



Situation Report

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The (Northern) Uganda Peace Process: An Update on recent developments

Introduction

The persistent challenge of establishing accounting for war-time atrocities in northern Uganda has haunted the Juba peace talks for two years since the Riek Machar-mediated initiative began. The recent aborted attempts (in April and May 2008) to sign a final peace agreement (FPA) between the government of Uganda (GOU) and the Lord's Resistance Army (LRA) underscores the test faced by African institutions and Uganda's immediate neighbours.

The joint military offensive on LRA positions in Garamba (DRC) in December 2008 by the governments of Uganda, Sudan and the DRC heralds the onset of another round of vicious fighting that has characterised the LRA insurgency. It is unlikely that a military solution will bring peace to this region already plagued by years of fighting. The LRA have recently expanded their atrocious war into the North Eastern region of the DRC. In one attack, the LRA hacked to death 45 to 60 people who had sought sanctuary in a Gurba church. In the wake of this attack, body parts of Gurba residents were scattered in and around the church. Regional and international actors are now facing a rebel group whose activities have spread to the Central African Republic (CAR), in addition to the atrocities they have committed in southern Sudan, northern Uganda and eastern Democratic Republic of Congo (DRC).² The conflict involving the LRA is effectively regionalised.

Rebel leader Joseph Kony has procrastinated in relation to the signing of the peace pact on the grounds that he needs more clarity about the accountability arrangements for him. The Juba Agreement clearly provides that LRA members would be tried in Uganda by a special chamber of the High Court – a war crimes chamber. But Kony's lack of sincerity or commitment to peace was exposed by the execution of his deputy, Vincent Otti, his reshuffling of the LRA negotiating team, and breakdown in reliable communication between him and the Juba mediators. While the Juba talks have previously faced likely collapse (following a four month stalemate between January and April 2007), newly appointed Northern Uganda peace envoy, Joaquim Chissano, helped rejuvenate the process. Currently, the process seems to have stalled. In the face of a different regional environment, the stalled northern Ugandan peace efforts need more muscle from leading regional actors and institutions.

Chad, one of the regional players in the search for a solution survived a surprisingly swift January 2008 rebel onslaught on Idriss Deby's government in N'Djamena. A few months later, the Darfur conflict deepened. Khartoum wasn't spared a rebel

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onslaught either as Darfur rebels (Justice and Equality Movement) suffered defeat in their attempt to invade the Sudanese capital. The finger pointing between Sudan and Chad over these developments only underscores the volatility of the region. With the LRA seemingly freely marauding into CAR, Northern Uganda, Southern Sudan and the DRC, the conflict has effectively become regional in character, as attested by the. In late December 2008, a military campaign in late December 2008 involving the DRC, Uganda and the government of Southern Sudan. was launched against suspected LRA hideouts in the North-Eastern DRC.

With the regionalisation of the conflict, the need for regional or internationally coordinated strategies for securing peace in the region becomes evident. Yet many of the countries involved either have unfriendly relations with each other or have their own serious internal problems only compounded by the LRA incursions. This paper aims to provide an update on the conflict involving the LRA and the peace process with the government of Uganda aimed at resolving it. It also shares some perspectives on the peace process including the role of regional players, the prospect of durable peace going forward including a military solution to the conflict.

The overall outlook of the achievements of the mediation process in the Northern Uganda conflict is promising. As the chief mediator Riek Machar argues, the “comprehensive approach to the negotiations”³ has yielded the most gains in Uganda’s history of peace efforts. The five item agenda was adopted to address all dimensions to the conflict – (permanent) cessation of the violence, root causes of the armed conflict, accountability needs for the atrocities of the war, and the post-Juba talks’ fate of LRA combatants.⁴

The impetus created from the parties’ agreements on all the agenda items was stalled by the failure by Joseph Kony to show up for the signing of the “text of the cover agreement”⁵ – the FPA. It is therefore ironic that a peace process that has yielded the most comprehensive solutions to Northern Uganda’s conflicts is faced by the possible threat of the biggest regional response to the LRA insurgency. This development (to be discussed later in this report), is deducible from the increasing war rhetoric of the Kampala administration, and joint chiefs of defence meetings involving DRC, Uganda and Southern Sudan. Yet, the causal factors for the current stalemate are not new. Previous analyses have assessed the challenges of the peace processes from different perspectives.⁶ But a critical point is that the mediation lacks adequate leverage to either persuade or coerce the negotiating parties to a final agreement. From this perspective, rather than blaming the mediation team, what is underscored is the role of regional and international actors in bolstering Southern Sudan’s leverage as mediator.

