

Searching for solutions in Juba: an overview

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The Juba talks were not supposed to end the way they did. After an elaborate and often inclusive negotiating process between the Lord's Resistance Army/Movement (LRA/M) and the Ugandan government – involving dialogue unparalleled in twenty years of violent conflict – the LRA/M ultimately refused to sign the final agreement in 2008.

Since then the Ugandan government has pursued the LRA militarily across Southern Sudan, the Democratic Republic of Congo (DRC) and Central African Republic (CAR), and the LRA has carried out atrocious attacks. As of December 2009, the LRA leadership has neither been caught nor killed, and LRA military strength remains unclear. This article reflects on why the talks failed and asks what lessons may be learned.

Background to peace talks

Before talks in Juba began in summer 2006, the results of minimal previous political negotiations between the warring parties had been disheartening, leaving little hope that any peace venture could work. Past negotiations had failed because LRA demands had not been clear, the Ugandan government had issued deadlines or launched attacks, and grievances at the heart of the conflict had not been addressed.

By 2005, in the wake of failed peace efforts and inconclusive military campaigns, reliable contact with the LRA had broken down. International hostility towards the LRA was growing, notably embodied in the controversial investigation into its abuses by the International Criminal Court (ICC) that led to warrants being issued against five LRA commanders in July 2005.

The Sudanese government's support for the LRA weakened after Khartoum signed the Comprehensive Peace Agreement (CPA) with the Sudan People's Liberation Movement/Army (SPLM/A) in January 2005. The CPA led to the creation of the semi-autonomous Government of Southern Sudan (GoSS), which had its own interest in ending LRA violence. Its new Vice President Riek Machar began to investigate the possibility of facilitating negotiations rather than relying on force to push the LRA out of Sudan. Southern Sudanese politicians had been receiving signals from both conflict parties that a major obstacle to a peaceful settlement had been the lack of a common platform for talks, or a trusted mediator, but that by early 2006 the timing for GoSS to offer such platform seemed right.

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The Netherlands-based non-governmental organization IKV Pax Christi had also been seeking to bring the warring parties to the negotiating table, driven by the belief that talks involving civil society were the only viable option to bring lasting peace [see Assefa interview, p. 14].

While Machar was attempting to reach the LRA leadership, LRA/M representatives were reaching out to Pax Christi, who facilitated initial contact with Machar. After a series of covert meetings, Machar was able to relay the LRA's preparedness for peace talks to the Ugandan government.

Talks opened in Juba on 14 July 2006. The delegations swiftly agreed a negotiating agenda:

- 1) cessation of hostilities
- 2) comprehensive political solutions
- 3) justice and accountability
- 4) demobilization, disarmament and reintegration (DDR)
- 5) a permanent ceasefire

Detailed and important agreements were eventually reached for each item. But creating momentum and political will proved arduous and the talks struggled to achieve the level playing field necessary to build trust between the parties. The reasons for these difficulties and ultimately for the failure of the talks are discussed below. They include: mismatched motivations and expectations of the parties; asymmetries in their negotiating capacities and mandates; continued violence and distrust; the complexity of the interests being represented and the difficulty in managing the talks process; and international actors' problems in fully supporting the talks.

Different motivations and expectations

The parties arrived at the table for different reasons and with different agendas. Each side was under international pressure and saw the process as an opportunity to reposition itself. With the LRA squeezed as a result of the CPA and the ICC warrants, peace talks offered it the chance to neutralize these threats and also to reinvent itself as the voice of all Ugandan opposition.

The Ugandan government saw the opportunity to present itself as working with renewed focus on its northern regions in the face of growing international criticism. However, the Ugandan government perceived the talks as a time-restricted means to work out the technicalities of ending the LRA's



insurgency, while the LRA saw them as an open-ended political process. These contrasting perceptions conditioned both parties' expectations of the talks, creating a major obstacle to a successful resolution.

