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# **A DIPLOMATIC SURGE FOR NORTHERN UGANDA**

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## I. INTRODUCTION

Dissension, disarray, deaths, and defections within the rebel Lord's Resistance Army leadership provide a major opportunity for negotiators to pursue—parallel to an expeditious conclusion of the formal negotiations process in Juba—the conclusion of a swift deal with LRA leader Joseph Kony himself. Such a deal would seek to find an acceptable set of security and livelihood arrangements for the LRA leadership—particularly those indicted by the International Criminal Court—and its rank and file. This moment of weakness at the top of the LRA must be seized upon immediately. If diplomats don't, the LRA's long-time patron, the government of Sudan, will eventually come to Kony's rescue as it has in the past, and new life will be breathed into the organization in the form of weapons and supplies.

The time to strike—diplomatically—is now.

A deal is there for the taking, but a more formalized and regular channel needs to be opened between Kony and Ugandan President Yoweri Museveni.<sup>1</sup> The talks must be brought directly to him in his Congolese jungle hideout, since he won't go to Juba, and phone negotiations are inadequate. A robust round of shuttle diplomacy is needed now to bring Kony directly into the fold, in which security and livelihood proposals can be passed to him and final agreement reached.

Both in terms of process and substance, now is the time to place Kony center stage.

Furthermore, while a diplomatic surge is focused on Kony, donors should provide real assistance to the disarmament, demobilization, and reintegration, or DDR, process as a pull factor for more defections, as most of the LRA still in the bush are worried first and foremost about their survival after they surrender.

U.S. engagement, a necessary but largely neglected key to success, has become more visible and concerted in recent months. The United States is providing financial support for the consultation process and a special advisor for conflict resolution has been named to support peace efforts over the objections of key State Department officials.<sup>2</sup> These are overdue steps in the right direction, but much more can be done.

To keep the peace process focused and moving forward, several steps are necessary from the Juba negotiators, the U.N. Special Envoy, and the United States:

- **Deal directly with Kony on the core issues:** Addressing the LRA military leadership's security and livelihood is the neglected heart of this peace process and is best handled by directly engaging Kony. The LRA leader will need incentives to come out of the bush and end the war: his personal security and the kind of lifestyle he will be able to maintain once he is no longer commanding a predatory militia.
- **Discipline the Juba process:** The LRA's prime strategy is gaining strength and options by securing time, space, supplies, and an improved image. Donors and mediators must provide thorough oversight, reasonably tight time frames, and clear financial constraints to prevent peace talks from enabling the LRA to stall and rebuild.
- **Develop leverage by devising a fallback military strategy:** Both a clear carrot and a strong stick are necessary to bring Kony out of the bush. The current process lacks a credible backup plan to apprehend the LRA leadership should talks fall apart and countries willing to apply this leverage. While a credible Plan B military strategy is developed to give leverage to a diplomatic or legal so-

1 Until now, there have been numerous efforts to interact with Kony on an ad hoc basis. He has been given satellite phones and airtime, and Internal Affairs Minister Rugunda has gone to the bush to meet with Kony. It is time to upgrade and formalize those efforts into a concerted negotiating channel that lays out real options for Kony, backed by international actors with leverage, like the United States

2 The appointment of Tim Shortley was largely secured due to activist and congressional pressure on the administration. Shortley has hit the ground running and is playing a helpful role in demonstrating U.S. interest in peace in Northern Uganda.

lution, it is crucial that the United States and others should not endorse a premature declaration of failure of diplomacy in order to make room for a military approach that has little chance of succeeding without sufficient preparation.

- **Prepare for a follow-up process in Northern Uganda to address long-term issues of resettlement, re-development, and reconciliation:** A broad-based, inclusive forum within Northern Uganda, not Juba, is the only way to build a sustainable peace capable of breaking the cycle of conflict that has ensnared the area for 20 years. Such a process should be community-led and would include discussions on compensation and mechanisms for a truth and reconciliation process.

## II. STATE OF PLAY

A recess in the Juba peace talks stretched into its sixth month as LRA negotiators began touring Uganda for local consultations on domestic justice mechanisms while an apparently fragmented LRA military leadership turns on itself in Congo. The arrival of the LRA in Uganda to consult with stakeholders was accompanied by a meeting with President Museveni and an extension of a cessation of hostilities agreement that has brought unprecedented security for 1.5 million Northern Ugandans still languishing in squalor, displacement, and fear. Formal negotiations, however, are unlikely to begin before January at the earliest.