Riek Machar’s recent report on the peace talks is a clarion call for sustained engagement in the peace process (by the international and regional actors and the protagonists).⁷ But the report further reveals the mediator’s dilemma – without the support of the international community and the engagement of regional actors, Southern Sudan has no raw muscle (other than soft power) to get the parties back to the negotiating table. Regional institutions and actors need to do more to strengthen the capacity of the mediation team to deliver a final peace pact. At the same time, it should be noted that any peace deal should be agreeable not only to both protagonists, but also to a broad cross-section of the LRA membership. The history of Uganda’s peace initiatives reveals that where there have been pacts satisfying a faction of the rebel movement, disgruntled members have sustained the conflict.⁸ Failed peace attempts with the LRA in particular have resulted in more ferocious fighting with the Uganda People’s Defence Forces (UPDF) at high humanitarian cost.

Such recurrent fighting has also revealed that the LRA does not pursue one-track approach. The LRA has previously rearmed during peace negotiations – and it is possible that the rebel group has continued to arm themselves. The bottom line is that, in the absence of accurate knowledge about the LRA’s battle readiness, recruitment and troop numbers, armament and operational deployment, a military

option as the endgame to the LRA insurgency is a daunting challenge. The cost to civilian population is too high as recently seen in northern DRC. Hence, addressing threats to the stalled Juba talks would be a surer way to guarantee a bloodless resolution of the 22-year insurgency.

The halt to the peace talks' momentum, with Kony's refusal to sign the FPA in April 2007, negated the high hopes and expectations that northern Ugandan communities had of the process. Worse still, the LRA backtracked on the earlier understanding developed with the chief mediator prior to the commencement of the talks. In a 2nd May 2006 pre-negotiation phase confidence-building meeting in Nabanga, Dr. Riek Machar, the GOSS Vice President, stipulated the basic preconditions for productive negotiation in Juba:

1. The LRA had to put a stop to killing, abducting or raping the local Sudanese communities
2. The LRA delegation to Juba had to be composed of people who were accessible to the LRA High Command, had the powers from the High Command to negotiate and could articulate the issues about the peace talks to their superiors confidently⁹
3. The LRA High Command had to be accessible to the mediation team (including the Chief Mediator and his technical team)
4. There must be a cessation of hostilities between the LRA and SPLA¹⁰

While these preconditions appeared to have been earlier met by the LRA, the recent feuding within the rebel group, the reshuffling of its peace negotiation team and the increasing inaccessibility of the LRA high command have contributed to the failure to sign the final peace agreement.

The irony is that the second agenda of the talks (on comprehensive solutions), was earlier considered by the chief mediator to be the point of no return of the talks. But even with the signing of various pacts: (agenda two pact in May 2007; framework agreement on reconciliation in June 2007; and war crimes and the Disarmament, Demobilisation and Reintegration (DDR) agreements in February 2008) the process remained delicate and unpredictable. Joseph Kony's procrastinated, insisting on the withdrawal ICC indictments prior to signing a final peace agreement. As a result, the second half of 2007 saw the accentuation of a variety of threats to the Juba talks.¹¹

The Devil within – LRA Feuding

It emerged that the LRA was rocked by internal feuds pitting Joseph Kony and Vincent Otti (the second in command) factions. This led to Kony's alleged November 2007 detention and alleged execution of Vincent Otti, his deputy. There were further signs of factionalism within the LRA's ranks when Kony accused five other commanders of "wanting to destroy the LRA from within, undermining him and colluding with the enemies of the LRA" as reported by Gulu district chairman, Norbert Mao.¹² This led to several defections of the suspected LRA fighters to Kampala.¹³

This LRA schism clouded the progress of the five-item agenda Juba talks. The negotiation teams had by then signed agreements on three agenda items – cessation of hostilities agreement signed in August 2006 (and its subsequent addenda), pact on "comprehensive solutions to the causes of the war" signed in May 2007, and lastly, the June 2007 framework deal on reconciliation, which provided for a viable national alternative that would insulate LRA leaders from International Criminal Court (ICC) prosecution. The Juba peace process was then paused to create room for national consultations on accountability and reconciliation in Uganda. The consultative process (between November and December 2007) was effective in provoking a national discourse on Uganda's war past. Yet it was dogged by early disputes over funding – it was felt that the LRA misappropriated funds to strengthen its military capabilities. Further controversy on the fate of the LRA Second-in-Command, Vincent Otti blunted the effectiveness

of the consultative process. But the process progressed with the chief mediator's and Joaquim Chissano's support.

