REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE AU OBSERVATION MISSION FOR NORTHERN UGANDA AND CONFLICT AFFECTED AREAS

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I. INTRODUCTION

1. The Council will recall that, on 16 July 2006, under the aegis of the Government of Southern Sudan (GoSS), through its First Vice-President, peace talks between the Government of the Republic of Uganda (GoU) and the Lord’s Resistance Army/Movement (LRA/M) had started in Juba, Southern Sudan. The talks culminated with the signature/signing, on 26 August 2006, of the Agreement on Cessation of Hostilities (ACH) between the two parties.

2. The Agreement defines, inter alia, the LRA/M Assembly process in the Sudan, the safe passage for the LRA/M, the monitoring and the protection of the Assembly Areas. It is complemented by a map indicating the designated route for LRA/M movement into Owiny Kibul in Southern Sudan and the LRA/M no go zones.

3. Under the paragraph relating to the “Supervision/Monitoring of the Implementation”, Article 9.a of the ACH stipulates:

   a. There shall be a Cessation of Hostilities Monitoring Team (CHMT) that shall report to the Mediator and shall be composed of:
   b. Team Leader who shall be a senior SPLA military officer appointed by GoSS in consultation with the Parties;
   c. Two representatives, each of the two parties;
   d. Two Senior Military Officers appointed by the African Union;"

4. The ACH was mainly meant to allow the two parties to negotiate and sign the Final Peace Agreement and was supplemented by several other Agreements and Addenda thereafter, mainly the Agreement on Comprehensive Solutions of 2nd May 2007 and the Agreement on Accountability and Reconciliation of 29th June 2007. The sixth addendum, signed on 1st March 2008, between the two parties, stipulated in its paragraph 2 that “The Agreement on Cessation of Hostilities is extended until the Ceasefire comes into force, and in any event not later than 28th March 2008, by which date the Final Peace Agreement shall have been signed.”

5. However, the negotiations for the Final Peace Agreement faced several problems/difficulties and could not deliver. In this connection, within the framework of its efforts to consolidate the ACH, the international community had to get involved. It is within this framework that the Secretary-General of the United Nations appointed Mr. Joachim Chissano, former President of the Republic of Mozambique, as his Special Envoy for Northern Uganda and Conflict Affected Areas.

6. Soon after his appointment, the UNSG Special Envoy approached a number of African and Non-African prominent personalities/figures who could contribute to the success of the Mission. As a result, it was agreed that deployment of Military Observers (MILOBs) could be one of the means to build confidence between the two parties. Therefore, the UNSG Special Envoy turned to the African Union and requested the latter to provide 8 Military Observers to be part of the Verification Team of the CHMT.
7. It is against this background that the Commission of the African Union requested the following countries to contribute Military Officers for the AU Observation Mission for Northern Uganda and Conflict Affected Areas: Democratic Republic of Congo (01), Kenya (01), Mozambique (02), South Africa (02) and Tanzania (02). Eight Military Officers arrived in Juba between 21 April and 05 June 2007 to participate and represent the AU within the CHMT, and that is the beginning of the AU Observation Mission for Northern Uganda and Conflict Affected Areas.

**Mandate of the Mission**

8. Article 9.b of the ACH stipulates that “The Terms of Reference of the CHMT shall include, but not necessarily limited to:

   i. Monitoring the implementation of this Agreement;
   ii. Investigation and verification of any allegation of violations;
   iii. Amicable resolution of any disagreement arising out of the implementation or interpretation of this Agreement;
   iv. Analyzing and reporting events and trends to the Mediator, who will brief the Parties and the public on the progress;
   v. Reporting violations to the Mediator and cases which could not be amicably resolved;
   vi. When necessary, drafting joint statement to be approved by the Mediator;
   vii. Arranging security and escort to ensure safe arrival of LRA forces to the agreed upon Assembly Areas;
   viii. Confirming that GoSS has provided adequate security, logistical service support to the LRA Assembly Area, as stipulated in Section 4(e) of the Addendum 1 of 1st November 2006;
   ix. Determination of sanctuary referred to in point 4(a) above;
   x. Monitoring the delivery of basic assistance to the LRA in the Assembly Areas
   xi. Recommending any additional Assembly Areas, if need arises”.