The government claimed to have largely defeated the LRA and purportedly saw it more as an irritant than a political opponent. Kony's survival remained a personal affront to many in the Ugandan security establishment who had spent years fighting him, but talks were tolerated as an opportunity to draw a line under two decades of conflict by offering the LRA a negotiated 'soft-landing'. The government delegation's brief was to offer the carrot of amnesty to Kony and his commanders while deploying the stick of deadlines and military action. The government saw no contradiction in continuing military operations as part of a spectrum of measures to push the LRA to a largely technical agreement.

The LRA/M delegation, however, reassured by international support for the talks, was dismissive of the amnesty offer and considered deadlines and military pressure as contradictory to the spirit of a political peace process. It approached the negotiations as a chance to re-politicize a conflict that had come to represent seemingly senseless violence. Soliciting extensive international press exposure for the first time, the delegation sought to redefine narratives on the war and identify what it saw as the root causes of the conflict. It argued that the LRA had been successfully fighting a legitimate war against an oppressive government. The inclusion of members of the Acholi diaspora in the negotiations signalled that this was a time to address longstanding grievances.

Many observers believed the LRA leadership's real motivation was to buy time to regroup and that its participation was primarily a smokescreen. Whether the LRA/M was sincere in its attempts to find a political settlement is moot, but the diversion theory does not account for how much the LRA/M exposed itself through the Juba process: the mythologizing of Kony was a major element of the LRA's war strategy, which was lost with the extensive press coverage that came with involvement in Juba. Whatever its intentions, the LRA ultimately damaged its own credibility as a political actor in the talks by struggling to formulate its political agenda,

collapsing into disunity and power struggles, and continuing to commit atrocities against civilians.

Representation and negotiating strength

A second fundamental difficulty for the talks stemmed from the mismatched delegations. Neither conflict party was represented in person by its principal actor: the LRA's Joseph Kony and Uganda's President Yoweri Museveni remained remote from the process. The government delegation was experienced and included high profile politicians such as Interior Minister Ruhakana Rugunda. However the sincerity of the initial team was somewhat compromised by the inclusion of the military commander who had long been in charge of the operation against the LRA. This appeared to confirm LRA suspicions that atrocities it had carried out would be given more attention than those committed by the Ugandan army. The government delegation sent a lot of mixed signals, but also patiently accepted the time-consuming Juba set-up and the often amateurish demeanour of the LRA/M delegation.

The representation problem was much more acute on the LRA side, with a delegation composed mainly of members of the Acholi diaspora. Members of the LRA/M delegation complained that they lacked technical assistance for research and negotiation and were unable to present themselves as equal partners. Moreover, their link to the LRA high command was tenuous. Machar tried unsuccessfully to strengthen the LRA/M delegation by convincing Vincent Otti, the LRA's second-in-command, to join the talks.

The delegation's link to people on the ground can also be questioned. While many Acholis in Uganda have a shared sense of political marginalization and antagonism towards the Kampala government, they have also borne the brunt of both LRA and Ugandan army violence. The need for an urgent resolution of the conflict was not necessarily felt as strongly by Acholi diaspora wanting to rectify the events of the 1980s at the root of the conflict. As the peace talks gathered pace, some delegation members pushed through their own personal agendas and political interests, causing tensions within the delegation and Sudanese and Ugandan civil society.



Ruhakana Rugunda (L), Riek Machar (C) and Martin Ojul (R) exchange documents at Juba. © PETER MARTELL/AFP/Getty Images

Continued violence and distrust

The first agreement, the Cessation of Hostilities (August 2006), was almost instantly violated by both sides and was difficult to monitor due to limited resources. Some violations were due to the vagueness of the agreement. The assembly areas were not clearly demarcated – specifically in the proposed assembly site east of the Nile – and neither the LRA nor the Ugandan army were clear where they should assemble. Other violations were deliberate. Observers noted that the proposed eastern assembly area had been fully surrounded by Ugandan troops. Helicopter attacks on the LRA were reported by Southern Sudanese military on the ground, although the Ugandan government denied this. The LRA retaliated violently against Ugandan troops and Sudanese civilians. Such violations damaged the credibility of the Juba talks, undermining expectations that peace negotiations would bring an end to violence.