The idea of having a Truth and Reconciliation Commission was a major preference for most stakeholders. But this dialogue on accountability was overshadowed by speculations on the fate of the LRA's second-in-command – Vincent Otti (largely considered a pacifist over the course of the talks).¹⁴ The result was that the consultations lost the value they had – fears about the collapse of the peace talks heightened rather than evaporating. President Museveni's impatience with the process showed with his January 2008 ultimatum for conclusion of negotiations (prior to launching regional military action). Worse still, there was disarray within the LRA ranks with Kony's reshuffling of his peace team – he replaced the team leader Martin Ojul with Dr. David Matsanga.

Chipping Away at the Gains – Persistent CHA Violations

The signing of the Cessation of Hostilities Agreement (CHA) was done just one month after the start of the Juba talks in 2006. This raised many expectations about an expedited peace process. However, these expectations were dimmed by early ceasefire violations by both parties.

For instance, the first fact-finding mission by the Cessation of Hostilities Monitoring Team (CHMT) between 1st and 5th October 2006 found both the government of Uganda and the LRA responsible for CHA violations. Just a month after the signing of the CHA, the UPDF flouted its provisions by transporting journalists and diplomats to an LRA assembly point. The LRA on the other hand were accused of not assembling at designated points.¹⁵

Further, the LRA killing of UPDF Capt. Sam Mugarura, the operations and training officer of the South Sudan-based 91st Battalion, on Tuesday 17th October 2006 in southern Sudan (115km north-west of Owiny-ki-Bul) jolted the peace process. Two days later on 19th October 2006, there were reports of grisly killings of up to 42 people in three "LRA-like" ambushes where eight vehicles were burnt on the Juba-Nimule and Juba-Torit roads. Although it was unclear which group was involved, tensions rose, with the UPDF blaming the LRA for the ambushes and the LRA protesting they were being framed by UPDF. But shortly after, there were reports about the SPLA's arrest of 15 suspected northern Sudanese militiamen (SAF).¹⁶

The sensitivity of the SPLA finding was that the peace process has had to battle with the challenge of possible spoilers. Further, Sudanese President Bashir and his southern Sudanese counterpart Salva Kiir threatened the LRA with military action in January 2007, further complicating the process. This led to the LRA four-month withdrawal from the talks, while the civilian population in southern Sudan suffered attacks from suspected LRA rebels.

These CHA violations have persisted to date. The LRA now roam in four countries (CAR, DRC, Sudan and Uganda) and have persisted in their particularly atrocious attacks and abductions.¹⁷ In his report, the chief mediator confirms increased LRA military activity in the region, especially in Southern Sudan where the rebels have conducted abductions (in Western Equatoria) and attacked an SPLA contingent in Nabanga on 5 June 2008 (killing 14 soldiers, six women and six children).¹⁸

The Kampala administration has on the other hand increased their military threats against the LRA, which also poses many questions about Kampala's real motives. In fact, President Museveni has very often used the LRA card to frame the domestic political debate in his country.

Consolidating Regional Military Action

The military option to the LRA insurgency has grown increasingly attractive within Uganda's administration since the stalling and disruptions to the Juba talks re-emerged (with the killing of Vincent Otti, LRA feuding and defections). In early September 2007, Kampala and Kinshasa signed the Ngurdoto Agreement

to promote military cooperation to disarm cross-border rebel groups. The pact explicitly mentioned action against the LRA 'within 90 days'. Government justification for the clause was that the rebels were in violation of the CHA by their continued presence in DRC.¹⁹ The regional military action against the rebels in DRC would entail joint operations with the UN peacekeeping mission in Congo (MONUC).²⁰

The regional security environment appeared to tighten with the convening (in December 2007) of a meeting of Heads of State from the Great Lakes of Africa and former US Secretary of State, Condoleezza Rice in Addis Ababa. In this meeting, the African leaders (including President Museveni) committed their countries "not to harbour negative forces – illegal groups, militias and armed groups that are causing destabilization..."²¹

The militaries of Uganda, DRC and southern Sudan appear to be more geared towards some form of coordinated effort to address the LRA problem. This follows June 2008 meetings they had over the same issue, after which plans were announced to launch a joint operation alongside MONUC against the LRA.²² This planning followed LRA attacks on an SPLA detachment in Nabanga (on Sudan's border with DRC), which reportedly killed 23 people among them 14 SPLA officers.²³

This appears to have heightened the war rhetoric, as hopes for the revival of the talks are dimmed. The UN envoy for Northern Uganda (Joaquim Chissano) is however focused on salvaging the talks, a feat he once achieved early 2007.

