sources of support

Precautions must be taken so that the peace talks do not give the LRA an opportunity to revive and mechanisms are in place to ensure it cannot rebuild if the peace process collapses. Targeting LRA backers is not contradictory to the peace process but rather a way to support it by identifying and stopping spoilers. The Security Council should create a panel of experts to investigate and recommend sanctions against LRA sources of support. The Ugandan government objected to this in the UK's draft resolution in 2006 as unnecessary because Khartoum's role as the main supplier was well known. It will still need to be brought around but its real sensitivity is due to the fact that it was itself the target of such a body with regard to the illegal exploitation of Congo's wealth during the recent war.

Diaspora countries where many spoilers are located, particularly the U.S. and UK, should be more vigilant. Simple support for the LRA or membership of its Juba delegation is not a crime but those who have provided financial or military support in the past should be closely monitored so that the supply networks are not reactivated.¹⁰⁴

3. Regional security strategy

Active planning for a comprehensive, backup regional security strategy to contain LRA movements, divide the leadership from the rank and file and ultimately apprehend those indicted by the ICC should begin now. A forum is needed in which all LRA-affected countries and the UN missions can develop a cooperative strategy to deal with the shared security threat. It would likely involve better information collection/sharing and liaison relationships,

made. It could resume only if the Court found the state to be unwilling or unable.

¹⁰³ If the Ugandan government challenged the ICC's case pursuant to Article 19, on the grounds that accountability mechanisms met the requirements of the Rome Statute, there would be no need for the Security Council to intervene pending the determination of the challenge, as the investigation would be automatically suspended. The Security Council would need to consider putting the prosecutions on hold only if the challenge was unsuccessful.

¹⁰⁴ For example, a U.S.-based key supporter of the LRA has been presenting himself as a U.S. government official, Crisis Group interviews, Kampala, February 2007. The U.S. should consider legal action against the individual.

as well as military options if the Juba talks fail. Such contingency planning would produce negotiating leverage at Juba by demonstrating a wide international commitment to deal with the situation. The U.S. and UK should help launch this initiative, work to keep it together and offer resources as necessary. No options should be taken off the table at this point except unilateral, cross-border military action by the Ugandan army. At the same time, the U.S. should provide assurances at a senior level that it will remove the LRA from its terrorism list and not support military action against it if a peace deal with appropriate accountability mechanisms is implemented.

A regional approach is necessary both because the LRA remains a threat to destabilise not only Uganda but also Sudan and Congo, and national armies cannot deal with it on their own. Congo needs comprehensive security sector reform to train and professionalise its new national army, prevent human rights abuses and pacify an array of militias that are destabilising the east, tasks that are seen in Kinshasa as much higher priorities than the LRA.¹⁰⁵

There is a shortage of Congolese soldiers competent to take on disarming the LRA. The commandos deployed around Aba and the troops in Aru have done useful work but are too few to simultaneously seal the porous Sudan border and guard against the LRA moving east of Garamba. Poor communications and physical infrastructure hamper the army's ability to coordinate its efforts. For example, as the LRA group moved east in August and September 2006 the Aba and Aru units did not share information.¹⁰⁶ Each unit tends to operate independently and knows little about what is happening nearby.¹⁰⁷ The army badly needs training and technical and financial assistance in order to do a better job of containing the LRA.

Infrastructure for regional cooperation is also limited. The two current initiatives, the Tripartite Intelligence Fusion Cell (Uganda, Congo, U.S.) and the UN's LRA Coordination Cell, cannot give a comprehensive picture of either compliance with the cessation of hostilities agreement or LRA actions. There is no framework in which Congo, (southern) Sudan, Uganda, MONUC and UNMIS can share information for all areas where the LRA is active. The Tripartite Cell does not include Sudan or the UN missions; the UN Cell does not include representatives of the affected countries. A new regional initiative needs to include political

¹⁰⁵ For more background, see Crisis Group Report, *Security Sector Reform in the Congo*, op. cit.

¹⁰⁶ When asked why he had not spoken with the commandos in Aba, the commander in Aru said he did not have the means to call his satellite phone. Crisis Group interview, Aru, September 2006.