According to a recent U.N. report, over 400,000 people have ventured out of the IDP camps. Many others are moving back and forth to their home areas. Some people would not want to leave the camps unless a peace agreement is signed, while others cannot move because there are no schools and other basic social services such as safe drinking water and health centers in what used to be their home villages.

The regional environment is shifting and the LRA command structure is unstable, complicating ef-

forts to finish the hard work and difficult decisions that remain. There has been massive defection by LRA commanders. This string of defections began with Patrick Opio Makasi accompanied by his two wives and children, followed by 30 others. Three hundred more defectors are waiting in the wings.

Sudan's troubled Comprehensive Peace Agreement which brought an end to the 20-year war with the Sudan People's Liberation Movement and Army appears increasingly precarious, threatening to distract the government of Southern Sudan from its role as peace broker and creating an incentive for Khartoum to once again use the LRA as a destabilizing proxy force. Rumors are swirling that the Khartoum regime is in touch with Kony, an ominous sign and one that means that if the regime provides Kony with new arms and support, he could plunge the region into new rounds of violence if he is not dealt with soon. The Congolese Government and UN Mission to Congo, known by its French acronym MONUC, are preoccupied with a looming conflict in North Kivu, channeling resources and commitment away from creating a credible threat of pressure against the LRA. The LRA's operations director, Patrick Opio Makasi, defected in November, and its deputy commander, Vincent Otti, was reportedly detained and allegedly killed by LRA leader Joseph Kony.

The recent development in the LRA changes the Juba peace process dynamic significantly. Could the defections signal the unraveling of the LRA? And how credible is the LRA's peace negotiating team against the current backdrop? Kony is allegedly not talking to the LRA's chairman of its peace team at the talks. The chairman thinks Kony has sent assassins kill him and has not been participating much in the consultations.

Time is of the essence in this process. The longer this drags on, the more likely it becomes that the government of Sudan will re-inflate the LRA with new support in an effort to destabilize Southern Sudan in advance of the 2009 elections and/or the

2011 referendum. Therefore, a clear timeline must be established for the remaining steps in the process, and a direct, formal channel should be opened with Kony himself to discuss his fate and that of his top deputies, the biggest stumbling block to peace in Northern Uganda.<sup>3</sup>

### III. JUSTICE CONSULTATIONS

The June 29 agreement on reconciliation and accountability between the Ugandan government and LRA obligated each party to conduct consultations with the people of Uganda prior to talks aimed at translating the deal's broad principles into specific domestic justice mechanisms against people who committed atrocities or grave human rights abuses during the brutal conflict. The agreement is an initial attempt to tackle one of the talk's most vexing issues: reconciling the pursuit of a negotiated settlement with unexecuted arrest warrants from the International Criminal Court against four rebel commanders, including the LRA leader Joseph Kony. While the results of the consultation process are not binding on either party, it was hoped a credible consultation process would bolster an eventual deal by increasing local acceptance and international legitimacy.

While the consultation break was initially scheduled to take only one month, administrative delays and unrealistic LRA demands stalled the process for months. Unable to agree on a simultaneous process that could have saved time and money, the Ugandan government began its own nationwide consultation tour that began in August and ended on September 27. Led by chief negotiator and Internal Affairs Minister Dr. Ruhakana Rugunda, the Ugandan government's program reached out to a broad geographic and social spectrum in collecting views on what form of accountability the LRA leadership should face. Opinions appear to have been diverse, with calls for forgiveness often set against demands for some form of punishment.

After demanding \$2 million to pay for a consultation process that included a tour of post-conflict countries such as Argentina and Sierra Leone, the LRA finally agreed with donors on a slightly less ambitious and significantly less expensive \$800,000 three-stage consultation program. First, the LRA will conduct a nationwide tour of Uganda collecting views in the same way as the Ugandan government. Second, 400 to 500 people from Uganda and the Diaspora will converge near the LRA's base along the Sudan/Congo border for a large meeting to exchange views on reconciliation and accountability with Kony and his commanders. Finally, roughly 200 people will be invited by the LRA to meet in Juba, collate the views collected, and formulate clear LRA proposals for negotiations on specific justice mechanisms to be outlined in an annex to the agreement on reconciliation and accountability. LRA consultations in Uganda are scheduled to conclude by December 13, but no dates have been set for the entire process to end.