A Regional Conflict System

The state of peace and/or conflict in three countries right now appears to directly impact on the prospects for the resolution of the northern Uganda conflict – DRC, Sudan and CAR. Also, the non-resolution of the conflict in northern Uganda does have a direct consequence on the (in)stability of the three countries. Sudan appears to be the fulcrum around which the conflicts in Uganda, CAR, and southern Sudan revolve.²⁴ Hence, a multi-pronged approach to the resolution of conflicts in DRC, Darfur, Southern Sudan (especially on the implementation of the Comprehensive Peace Agreement – CPA), CAR, Chad, and Uganda would eliminate regional rivalries that have put Khartoum on a collision course with her neighbours. Guaranteeing peace in the region denies illegal elements of fertile grounds for insurgency activity – and the LRA has thrived on regional instabilities to survive.

Part of the GOSS calculation for mediating the Juba talks was the significance peace in northern Uganda would have on southern Sudan. Once the semi-autonomous GOSS was constituted, it recognised that the expedited resolution of the northern Uganda conflict was strategically important to the successful implementation of its own CPA with Khartoum. The CPA promised southern Sudan a 2011 referendum on secession, shared control of oil fields and redeployment of the Sudanese Armed Forces (SAF) from the south.²⁵

The fragility of the CPA became clearly visible from late last year when the GOSS withdrew from the national unity government (in October 2007) and its President, Salva Kiir, previously warned, "I am worried that Southern Sudan will return to war with our counterparts if nothing is done." The GOSS position was triggered by the feeling that Khartoum had not honoured agreements on wealth sharing and troop redeployments from southern Sudan.²⁶ The danger of this escalating dispute was underscored by an earlier incident in Malakal, when clashes between SAF and SPLA forces led to the killing of at least 150 people.²⁷

It is noteworthy that the progress of the Juba peace talks has all along been dependent on stability in southern Sudan. This interdependence between northern Uganda and southern Sudan critically emphasizes the need for a broader, multi-pronged approach to resolving the conflicts around the region (as part of a sustainable end-game for the LRA insurgency). At the height of the LRA

insurgency, the group is known to have established contact with, and support from, the Khartoum-based Sudanese government. The LRA had fixed headquarters and bases in southern Sudan for years.²⁸ A collapse of the CPA would increase the probability that Khartoum would revive its support for the LRA.²⁹

Uganda is geopolitically significant in the Great Lakes region and the Horn of Africa. It is a neighbour of the conflict ridden states of the DRC and Sudan. In Uganda's (and the region's) history of conflicts, this geography has had strategic importance to government, rebels as well as civilians. In 1996, Ugandan Parliamentary Committee on Defence and Internal Affairs' inquiry into the causes and prospects of northern conflicts recommended a regional approach to peaceful resolution of the conflict. Specifically, it recommended that the Uganda government talk to the Sudan and Zaire governments to end the insurgency peacefully. The importance of this recommendation cannot be over-emphasized.

During the late 1970s, when Tanzania led a military onslaught against President Idi Amin's regime, hundreds of thousands of Ugandans in the West Nile region fled to southern Sudan and eastern Zaire (now DRC).³⁰ Northern Uganda has similarly hosted refugees from southern Sudan and DRC.

Besides the refugee problems, different Ugandan rebel groups have used southern Sudanese and Congolese territory as safe havens and bases.³¹ In 1989, Uganda permitted the Sudan People's Liberation Army (SPLA) units to establish bases in northern Arua (north-western Uganda) in the SPLA fight against the Sudanese government. Uganda's involvement in the DRC conflict, on the other hand, was to destroy the rebel Allied Democratic Force's (a western Ugandan rebel group) Congolese rear bases, and to prevent supplies from transiting the region in the future.³²

When in 1994 Sudan recaptured the strategic Kajo Keji southern Sudanese town from the SPLA along the Uganda-Sudan border, there emerged a new rebel outfit – the West Nile Bank Front (WBNF). This Ugandan rebel group had Sudanese assistance and began its activities in 1995 and had some bases in north eastern DRC. When the regional environment changed – with increased Banyamulenge operations in north eastern Zaire and the SPLA recapture of Kajo Keji with Ugandan support – the WBNF was eventually thwarted in the late 1990s.³³