¹⁰⁷ Several army personnel interviewed by Crisis Group in September 2006 seemed unwilling or unable even to confirm that the LRA was on Congolese territory.

cooperation between the countries; joint contingency planning by their armies, MONUC and UNMIS; an information coordination mechanism in the border areas; and technical and financial support from key partners such as the U.S. and the UK. So that all parties feel their security concerns are addressed, non-LRA items will also need to be on the agenda, such as Ugandan support for armed groups in Congo's Ituri region, which has been documented in several U.N. reports.

B. AGAINST THE UGANDAN GOVERNMENT

Donors, who finance 40 per cent of Uganda's budget, must make clear that its army has no right of hot pursuit in Congo and that the recent Great Lakes Security Pact does not authorise it to go it alone there. President Museveni's attempt to get such authority was rejected; Uganda must either get Kinshasa's consent or convene an emergency Great Lakes summit to seek approval for military action. Any unauthorised, unilateral intervention should result in severe consequences. Donors should be prepared to use their economic leverage, including by redirecting funds from the government to direct support for humanitarian relief operations and capacity building in the north.

Donors should declare that they want to be Museveni's partner in building peace in the north and will support redevelopment but also that comprehensive solutions require active participation of northerners and that the Ugandan government will be held to its commitments. Chissano should use his good relationship with Museveni to ensure the government follows through on rebuilding the north, promoting national reconciliation and bridging the north-south divide by creating a broad-based, follow-up forum led by northerners. A senior U.S. diplomat assigned to support the process could help him by drawing on Washington's strong bilateral relationship. The November Commonwealth summit (CHOGM) can apply added pressure, while the Great Lakes Security Pact and the East African Community are additional forums in which to focus regional attention on building a sustainable peace.

VI. CONCLUSION

During twenty years of conflict in northern Uganda, hopes for peace have repeatedly been raised by promising initiatives, like those of Betty Bigombe in 1994 and 2004-2005, only to be dashed by return to conflict. The Juba process has gone further than any of these in overcoming difficulties and recording accomplishments. Although the LRA has not assembled as required by the cessation of hostilities agreement, that accord has improved security for the displaced and war-weary civilians of northern Uganda. Hundreds of thousands have either returned home or begun the process of returning home (or moved to smaller camps closer to their homes). There have been no significant attacks on civilians in the north attributable to the LRA since peace talks began.

A comprehensive solution to this conflict requires, as Crisis Group has repeatedly recommended, a two-track process. Track one, the Juba talks, should focus on ending the LRA security threat and providing a roadmap for addressing the conflict's root causes. Track two should be a follow-up national reconciliation forum in Uganda to promote inclusive participation in defining the agenda and enacting policies aimed at ending the north's political, economic and social alienation.¹⁰⁸

The Juba peace talks are the core of this project and so must be fully supported. If the negotiating parties demonstrate the necessary will and the international community provides the needed support, a lasting peace is within reach. If Juba fails, only military options are on the immediate horizon. Northern Uganda would face continued humanitarian suffering and renewed violence. But the LRA conflict is more than a humanitarian crisis in a poor and isolated area. It is also a regional security threat. The rebels' spread into surrounding states endangers the implementation of Sudan's Comprehensive Peace Agreement (CPA) and makes Congo's transition to peace difficult by raising the threat of a new invasion of its east by the Ugandan army.

Even if a deal is signed, a broad, comprehensive follow-up process will be needed to address the conditions that have created a cycle of conflict in northern Uganda. If there is no agreement, a regional strategy will be required to contain the LRA threat in northern Uganda, Congo and perhaps even the CAR and to prevent destabilising unilateral action by the Ugandan army. Regardless of whether they stay in Congo or spread to surrounding areas, the LRA would be a useful proxy for Khartoum to hold in reserve in case Sudan returns to civil war.

