

# Interview: Julian Hottinger

## Perspectives of a mediator

### Can you describe Switzerland's early involvement in the Juba process?

Switzerland had been active in negotiations in Naivasha, Kenya, that led to the signing of Comprehensive Peace Agreement between the Government of Sudan and the Sudan People's Liberation Movement/Army in 2005.



The Government of Southern Sudan (GoSS) told us of their desire to discuss with the Lord's Resistance Army (LRA) how to put a stop to the killing, the abducting and the raping of local Sudanese communities, and how they could get the process started: how to get an LRA delegation to negotiate in Juba that was genuinely representative of the LRA high command.

By mid-June 2006 there was a rough idea of what the LRA wanted to discuss, more or less the famous five-point Juba agenda. We were conscious of the International Criminal Court (ICC) issue and of debate back home about sensitivities on agenda item three on reconciliation and accountability.

At the beginning there was a lot of technical work to see what could be done, what could not be done, how to sequence things and how to be careful not to leave gaps. So we discussed how we could design a process that was extremely complicated due to the fact that we had an LRA delegation coming to Juba while the LRA representatives we really had to negotiate with were still in the bush. It was group work where everyone was chipping in, bringing in their own expertise, knowledge and experience, while at the same time trying to figure out what would work best and if that did not work, what would be the alternatives.

### How did you respond to debates on justice and peace in Juba?

The GoSS supported Switzerland having contact with the ICC. We had been very active in the treaty of Rome. So it

was important that we had an ambassador who would be explaining to the ICC what we were doing in Juba while I would be assisting and advising the mediators, although I would not be mediating directly.

In June 2006 there was concern that the Juba process would risk sacrificing justice in the name of peace. We decided we would take part very actively in Juba but that we would not engage on issues to do with accountability and justice. We felt these issues should be dealt with by Africans, as they were better placed than Europeans or Westerners to handle these issues in ways more understandable in the region.

Following long nights of discussions I was comfortable that a solution could be found through the creation of some form of special court that would operate within Uganda. This concept was vague in the beginning. But we did have a clear idea of alternatives that could deliver some form of justice without prejudicing the ICC.

### Can you comment on the roles played by different UN bodies in Juba?

Early UN engagement, led by the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), was appropriate at the start of the process, when we were also concerned with humanitarian issues such as the abduction of children by the LRA and internal displacement.

The arrival of President Chissano as the UN Secretary-General's Special Representative in December 2006 had a positive impact. He brought new weight, visibility and interest from the international community. The LRA was quite nervous and sometimes distrustful of the Juba process. Chissano could explain things differently, review the timetable of the talks and certain angles of the agenda.

Chissano also brought diplomats from regional countries into the process and they helped him to map a potential solution. He kept both Kampala and Kinshasa well briefed on what was happening. So there was a will to look beyond the borders of southern Sudan or northern Uganda, to the totality of the areas affected by the LRA, which was of course Chissano's mandate.

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### **What is your overall assessment of the international community's impact on the Juba talks?**

The process was quite isolated in Juba so international impact was limited. But we managed to build the process into what at least looked like an agreement that had potential to solve the problems. This was extremely important.

At the same time there was a global debate on the ICC and whether or not you negotiate with indicted combatants. That debate is without doubt healthy and needed. There is a lot of misunderstanding. There is a feeling in Africa that Africans are being put under pressure by international justice. The debate has not been conclusive for Juba. But it has made people think about the issues. Maybe the context we were caught in at the beginning of Juba in July 2006 will not repeat itself elsewhere.

### **What was lacking from the Juba set-up?**

In Juba we were not able to build confidence. LRA delegates at Juba were not the key decision-makers. They were constantly consulting the leadership while some issues being discussed were beyond their knowledge or understanding and needed explanation. Things said in Juba would be interpreted differently in the field or in Garamba Park.

### **What are the lessons you have drawn from Juba?**

The first lesson is: African processes for African conflicts. This relates to dynamics, structure, and how a process functions and organizes itself and its way of doing things. And it responds to demands that different African peace processes are treated differently.

Second is the fact that Uganda is a democracy. It was not just the government talking to the LRA. Parliamentarians representing the Acholi people in northern Uganda participated in the process, as well as parliamentarians from the Ugandan legislative and the regional structures. Mediators have to take into account the opinions of those representing the people and how these work regarding domestic political agendas as well as within the peace process. The Acholi community's involvement should have been better organized. They were running up to Garamba to discuss issues with the LRA while not necessarily going through the process and there were different levels of discussion taking place.

The third lesson relates dealing with delegations of parties that do not necessarily represent the parties themselves. Obtaining some form of agreement when the real decision makers are not at the table was an issue that we knew was going to be a constant problem, which it remained until the very end.

### **Would you say the Juba talks were a success?**

I believe the process showed that you can negotiate with some very, very difficult groups. We made more progress with the LRA than we have in years. I believe that until the disappearance of LRA second-in-command Vincent Otti in

2007 there was some real will within the LRA to find a solution. After that maybe things slipped out of control. Various elements of the Juba agreement have started to be implemented inside Uganda. And Juba has provided a framework that addresses the issues. If negotiations ever start again it is quite possible that this framework will be of great help.

But it would be dishonest to say they were a success. While the Juba talks have made the situation much better in the northern part of Uganda and have been very valuable to the Acholis for the moment, the problem has been displaced and has created hell for others. In Juba, until the last moment we were never sure if we had a deal or not. There is a feeling that Africans are being put under pressure by international justice. The debate has not been conclusive for Juba. But it has made people think about the issues. Maybe the context we were caught in at the beginning of Juba in July 2006 will not repeat itself elsewhere.