The LRA has been the most resilient rebel group, lasting over twenty years in its war with the Uganda government. The LRA war is unique both in its choice of tactics and its regional spread. Tactically, the LRA (since 1994) extended their war to the civilian populations in northern and eastern Uganda, terrorizing the people with atrocious acts and further deteriorating the humanitarian conditions in the conflict affected areas.³⁴

Regionally, what developed as a local insurrection grew in complexity to bear cross-border dimensions, when the LRA insurgency spilt over to southern Sudan, with the rebels establishing contact with, and support from, the Khartoum-based Sudanese government. Further, the LRA moved to north-eastern Democratic Republic of Congo (DRC) in September 2005³⁵, effectively expanding the conflict. The LRA is also suspected to have opened a fourth front. In March 2007, the UN Mission in Sudan reported regular LRA movements to and from the Central African Republic (CAR) and Sudan's Western Equatoria region. In a sense, Uganda is increasingly being drawn into a four-way proxy war involving the CAR, Chad, the Darfur rebels and Khartoum.

An internationalised approach to resolving the conflict is necessary to break its regional dimensions and enhancing human security. This view is not particularly new – it has just not been effectively utilized.

The 1996 Ugandan Parliamentary Committee on Defence and Internal Affairs' inquiry into the causes and prospects of northern conflicts recommended among other measures a regional approach to peaceful resolution of the conflict.³⁶ Specifically, it suggested that the Uganda government talks to the Sudan and Zaire governments to end the insurgency peacefully. Considering the regional spread of

the LRA insurgency, it is appreciable that a comprehensive regional peace initiative is best applicable. Such a push would address other multiple levels of the conflict. On the basis of this consideration, most conflict management endeavours haven't been as comprehensive.

The very first attempt to pacify Northern Uganda was the abortive 1985 Nairobi Peace Agreement (chided by critics as the "Nairobi peace jokes") between Yoweri Museveni's National Resistance Movement/Army (NRM/A) and the mainly Acholi military junta of Tito Okello that deposed Milton Obote. The failure of this Kenya-mediated effort has haunted subsequent peace efforts in Northern Uganda – it is from these talks that President Museveni has continually been perceived as a crafty leader that is disinterested in dialogue.

In fact, northern rebellion to Museveni persisted even after he came to the helm in 1986. The LRA insurgency grew in the context of the government's peace deal (Pece Accord) with the Uganda People's Democratic Movement/Army (UPDM/A)³⁷ in 1988 and the army's victory over the Alice Lakwena-led Holy Spirit Movement. The Pece Accord provided for cessation of hostilities (between NRM/A and UPDM/A), integration of the UPDM/A into the NRM/A, release of prisoners of war, resettlement of displaced people, rehabilitation of infrastructure destroyed by the war and political provisions (including establishment of a popularly endorsed government).³⁸ Despite the signing and implementation of the Pece Accord, it did not achieve the desired end to armed conflict in northern Uganda. There still existed two factions of the Holy Spirit Movement (HSM) – one led by Joseph Kony³⁹ and another led by Severino Lukoya (Alice Lakwena's father who took over her forces after she fled). These two groups were not part of the deal. This notwithstanding, there were early efforts at dialogue with Joseph Kony in 1988. These efforts were not to cover much ground as "senior NRA commanders found it difficult to grasp the HSM ideology."⁴⁰ Hence the resultant heightened Kony attacks were due to their exclusion from the Pece Accord and the failure of their talks with NRA. Kony increasingly abducted children from then.⁴¹

Ironically, the Uganda People's Defence Forces (UPDF) believes they ended the LRA rebellion by 1992, but blame Sudan for restoring the rebels and arming them since 1994.⁴² This belief stems from the launch and execution of the Operation North in March 1991 (against the LRA). This military operation involved the sealing off of the North, conducting a massive screening operation (tens of thousands were rounded off and interrogated), and the mobilisation of civil defence militia groups (called the Arrow Groups) to help the NRA in counter-insurgency operations. The NRA later erred in leaving the North to the Arrow Groups, as this invited heightened an atrocious LRA resurgence.⁴³ Civilians were primarily targeted for their perceived collaboration with the government (NRM/A). Mutilation of victims can be traced back to this time.⁴⁴ LRA attacks waned in late 1993, with the Arrow Groups demobilizing. This development led to initiation of negotiations led by then National Resistance Minister of State, Resident in the North, Betty Bigombe. This 1994 peace negotiation effort became one of the most successful. The negotiations were directly between the LRA and government representatives, and they achieved a ceasefire agreement. The ceasefire agreement included commitments for LRA to assemble its forces and demobilise, confidence building measures to assure the public, traditional reconciliation arrangements, and a commitment to establish a Ceasefire Implementation Committee to periodically assess progress.