The main LRA delegation arrived in Uganda on November 1 to launch their consultations. Delegation head Martin Ojul released a white dove in Kampala as a symbolic gesture of peace, then visited President Museveni and signed an addendum to the cessation of hostilities agreement that extended the pact for another three months. Ojul then led the delegation up to Gulu and appeared on a local radio station asking for forgiveness from the local population.

### IV. CONFUSION AND TURMOIL IN GARAMBA

The landmark visit by an LRA delegation to Uganda was overshadowed, however, by a violent split at the top of the rebel's military leadership. On October 2, LRA operations chief Patrick Opiyo Makasi and his wife fled the rebel's base in Congo near Garamba National Park. Makasi turned himself in to MONUC forces in the town of Dungu one week

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<sup>3</sup> For more on how to deal with Joseph Kony, see John Prendergast, "What to do about Joseph Kony" (Washington: Enough Project, 2007), available at <http://www.enoughproject.org/node/51>.

later and was then transferred to Congolese control in Kinshasa. Makasi arrived in Uganda on October 31, where he applied for amnesty and claimed that he escaped due to escalating tensions among the LRA leadership.

Makasi's defection has been accompanied by rampant speculation about the fate of Vincent Otti, the LRA's deputy commander and the main link between the elusive Joseph Kony and the current peace process. Otti, who was normally accessible for interviews via satellite phone, became suddenly unreachable in October. According to published yet unconfirmed reports citing Ugandan security sources, Kony and Otti clashed over the direction of the peace process in early October. It was initially reported that Otti and five other commanders were executed by Kony.

It appears that the split was precipitated by Otti's belief that Kony is not interested in the Juba peace process. Earlier, Otti had to cajole Kony into meeting U.N. Special Envoy Joachim Chissano and former U.N. humanitarian chief Jan Egeland. For his part, Kony felt that Otti and Ojul had turned the peace talks into a business, and that they were buying land and houses in Nairobi, Kenya. Kony has told confidantes that Otti was planning to assassinate him and take over the leadership of the LRA.

U.N. Special Envoy Chissano and the LRA delegation to the peace talks attempted to meet the LRA leadership on October 21, but were snubbed. Kony told Chissano that a meeting was impossible because recent rainfall made rivers in the area impassable and that Otti was unavailable because he had cholera, a claim repeated by the LRA delegation during their consultations. Yet Gulu District Chairman Norbert Mao said on November 7 that he spoke with Kony, who claimed that Otti was being detained and investigated for conspiring against the interests of the LRA. Okot Odhiambo, another ICC-indicted commander, is reportedly the new second in command.

It is too soon to tell what impact these high-level defections and inexplicable disappearances will have on the peace process. In some ways, Otti was an ideal interlocutor for mediators attempting to build confidence among the LRA. Otti was older and, unlike many of the other commanders who were abducted as youth, had some education and experience in the world. He spoke English well—unlike Kony—and could negotiate directly with the mediators. Without Otti, the LRA chain of command and key decision-makers has become less clear.

On the other hand, by losing its top two military commanders below Kony, the LRA would certainly be weakened militarily in the short-term and perhaps be more prone to compromise. In meetings, ENOUGH staff has been told by several people close to the talks that Otti was often the most uncompromising and belligerent of the commanders. Otti had the most to lose from the process, whether it succeeded or failed. Otti directly led some of the most brutal atrocities committed by the LRA, and was considered by many in Northern Uganda as having the most blood on his hands. Kony has attempted to purge LRA commanders who became spokespeople and intermediaries after previous failed peace processes, a pattern that would have spelled trouble for Otti if the current initiative proved unsuccessful. By sidelining Otti, Kony could be attempting to clear the way for a final agreement by removing obstacles and individuals who could testify against him in a local or international trial.

## V. NARROWING WINDOW OF OPPORTUNITY?

Cracks in the LRA military leadership are not the only source of uncertainty about the peace process. The LRA began pursuing the current peace process because changes in the regional context, most notably the signing of Sudan's Comprehensive Peace Agreement, or CPA, reduced the LRA's room for maneuver. Recent developments in Sudan and

Congo are a reminder that these changes may not be permanent.

