

NORTHERN UGANDA/LRA

Expected Council Action

The Special Envoy of the Secretary-General for rebel Lord's Resistance Army (LRA)-affected areas, Joaquim Chissano, is expected to brief the Council on 20 June. The meeting, which will be held in private Informal Consultations, is likely to focus on the increasingly bleak prospects for the peace process between the Ugandan government and the LRA in the light of the failure of LRA leader Joseph Kony to sign the final peace agreement earlier this year. There may be a review of possible options to revive the process. A Council statement is possible.

Recent Developments

The Juba peace process, by which a final accord was hoped to be signed by late March or early April, experienced a major setback with the refusal of Kony to sign the deal, insisting first on the removal of International Criminal Court (ICC) warrants against the LRA leadership. After a series of delays, Kony sacked his chief negotiator and refused to show up for a much-publicised signing of the permanent truce scheduled for 10 April in Ru-Kwangba on the Sudan-Democratic Republic of the Congo (DRC) border. Kony's subsequent assurances that he would sign the peace accord on 10 May went unfulfilled, when he again refused to attend.

During the week of 14 April the deputy leader of the LRA, Okot Odhiambo, was reportedly killed in clashes with forces loyal to Kony over the proposed final peace agreement. If the reports are

true, then Odhiambo's death would be the third to be recorded among the five LRA commanders against whom the ICC had in October 2005 originally announced arrest warrants charging them with war crimes and crimes against humanity. (One of the earlier deceased, Vincent Otti, was also killed allegedly under Kony's orders and the third one is believed to have died fighting Ugandan government forces. For further information in the ICC-LRA issues please refer to our 11 April *Update Report*).

On 30 April, the Council adopted resolution 1812, which renewed the mandate of the UN Mission in the Sudan (UNMIS) and requested the Secretary-General to submit a report on possible measures UNMIS could take to assist with the implementation of a future Final Peace Agreement between the Government of Uganda and the LRA.

In May the Ugandan government took steps to set up a special division of the Uganda High Court to try those accused of planning or carrying out war crimes and other attacks on civilians during the conflict. The government highlighted this as an act of good faith to demonstrate its commitment to the peace process, at a time when Kony had refused to sign the final peace agreement, in an effort to build confidence among the LRA forces and encourage resumption of constructive engagement. (Ugandan jurisdiction is preferred by the LRA to the ICC—although there is major uncertainty whether Kony would ever submit himself to the Ugandan High Court jurisdiction. Since no “dropping” or “withdrawal” of arrest warrants by the Ugandan government is possible under the Rome Statute, the parties in the Juba process turned to the possibility of national prosecutions in lieu of ICC prosecutions. Under the ICC's Rome Statute, this is possible under article 19. However, the ICC judges would have to determine the sufficiency of national trials as an alternative to ICC jurisdiction.)

Since late May the LRA has renewed abducting children in the southern Sudan, DRC and the Central African Republic—the three countries in which the rebels maintain bases. Kidnapped children have been compelled to join the rebels' fighting ranks, and also used as sex slaves and porters. The elusive Kony has reportedly set up base again in the DRC.

In early June, against the backdrop of reports that the LRA was rearming and training for possible attacks, DRC, southern Sudan and Ugandan military officials held a series of meetings in Kampala to map out a strategy to curb LRA activity in the region, which seems to include military options. At press time, it was unclear whether a new military offensive would materialise.

Chissano visited LRA-affected areas (i.e. Central African Republic, DRC and Uganda) from 2 to 7 June to consult with national stakeholders on the Juba peace process. The Special Envoy has reportedly not met with Kony or his emissaries since mid-May.

Key Issues

The key issue for Council members is to get a clear sense of the current state of the peace process, including an assessment of whether it is retrievable. A related issue is consideration of how best to support the Juba peace process and prevent a relapse into conflict.