But the Bigombe-led peace negotiations collapsed when President Museveni issued a strict seven day ultimatum for the LRA to surrender. The LRA subsequently crossed into southern Sudan and resumed their massive massacres largely against civilians. Sudanese support to the LRA can be traced to this time.⁴⁵

The next local peace initiative was that led by the Acholi Council of Chiefs in 1996. These efforts ended with the tragic killing of two emissaries of the Council of Chiefs.⁴⁶ After this, sustained LRA attacks through the mid 1990's to the new millennium invited the Operation Iron Fist⁴⁷ in April 2002 – a determined

UPDF effort to root the LRA out of southern Sudan. But this effort worsened the humanitarian situation and widened the rebel activities to Lango and Teso regions of Northern and Eastern Uganda respectively. These regions formed civil defence militias called the Amuka Group in Lango, and the Arrow Group in Teso. With the aggravating of the humanitarian situation, the Government of Uganda (GOU) implemented a temporary ceasefire to allow the Presidential Peace Team led by Salim Saleh, formed in 2003, to attempt dialogue with the LRA. This effort foundered when the LRA declined to honour the talks.

A flurry of efforts to facilitate a peaceful solution to the LRA insurgency have been unsuccessfully attempted by a multiplicity of other actors including the Community of Sant'Egidio (1997 and in 2003/2004), the Carter Center (1999/2000), Acholi Religious Leaders' Peace Initiative (2002 – 2003), besides Bigombe's abortive second attempt (2004 – 2006).⁴⁸ All these efforts had their strengths and weaknesses.

While it can be said that the 1993/94 Bigombe peace talks were the first real attempt at negotiations with the LRA, the 1988 government armistice with the Uganda People's Democratic Army (UPDA) rebels saw the communities requesting the inclusion of all other rebel outfits in the peace process. The community voice was critical, and so were the efforts by the diaspora.

In 1997, the "Kacoke Madit" (or Big Meeting) conference was held in London, bringing the LRA/M and government representatives face to face, and at which there was the Acholi consensus for peace. It is at this point that the Community of Sant'Egidio found opportunity to make contact with the parties to the conflict, as well as other stakeholders. The Community of Sant'Egidio in effect mediated a meeting between the LRA and government of Uganda delegation in Rome, but internal disputes within the LRA about their representation contributed to the collapse of this initiative.

The 1999 Carter Center mediation on the other hand, was initially purely state-centric in its approach. It brought the governments of Sudan and Uganda to the negotiating table in Nairobi and culminated in the Nairobi Peace Accord in 1999. The LRA and SPLA, both proxies to the negotiating parties in Nairobi, were left out of this process, with the LRA later on invited to participate during the Implementation of the Nairobi Agreement meetings. The Carter Center effort aimed at normalizing relations between Sudan and Uganda, and ending the conflict. Considering that its aims were largely to achieve diplomatic cooperation between the two rival states, it failed to delve into other important dimensions of the Northern Uganda conflict.

The Bigombe 2004/06 mediation attempt had the involvement of USAID, which had launched the North Uganda Peace Initiative, and had Betty Bigombe attempting mediation. While she was able to make contact with the LRA, Bigombe did not win the LRA trust, who viewed her as a government operative, hence the effort did not succeed as envisioned. It was an attempt originated by a foreign state actor (USAID), and was hoping to cash in on the war fatigue to revive dialogue.

A fresh drive overlapping Betty Bigombe's second efforts commenced in late 2005/early 2006. Leonzio Angole Onok, a Sudanese Acholi, successfully linked the LRA with the Government of Southern Sudan (GOSS).⁴⁹ GOSS Vice President Dr. Riek Machar became chief mediator. This provides the foundation for the current Juba Peace Talks, which officially commenced on 14th July 2006 but were preceded by several pre-negotiation stage talks. Besides the GOSS-mediated peace talks, the only other truly trilateral peace talks were the Community of Sant'Egidio's and the Carter Center's negotiations.

It can be stated that the current drive – Juba Peace Talks – is the first truly international mediation effort. The initial parties to the talks included the LRA, GOSS (mediator), and the GOU. Pax Christi was part of the mediation team, while the Community of Sant'Egidio participated at the invitation of the LRA. New

participants in the talks are Kenya, South Africa, Tanzania and Congo who were brought on board from April 2007 as guarantors of the peace talks. Joaquim Chissano's (UN Special Envoy for LRA Affected Areas) efforts to salvage the talks achieved this expanded framework.

