

Reaching the 1985 Nairobi Agreement

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The Nairobi peace talks, or the 'Nairobi peace jokes' (as they were later derided), culminated in the signing of an agreement between the military government of Uganda and the National Resistance Movement/Army (NRM/A) in December 1985. The process took four months of haggling and cajoling. President Daniel Arap Moi of Kenya presided over the proceedings. The NRM/A was led by Yoweri Museveni and the government of Uganda was represented by the Military Council headed by General Tito Okello Lutwa. The Military Council was a coalition of semi-autonomous armed groups, the principal partner being the national army, the Uganda National Liberation Army (UNLA). The other council members were insurgent forces formerly arrayed against the second Milton Obote administration. They included the Federal Democratic Movement of Uganda (FEDEMU), the Uganda Freedom Movement (UFM), the Uganda National Rescue Front (UNRF) and the Former Uganda National Army (FUNA). Talks began on 26 August 1985 and ended with the signing of an agreement on 17 December 1985.

Gen. Okello and Brigadier Bazilio Olara Okello had overthrown Obote on 27 July 1985, with the army installing Gen. Okello as Chair of the Military Council and head of state. When Gen. Okello announced the coup against Obote, he specifically and publicly invited Museveni and the NRM/A to cease hostilities and join in national reconciliation and nation-building. All fighting forces except the NRM/A responded positively to the call and joined the Military Council in Kampala. In an effort to end the awkward stand-off, Gen. Okello's government sought a political and negotiated settlement with Museveni's NRM to put an end to Uganda's political instability and cyclical fratricide.

Three days after the coup, Gen. Okello met President Mwalimu Julius Nyerere in Dar es Salaam to ask him to mediate in talks with the NRM/A. Dar es Salaam and Nyerere were obvious choices for three reasons. First, Nyerere was popularly seen as a benefactor to Uganda for his role in opposing and overthrowing the military



dictatorship of Idi Amin. Second, Gen. Okello was himself a former colonel who escaped Amin's purge against the Acholi and Langi and found refuge in Tanzania. He returned with the Tanzanian forces that overthrew Amin. Third, Nyerere was an African elder statesman whose honesty and influence were second to none in East Africa. However, for tactical and strategic reasons, Nyerere and Dar es Salaam were unacceptable to Museveni and the NRM, and their delegation failed to turn up in Dar es Salaam for the first scheduled round of talks. The Kenyan independent *Weekly Review* of 20 December 1985 suggested that Museveni rejected Dar es Salaam because the NRM was wary of Nyerere's friendship with Obote, and viewed the Military Council and the UNLA as a continuation of Obote's regime. As an alternative, President Arap Moi was approached and the venue for talks moved to Nairobi.

Negotiating agendas and agreements

The Nairobi talks centred on negotiating a new power-sharing formula that would adjust the composition of the Military Council controlling the Ugandan state. The parties agreed to an immediate ceasefire, to be implemented by their field commanders within forty-eight hours of the signing of the agreement. The parties agreed to form a coalition government under the Military Council with Tito Okello remaining as Chair of the council and head of state and Museveni as Vice Chair. Each fighting force nominated its representatives on the Military Council, with seats allotted as follows: seven for

the UNLA; seven for the NRA; three for FEDEMU; and two each for UFM and FUNA. Museveni's seat on the council would be one of the seven allotted to the NRA, but Gen. Okello's would be in addition to the UNLA's seven seats.

The course of the negotiations was, however, arduous and ultimately unsuccessful. The parties' uncompromising attitudes resulted in the talks extending over four months. They began the talks by hurling insults at each other and continued to do so throughout the proceedings. Museveni denounced previous regimes in Uganda as 'primitives' and 'backward'. He initially refused to negotiate with the Military Council delegation, dismissing them as 'criminals'. He in turn was accused by the Military Council of delaying the negotiation process unnecessarily. He then failed to show up for three consecutive days, having left for Europe through Dar es Salaam. On his return, Museveni and the NRM/A raised new demands for the agenda. Once agreement was reached on an agenda item, Museveni would change his position the following day, or put forward new demands on the same matter. For instance, at one point he insisted that, as he was the head of the NRM/A, Tito Okello was merely the commander of another factional army, not a head of state, although Okello's status had been agreed earlier as a basis for the negotiations moving forward. President Moi considered this demand 'disrespectful' and overruled it. But Museveni's repeated reintroduction of supposedly resolved issues prolonged discussions considerably.

Similarly, both sides accused each other of maintaining links with former pro-Amin soldiers. In the push to oust Obote in 1985, Brig. Bazilio Okello and Gen. Okello had sought and received the collaboration of former pro-Amin soldiers operating from southern Sudan as insurgents. At the Nairobi talks, Museveni dismissed them and the Military Council again as 'criminals'. He was confronted by Olara Otunnu, then Minister of Foreign Affairs for the Military Council, who pointed to Museveni's own pact signed in Tripoli, Libya, with former pro-Amin soldier and minister, Brigadier Moses Ali. Also, a former senior minister under Amin, Abubakar Mayanja, ranked high in the NRM hierarchy. Museveni is reported to have retorted that Otunnu simply did not understand the 'art of revolution', and criticised Otunnu's defence of Obote's human rights record when he was Uganda's ambassador to the UN in the early 1980s.