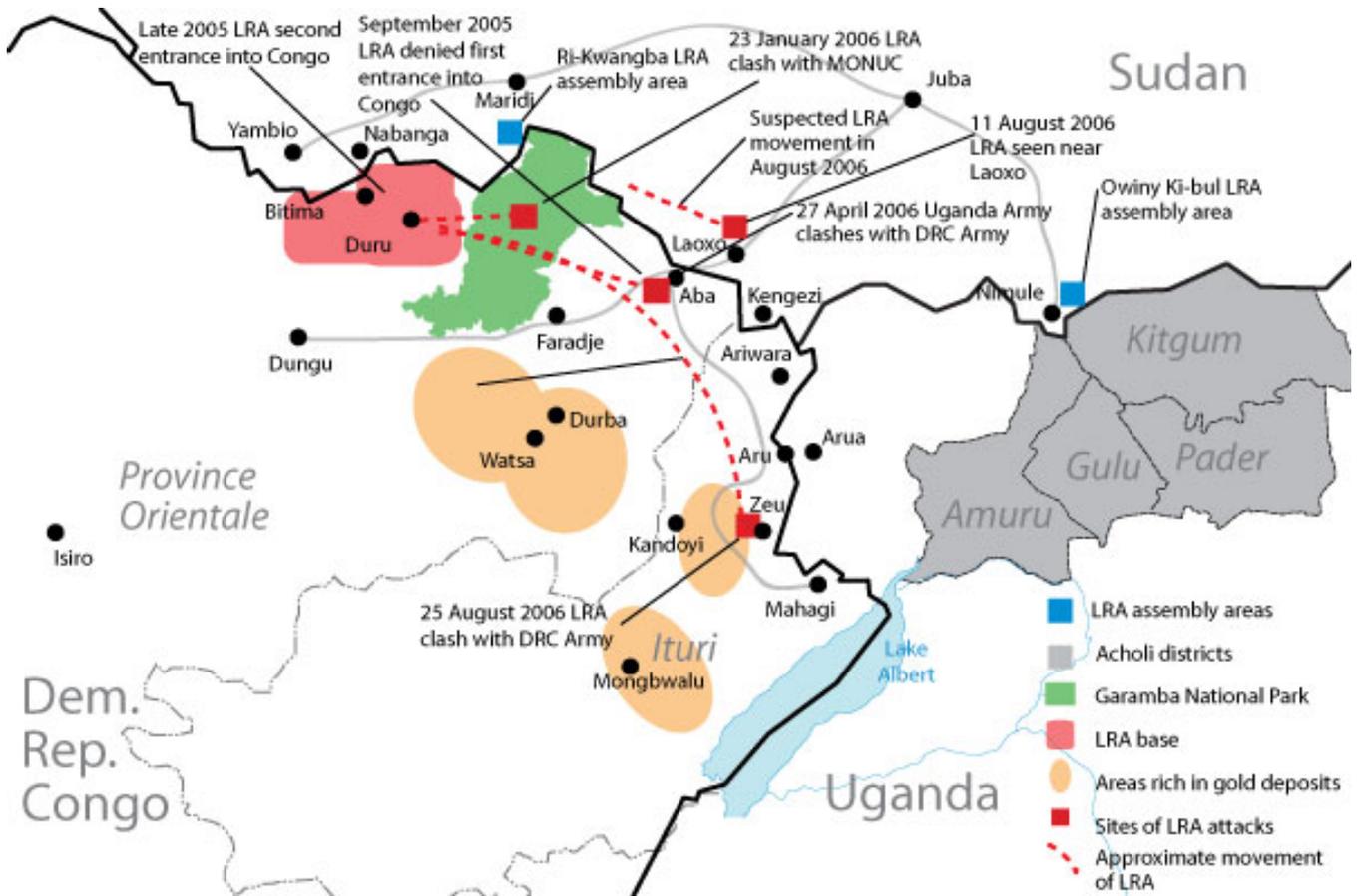
¹⁰⁸ See Crisis Group Briefing, *Peace in Northern Uganda?*, op. cit.

A comprehensive peace deal in northern Uganda would have regional ripple effects, eliminating a significant security risk, promoting stability and opening up economic opportunities. However, a peace agreement is a necessary but not sufficient condition for stability in the north. Redevelopment, rehabilitation and reconciliation will have to be urgently and systematically addressed if a new wave of conflict is not to replace the LRA insurgency. Land disputes and risk of more criminality are likely if returning fighters are not fully reintegrated into their communities. Livelihoods must be improved so that poverty, unemployment, poor education and powerlessness do not continue to create conditions conducive to conflict.

Kampala/Nairobi/Brussels, 26 April 2007

APPENDIX B

MAP OF RECENT LRA ACTIVITY



APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

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

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

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

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April 2007

APPENDIX D

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