Should the regional military option materialise, one issue for the Council is what role, if any, UN peacekeeping missions in the region would have. (When this question emerged in 2006, the Council seems to have accepted that a military role for UNMIS and the UN mission in the DRC (MONUC) was not a viable option. This was in light of the fact that UNMIS is not configured as a robust operation, and that MONUC's assets were stretched thin by its support to the DRC's national elections. It is still unclear what the options for using UN assets at this time might be.)

Another issue in the minds of Council members is the justice and accountability question. This includes whether to deal with it in more explicitly than previously in response to the continued recalcitrance of Kony. Explicit reference to the Rome Statute as an option has been avoided in the past in light of the reluctance of some Council members. There also remains the issue of a possible request by the Ugandan government for the Council to grant a year-long suspension of investigation and prosecution by the ICC in northern Uganda. (Article 16 of the Rome Statute establishing the ICC provides that the Council may grant such a deferral by passing a Chapter VII resolution for a 12-month period).

Options

Options for the Council include:

- deciding to hold further deliberations, including at the expert level and requesting input from the UN Department of Political Affairs, on best approaches that the Council could adopt to contribute to rejuvenating the peace process;
- issuing a statement based on Chissano's briefing, including urging the stakeholders in the region to fully recommit to the peace process; and
- adopting a statement reinforcing the trilateral process commenced by the DRC, Uganda and Southern Sudan in Kampala to develop a security strategy including by signalling to expand the mandates of MONUC and UNMIS to assist.

Council Dynamics

Council members are awaiting the briefing to assist in deliberating on how to deal with the situation. The Council has supported the peace process and Chissano's efforts and seems to consider continued commitment to the peace efforts vital to finding sustainable closure to the LRA problem.

Consensus remains among Council members on avoiding impunity for the horrific crimes committed by the LRA, but they have in the past preferred a more general call for justice and accountability on this matter without discussing specifics. It remains to be seen if recent developments, especially the reported rearmament of LRA and offensive, might trigger a change in the Council's approach.

Underlying Problems

Underlying problems include:

- a potential relapse into violent conflict by the LRA (thousands have been killed in the 22-year conflict between the Uganda government and rebels, about 25, 000 children have been abducted and two million people displaced);
- justice and accountability issues;
- addressing the issue of eventual disarmament, demobilisation and reintegration of LRA soldiers,

- the issue of internally displaced persons who continue to live in trying conditions in camps in northern Uganda. Related remaining critical concerns include addressing their humanitarian needs, facilitating their return home, and in the long-term, supporting economic development in their communities.

UN Documents

Selected Security Council Resolution

- S/RES/1812 (30 April 2008), 1663 (24 March 2006) and 1653 (27 January 2006) requested reports on LRA issues from the Secretariat.

Selected Security Council Presidential Statements

- S/PRST/2007/6 (22 March 2007) welcomed the efforts of Special Envoy Joaquim Chissano and emphasised support for a negotiated settlement to the conflict.
- S/PRST/2006/45 (16 November 2006) welcomed the efforts to solve the conflict in northern Uganda and indicated the Council's intention to monitor developments closely.

Selected Press Statement

- SC/9167 (13 November 2007) conveyed the Council's continued support for Special Envoy Joaquim Chissano's facilitation role and its views on the security and humanitarian situation in northern Uganda.

Selected Meeting Record

- S/PV.5415 (19 April 2006) was a briefing by the Ugandan government on the Lord's Resistance Army.

Selected Secretary-General's Report

- S/2006/478 (29 June 2006) was the report on the Lord's Resistance Army.

Other

- S/2007/720 (6 December 2007) and S/2000/719 (21 November 2007) was the exchange of letters between the Secretary-General and the President of the Security Council extending the mandate of Special Envoy for the LRA-affected areas and upgrading the Special Envoy's Liaison Office to a special political mission until 31 December 2008.
- S/2006/930 (1 December 2006) was a Secretary-General's letter informing the Council of Chissano's appointment and mandate.
- S/2006/861 (3 November 2006) and 944 (6 December 2006) contained the Cessation of Hostilities Agreement and its addendum.