However, the main sticking points from the LRA's perspective proved to be the agreements on justice and accountability and DDR. To Kony, the hierarchy of local justice procedures, Uganda's new special division of the High Court and the ICC was not clear [see *Afako article*, p. 21]. Agenda item four on DDR did not clearly spell out what would happen with the LRA and Kony immediately after signing. The lack of trust between the conflict parties had created a chasm between what could be negotiated and what could be trusted.

Multiple voices and parallel processes

Attempts to allow a voice for a broad range of actors, notably the way in which Ugandan parliamentarians and civil society groups were involved as observers, should have helped to build a credible and locally-anchored peace process. However, with so many different interests at stake, the Juba talks at times became an instrument for multiple political agendas, as interested parties sought to use the LRA cause to voice their own complaints against the Ugandan government.

A number of other points of contact between Acholi representatives may have had a positive impact on inter-Ugandan political dialogue, but in fact muddled communication with the LRA as different actors emphasized different positions to them.

It also proved difficult to find a united civil society position across the Sudan-Uganda border. This became clear when Sudanese

and Ugandan Acholi held separate workshops in June 2006 and March 2007 respectively. None of the agreements negotiated at Juba dealt with how issues of accountability and reconciliation applied to the southern Sudanese, and many members of Sudanese civil society felt that their concerns were not addressed.

All this made the content of the main Juba talks very difficult to manage. If mediation at Juba could not bridge all the gaps between the parties, confidence in the main process may have been further eroded by the need for a parallel set of negotiations between representatives of the LRA/M delegation and a different group of government negotiators in Mombasa in the spring of 2007, under the auspices of Pax Christi. The Mombasa meeting produced an outline of an agreement, and in some ways kick-started the stalled process. But it also exacerbated distrust within the LRA/M delegation, and contributed both to a split in LRA leadership and to the spiralling complexity of the talks process.

International involvement and the question of justice

Deliberating justice issues in the shadow of ICC warrants for several LRA leaders brought the relationship between peace and justice into sharp focus in Juba, and divided local and international opinion. As many supporters of the ICC were caught between backing the talks and protecting their investment in the international court, the prominent perception of Kony and the LRA as irrational, religious fanatics, unable to negotiate meaningfully, allowed international actors to evade a clear stance on whether they were prepared for political compromise with the LRA. The result was ambiguous and piecemeal international support for the talks, which failed to create the necessary conditions or political incentives for final agreement.

Operationally the talks also proved a major challenge. After initial confusion, the UN Office for the Coordination of Humanitarian Affairs (OCHA) took the lead, culminating in OCHA head Jan Egeland's visit to the LRA in the bush in late 2006. OCHA was struggling with the task and, as Egeland explains in this issue [see *Egeland interview*, p. 19], the fact that a humanitarian delivery agency like OCHA had to facilitate a political process at Juba exposed problems of coordination and capacity within the UN system.

The establishment of the UN Juba Initiative Fund (JIF) in October 2006 initially appeared to address the talks' early financial problems, promising a large cash injection. But this too encountered problems, as broad consultations made disbursement sluggish, while the sudden influx of money may also have contributed to a rift within the LRA. In general, oversight of progress at the talks was insufficient to encourage the parties to overcome their mutual distrust and negotiate in good faith.

In an attempt to rectify this shortfall in trust, former Mozambican President Joaquim Chissano was appointed as UN Special Envoy to LRA-Affected Areas in late 2006. He has been credited with bringing international gravitas to the process and maintaining its momentum, as his appointment

seemed to emphasize the UN's commitment to treating the conflict as both regional and political. But he has also been criticized for not taking a clear stance on the military offensive launched by the Ugandan army in December 2008.