Conspicuously missing from the talks was Khartoum. Similarly lacking is the leverage that a mediator should have. That is, GOSS doesn't have the capability to influence the parties to stay the course of mediation. The GOU is a former SPLM/A supporter and her delegation in Juba often carries themselves with those airs. The GOU and LRA have not looked at the peace talks the same way.

Uganda has touted the Juba Peace Talks as a soft landing for the LRA (meaning the rebels would have been defeated militarily). The LRA on the other hand cited the longevity (20 years) of the war as proof they are resilient opponents capable of waging a tougher, even longer, war if provoked. The LRA therefore uses Juba to sanitise their reputation, negotiate for Northern and Eastern Uganda's development needs, and negotiate for a safe post-conflict atmosphere for their leaders and fighters. The mediation team was faced with a basic challenge of ensuring the latest peace effort navigated away from earlier initiatives' pitfalls, while maintaining the momentum for a permanent and peaceful solution to the war. Factionalism (e.g. UPDM/A, HSM, and LRA) undermined earlier peace efforts. Other pitfalls included mutual mistrust, lack of unequivocal protagonists' and international goodwill and the bilateral nature of earlier attempts.

This prompts the question as to what preconditions softened the parties to the conflict to agree to the latest peace initiative?

To understand the triggers of peace initiatives, one needs to appreciate that the substance of proposals for a solution of conflict is as important as the timing of mediation in conflict resolution efforts.⁵⁰ The Juba Talks began in the face of numerous failed peace initiatives and the longevity of the war. Is the Juba effort different from the rest? Additionally, revisiting reasons for the Juba talks re-emphasizes the need for a peaceful endgame. As to whether the conflict was ripe for resolution, it is possible that both conflicting parties were facing a moment of truth prior to the commencement of the talks. But the changing environment in southern Sudan was just as significant, given the country's strategic importance to the end of the conflict.

The 2005 Comprehensive Peace Agreement (CPA) between Khartoum and SPLM/A ended Africa's longest-running civil war. The resultant formation of a semi-autonomous authority – the Government of Southern Sudan (GOSS), changed the LRA fortunes. GOSS made it a priority to either facilitate the resolution of the LRA conflict with Uganda or ensure its territory wasn't a theatre for this war.⁵¹ Although some LRA forces later moved to eastern DRC, the regional environment was more hostile to their presence.

In Kampala, the economic cost of the war to the government was proving too dear to sustain. CSOPNU estimates the annual cost of war to Uganda to be \$85million, accumulating to a staggering \$1.7billion (over the 20 years).⁵² Government military efforts to defeat the LRA only hurt the capabilities of the rebels, but the war persisted. The Operation North (1991) and Operation Iron Fist (2002) did not yield success for the government. As such, Uganda referred the LRA case to the ICC, which in early 2004, began investigations into LRA war crimes. For the government, this was a strategy to isolate LRA leaders in the face of a resolute rebellion.

On the other hand, the LRA was faced with an increasingly hostile international and regional environment. Besides the ICC arrest warrants for key LRA leaders, there were UN Security Council Resolutions calling for, among other things, coordinated military action against the LRA.⁵³ Further, the LRA could not enjoy as direct support from Khartoum due to the Sudanese CPA. This is besides the fact that the war had also caused some major losses of LRA forces and key leaders.⁵⁴

Another important factor is the role of the civil society and conflict affected communities. The Ugandan civil society not only pushed for dialogue between the LRA and government, but they actually initiated some of these initiatives. The Acholi Religious Peace Initiative (ARLPI) for instance, was instrumental in the Uganda's adoption of the Amnesty Law, and in promoting a peaceful end to the conflict. Further, pressure groups like Human Rights Watch and the International Crisis Group pushed for an international response to the LRA conflict. This heightened Kampala's fear of a UN intervention, posing a risk to Uganda's reputation and sovereignty. Critically stated therefore, the domestic, regional and international environments, the longevity of the war and the attendant war fatigue and the facilitation efforts of GOSS influenced the conflicting parties' decision to negotiate. But the parties' mutual distrust, dislike, and chest-thumping came in the way of the mediation effort. Heightened mistrust within the LRA ranks leading to Vincent Otti's execution, the resultant factionalism in the rebel ranks, some of the LRA supporters' (the diaspora and possibly Khartoum) opposition to the Juba talks, and Joseph Kony's fears about his fate after the talks are the other major reasons for the failure to reach a final agreement.