Failure of the accord

The ceasefire broke down almost immediately. By 25 January 1986, the NRM/A had marched into Kampala. With the collapse of the Nairobi Agreement conflict and instability resumed. The new government soon found itself fighting fresh rebellions in the north and west.

In most insurgencies, the very nature of the state is contested. In such cases durable peace results from the development of a framework that accommodates the aspirations of the conflicting parties and facilitates a common vision for the country's future. The nature and vision of the Ugandan nation and the state continue to be contested. With hindsight, it is evident that the NRM/A had a clear political agenda of creating a new Uganda without the old political order. Since its ascendancy to power, the NRM has re-established the kingdoms with limited powers and without holding a referendum, and constituted the no-party 'movement' system of governance. Both initiatives have been controversial. Had the mediators been aware of the various and competing voices and visions in the Ugandan conflict, and had they sought to address these wider issues, the final agreement would perhaps have been more sustainable.

What went wrong?

The breakdown of the Nairobi Agreement raises questions about what went wrong and what could have been done differently. Some aspects of the process particularly stand out as ill-advised:

Conflict analysis and preparation of talks.

Neighbouring Kenya was the sole facilitator and mediator of the process. Yet the Kenyan team lacked in-depth understanding of the conflict, of the key personalities involved and the roles of other governments and external actors. Negotiators can change their positions and strategies, so mediators must remain attuned to the

political and psychological pulse of the key leaders. If the Kenyan team had better understood the Ugandan situation, they would not have hurried the signing of the agreement – or even rushed the parties to the negotiating table.

Relationship with the negotiators. The mediators' relationships with the main leaders of the parties in conflict can shape the outcomes of the negotiation process. Intensive contact and dialogue with key leaders is absolutely necessary to build this relationship. Meeting these figures in their own territory – even if this involves travel to the bush – can provide a better understanding of the personalities involved. Greater mutual understanding of each party's point of view and aspirations can emerge through unstructured and informal dialogue, unrestricted to any particular subject but covering a full range of issues. In addition to building relations between the parties to conflict and the mediators, it is vital to establish communication and understanding between representatives of the parties. Because it is often difficult for these leaders to communicate directly, 'back channel diplomacy' through the efforts of a third party can be helpful. In the Nairobi process these relationships were never forged.

Understanding of the primary parties. The mediators did not assess the internal power structure of the NRM/A. They did not know the key figures or their views on the talks. Nor did they know whether the leaders were in full control of their fighters and therefore capable of 'delivering' their constituencies to fulfil commitments made in any agreement. The perils became clear for the Nairobi mediators when, at Museveni's request, they met the NRA high command in Kabale. They shredded the Nairobi Agreement documents, demonstrating that they would never share power with the generals they did not respect.

Secondary parties. It is extremely difficult to sustain an insurgency without at least a degree of tacit support from external and internal sources. In this case, it appears that Burundi, Rwanda and Libya were involved as key secondary 'stakeholders' backing one or other of the primary parties. Yet the Kenyan team failed to assess the interests of other countries in the region and their support for the parties, and therefore could not ascertain whether they would support a negotiated settlement. If these countries had been supportive, the team could have used their leverage to induce commitment and to provide insurance for the agreement.

Motivation for negotiations. It would also have been helpful for the Kenyan team to ascertain at the very beginning whether the government and NRM/A genuinely wanted a negotiated settlement. There was no unequivocal commitment to a peaceful solution. The parties used the process to advance their own interests. It



A UPDF soldier rides atop a 'Buffalo' military vehicle

Source: ARLPI

appears that they wanted a ceasefire in order to reorganise and supply their forces. They also used the talks to present a positive image to the world. Facilitators need to be well aware of alternative agendas which can derail and damage the process if they are to avoid the collapse of dialogue.

Inter-governmental organisations. Kenya undertook the peace process on its own without other local or international observers to witness the process or give advice. The involvement of international organisations could have added moral and political weight to an agreement. It is difficult for the negotiating parties to ignore the opinion of third parties with international stature and influence. Their involvement can help ensure commitment to the agreements reached, particularly if the institutions lend their credibility and resources by becoming political and moral guarantors of the agreement.

If the Kenyan team had taken these issues into account, the outcome of the talks might have been different. Of course, given the relative distance between the positions of the parties, and the NRA's capacity to achieve an outright military victory, it might still have proved impossible to reach a settlement. Yet had it been possible to broaden the support base of the process to ensure wider legitimacy, and to craft an agreement that addressed the principal issues, needs and aspirations in the conflict, Uganda might have avoided the unending war of attrition that followed the collapse of the Nairobi Agreement. Instead, the failure to implement and honour the commitments made in Nairobi became a source of distrust and mutual suspicion between the parties that has lingered ever since.