9. In pursuit of the fulfillment of its responsibilities, the AU MILOBs as part of the CHMT has managed to:

   a. Investigate, fact find and verify violations of the ACH through patrols;
   b. Monitor the movement of LRA to the designated Assembly Area of Ri-Kwangba;
   c. Monitor the delivery of food to LRA at Ri-Kwangba Assembly Area since June 2007;
   d. Accompany LRA during the consultation meetings in Uganda between November and December 2007;
   e. Operate as an Advance Team during the scheduled function of the abortive signing of the Final Peace Agreement from April to December 2008.

10. Despite the fact that LRA has failed to sign the Final Peace Agreement, the AU MILOBs component of the CHMT has continued to function awaiting further instructions from the Chief Mediator.
Achievements

11. The achievements so far made in pursuit of the implementation of the ACH since April 2007 to date concern the signing of various agreements as follows:

   a. Agreement on Comprehensive Solutions between the Government of the Republic of Uganda and LRA/M, signed on 2nd May 2007;
   b. Agreement on Accountability and Reconciliation signed on 29th June 2008;
   c. Implementation Protocol to the Agreement on Comprehensive Solutions signed on 22 February 2008;
   d. Agreement on Permanent Ceasefire signed on 23 February 2008;
   e. Agreement on Disarmament, Demobilization and Reintegration (DDR) signed on 29 February 2008;
   f. Agreement on Implementation and Monitoring Mechanisms of the DDR, signed on 29 February 2008;

Management of the Mission

12. Initially, the mission was set up by the United Nations and the AU was only to provide the necessary Military Observers (MILOBs). The United Nations had to mobilize funds to support the Mission through OCHA and the Juba initiative Project (JIP) by paying the AU MILOBs and all members of the CHMT the followings: a Daily Subsistence Allowances (DSA) of US$ 70 when they are stationed in Juba, instead of US$ 90 as it was communicated to the Contributing Countries by the AU; daily risk allowances of US$ 50 and communication allowances of US$ 30 per day, when carrying out mission in the field.

13. Currently, all members of the CHMT, including AU MILOBs, have not been paid their DSA since September 2008, because the donors' funds have depleted and the Project could not pay MILOBs' DSA until new contributions are received. These financial difficulties and the absence of further contributions to support and sustain the Juba Peace Initiative occurred in a context marked by the refusal of Joseph Kony to sign the Final Peace Agreement (FPA) – which was supposed to have been signed on March 2008 in line with the provisions of the Sixth Addendum.

14. It is worth mentioning that the AU has opened a Liaison Office in Juba to follow up the implementation of the Comprehensive Peace Agreement (CPA). The Office has a Military Advisor and is fully operational. The AU Observation Mission for Northern Uganda could be attached to this Office for administrative matters.

II. PROBLEMS ENCOUNTERED BY THE AU COMPONENT IN THE CHMT

15. Since its inception this mission has faced a series of serious challenges. The present situation can be summed up as follows:

   a. Absence of an AU mandate:

      Although the AU Observer Mission for Northern Uganda and Conflict Affected Areas was taken over by the AU from the United Nations, there was no AU formal mandate from the Peace and Security Council or any other AU body on the establishment of the Mission.
b. **Payment of Daily Subsistence Allowances (DSA) and other entitlements:**

All members of the CHMT, including AU MILOBs, have not been paid their DSA since September 2008.

c. **Problems of Rotation of AU MILOBs**

Personnel Contributing Countries have, through Note Verbals addressed to the AU Commission, requested that their Military Officers serving in the CHMT be rotated. **However, financial constraints have made it difficult to meet the requests of the countries concerned.**

III. **RECOMMENDATIONS AND WAY FORWARD**

16. Despite the various challenges, the CHMT has earned a reputation for professional and helpful contributions. It is proposed that the CHMT should not perform its duties in its present form where it continues to receive funds from donor countries under the responsibility of the GoSS. It is recommended that;

- the AU PSC approves the operation of the CHMT under an AU mandate to enable the mission to continue; and

- the AU PSC approves the deployment of an AU Observation Mission for Northern Uganda and Conflict Affected Areas, composed of 8 Military Observers, for a duration of six months renewable, with the tasks enumerated in paragraph 8 above;

- This will enable the Commission to approach AU partners to seek their support and look at other possible sources of funding. At the same time, steps will be taken for the AU Liaison Office in Juba, South Sudan, to provide support to the MILOBs in matters relating to administration.

17. The Commission wishes to put on record its appreciation of the work performed by the AU MILOBs serving in the CHMT and to the Governments of their respective countries of origin for their efforts, commitment and perseverance.