The Sudan People's Liberation Movement's decision on October 11 to suspend its participation in the national unity government established by the CPA demonstrated the precarious position the deal is in due to non-implementation by the ruling National Congress Party on a number of key elements of the agreement. Signed on January 9, 2005, the CPA helped in several ways to open a window of opportunity for peace in Northern Uganda. First, the LRA lost its safe haven in Southern Sudan as Khartoum relocated its forces—which had provided protection, supplies, and training to the LRA since 1994—out of Southern Sudan.

Second, the CPA created a third party, the Government of South Sudan, known as GoSS, with a clear, strong interest in ending the conflict in Northern Uganda. The GoSS needs security to implement the CPA, and the brutal, Khartoum-backed LRA is a potent threat to both the GoSS and the CPA. As a result, the GoSS was willing to play the role of peace broker and provide a forum for peace talks. Khartoum will have a strong interest in using the LRA once again as a proxy to destabilize Southern Sudan if the fragile CPA eventually collapses completely, and the GoSS's focus will shift from mediating peace talks to fending off threats.

As the fleeting window of opportunity closes and the LRA gains more alternatives to peace, the Ugandan government's patience for lengthy delays will likely erode. Efforts to ensure that the talks don't go on forever have already intensified in recent months. On October 1, Foreign Minister Sam Kutesa gave a speech to the U.N.'s General Assembly calling on time limits for the peace talks and MONUC's mandate and resources to be bolstered in case a military strategy against the LRA is necessary. President Museveni has similarly lobbied foreign governments. During a visit to Uganda on September 13, Assistant Secretary of State for Afri-

can Affairs Jendayi Frazer said the process should not be "open-ended" and the United States would support military action against the LRA if talks failed, although it is unclear what this means in terms of the level of U.S. involvement.

During a September summit in the Tanzanian city of Arusha, President Museveni and Congolese President Joseph Kabila signed an accord stating the process of dealing with "negative forces" on Congolese soil must be "demonstrably undertaken" within 90 days. The agreement does not commit either party to military action within 90 days, but calls on the Congolese government to "formulate an action plan to neutralize" groups like the LRA by January 2008. Rising tensions in North Kivu between the Congolese government and rebel General Laurent Nkunda, however, make it unlikely that the Congolese government will have the resources or capacity to prioritize dealing with the LRA within the next three months. The United States and others should work to prevent any possible premature cross-border military action by Uganda into Congo if the diplomatic track is still alive and the Congolese government is not fully supportive of such cross-border strikes, which is highly unlikely.

## VI. CONCLUSION

The Ugandan government is pushing for a rapid conclusion to the talks, and LRA delegates visiting Uganda said that a final, comprehensive agreement should be finalized by February 2008. The Ugandan government is even more ambitious, and wants a peace agreement signed before Christmas. Combustible situations in Southern Sudan and Eastern Congo, coupled with continued humanitarian suffering in Northern Uganda, make time a luxury this process cannot afford. However, the LRA consultation process is set to sprawl into January, and the rebels' fondness for foot-dragging makes further delays probable. If a swift conclusion to this long war is possible, it will require opening a

formal and concerted negotiating line directly to Kony about his security and livelihood, and those of his senior commanders.

Northern Uganda hovers tentatively between peace and conflict. The Juba peace process lingers uncertainly between agreements on broad principles and final deals on crucial details like accountability, security, and livelihood packages for Kony

and other top commanders. Bridging this difficult divide will require focused, effective leadership from the United States in support of the broader international and regional efforts. With its unutilized leverage, the United States could play the key role in preparing a final deal. The question of whether it will apply that leverage and undertake that higher level of diplomatic engagement is purely a question of political will.

## ACTIVIST ACTION REQUIRED

Call the White House (1-202-456-1414) and the U.S. Congress (1-202-224-3121) 9:00am–6:00pm EST, Monday through Friday, to tell our leaders that the United States should:

- help strike a deal with Kony to end Africa's longest war; and
- fully fund DDR efforts to reintegrate ex-LRA back into their home communities.

Sign up in advance for the Uganda Lobby Days in late February through Resolve Uganda at [www.ugandalobbyday.com](http://www.ugandalobbyday.com).



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