The involvement of the US army's Africa Command (AFRICOM) in military strikes after the talks echoed earlier doubts expressed about US interests at the talks. Washington's position vis-à-vis the conflict in Uganda has not been clear as it seems to have mixed attempting a political solution with a new approach of strengthening local military capacity. A US representative joined the mediation team in 2007, almost at the same time when the establishment of AFRICOM was announced. Confusion over AFRICOM's mandate added to the suspicion that it would provide military support to the Ugandan army – as indeed it did.

In sum, international actors did not send clear signals about their support for the talks or the specific agreements. Moments of strength and decisiveness, for instance when international actors such as Chissano were able to unlock a difficult situation, were the exception. Leverage was too often either unavailable or not used by a conflicted and cautious international community.

Towards a new approach

After the Juba process ground to a halt in late 2008, the search for a solution again turned to military options. The Ugandan army, supported by AFRICOM and the armies of DRC and Southern Sudan, launched Operation Lightning Thunder on 14 December 2008 by bombing the LRA's camp. The operation's official mandate was to put pressure on Kony to sign the agreement, but a continuing lack of success prompted a shift in objectives to weakening the rebels and destroying their command structure. Neither aim seems to have been fully achieved, and the humanitarian impact in vast parts of Southern Sudan, the DRC and CAR has been catastrophic.

The LRA has retaliated with brutal massacres. Increased army presence has left civilians in three countries feeling vulnerable rather than better protected. An estimated 400,000 people have been displaced with extremely limited access to humanitarian aid.

Peace may still elude the region, but the Juba talks have left a legacy. There has been renewed debate on the role of international justice in 'local' peace processes, as well as fresh perspectives on the history of the LRA insurgency and some of the legitimate grievances of the people of northern Uganda.

Agenda item two outlined more comprehensively than any previous negotiations a plan for ending the political marginalization of northern Uganda. The Ugandan government's commitments to northern Uganda's recovery were one of the more successful aspects of the process. Three years of talks with regional involvement and five substantial negotiated agreements have enabled the return of the majority of IDPs in northern Uganda and the basis for a Peace, Recovery and Development Plan for the north (the Ugandan government launched the PRDP in October 2008; implementation began in April 2009). Agenda item two may still serve as the starting point for a future peace process.



Top: Machar arrives in Nabanga for the Final Peace Agreement signing ceremony.

Above: Dignitaries wait for Kony at the signing ceremony.

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Machar has publicized his desire to pursue negotiated and creative approaches to conflict resolution. Current LRA/M representatives have called for a ceasefire to re-establish contact with their leadership. The Ugandan government has stated that it is still open to a deal if Kony decides to sign the negotiated documents.

But the intense emphasis on Kony as a 'one-man obstacle' to resolving a regional conflict now involving several armies and UN peace operations may not provide the full picture. His failure to sign the deal after an elaborate and in many ways inclusive negotiation process might signify his lack of commitment to a peace deal, but it may also point to bigger issues.

The Juba talks have shown that a minimum level of political will on the parts of all negotiating parties is necessary for a peace agreement to be reached and for it to have traction thereafter. Political incentives can be strengthened or weakened by the international community and conditions were not optimized for a successful outcome at Juba. Technical asymmetries and issues of legitimacy hampered the LRA delegation and, although progressive, the models of inclusiveness applied in the process did not always facilitate trust or clarity.

Peace and negotiation processes are increasingly recognized as necessarily complex affairs that should look beyond the exclusive interests of the parties to reflect the reality of the conflicts they seek to resolve. But the Juba talks were not able to balance inclusiveness with efficiency to deliver a deal. Wider tensions ultimately won out. In practice, it was not possible to reconcile international justice imperatives and their political implications with achieving a negotiated peace settlement. Juba has demonstrated that supporting peace processes in the light of the Rome Statute requires new thinking.