Then again, the Juba Talks have had the uniqueness of the involvement of a government (even though not of a sovereign state) as a third party intervener to the northern Uganda conflict. This intervener (GOSS) has been a party to the regionalised dimension of the conflict, and this factor has informed part of the challenges of the mediation process. Despite the challenges, the strength of the Juba Talks over previous attempts is that the peace talks have been a trilateral process; the talk's venue is away from the country of conflict; the talks have had a structured agenda; and the process has had the considerable support and/or attention of the international community. It can also be said that just before the talks, the conflict was at its ripest ever moment for peaceful resolution (considering the motivating factors for the talks).

Ex-President Joaquim Chissano's role in salvaging the peace talks from imminent collapse in early 2007 was critical. The UN envoy equally managed to internationalise the peace process by bringing on board DRC, Kenya, Mozambique, South Africa, and Tanzania as observers and guarantors of the talks. The African Union (AU) officers and some Western diplomats also observed the negotiations.

Although Chissano pushed for successful negotiations culminating in a final peace agreement, the ICC lay at the other end of the continuum – keen on bringing to book the five indicted LRA leaders. It is the ICC indictments that came to be viewed as a key impediment to the talks. The LRA kept demanding for the lifting of the indictments before their leader signed the final agreement. But ironically, the ICC indictments initially formed part of the hostile international environment that made the LRA open to negotiations. So, as an actor in the conflict, the ICC's role is of paramount importance as it has created dynamics both to enhance and to undermine peace talks.

Kony's fear of being tried in The Hague is a major reason the LRA has resumed their attacks in the region. In a message he wrote to Martin Aliko, a senior presidential advisor, Kony said he would not sign the peace agreement because he feared he would be taken to the ICC, charged and hanged. He further explained that he feared returning to Uganda for trial, since he would be hanged because of the 'untested' local law.⁵⁵ The only stick-wielders during the Juba talks were the Museveni government, Khartoum, and GOSS. All these actors have their limitations as stick wielders. Utilizing Uganda's leverage over the LRA would mean the agreement was tilted in President Museveni's favour. On the other hand, with Khartoum having been a supporter of the LRA, it was not going to be an objective stick wielder. The GOSS could also not be an effective stick wielder against the LRA and Uganda – the latter having been SPLM/A's ally in their war with Khartoum.

This situation calls for the involvement of other international actors to exercise their power as leverage in the peace efforts. African regional institutions have failed to play this role – neither the AU nor the East African Community (EAC) nor

Conclusion

even the Inter-Governmental Authority on Development (IGAD) has played a central role in steering the process forward. The talks were left to the young Southern Sudanese government to facilitate who did fairly well given the hostile context. They reportedly spent an initial \$500,000 in the first month of the negotiations.

A wider range of international actors need to bring their influence to bear in order to realise peace in northern Uganda. This would boost the resettlement process of the internally displaced persons (IDPs). In fact, better security has seen nearly 700,000 IDPs out of the initial 2million in Uganda return home.⁵⁶ Also, military operations of the Ugandan army, especially when they take place out-of-area (DRC) should take into account the risks of retaliation of the LRA to the local population. The last operation in December (allegedly planned and executed with the DRC and the GOSS) was aimed at destroying the LRA leadership in the Garamba forest. The poor planning of this operation will have to be investigated in the face of the particularly atrocious killings that the LRA made in retaliation of what it now considers as the death of the Juba peace talks.

Despite the gloomy picture painted by the current state of the Juba talks, they are the best ever shot at finding a peaceful end to the northern Uganda conflict. Although it remains to be seen what Chissano's efforts at resuscitating the talks will yield, there is need to increase the leverage of the mediation team through a much higher international support. Such leverage can be created through drawing up a tight regional military contingency plan to back up the talks, as well as targeting the sources of support for the LRA (the diaspora and Khartoum). The current December military action by Uganda, DRC and GOSS in the DRC seems to be conducted in isolation and as the sole solution to the conflict. International and regional multilateral institutions can play an especially vital role in engaging the protagonists to reach a final agreement in order guarantee sustainable peace.

Further, at face value, the ICC (with its arrest warrants on LRA leaders) has had a controversial impact on peace efforts in Northern Uganda. The warrants were seen to have effectively killed off the Bigombe initiative⁵⁷ and have been the basis of Kony's refusal to sign a final peace agreement. But in reality, the debate on the ICC indictments reveals a tension between domestic and international justice requirements for accountability that must be addressed.⁵⁸ This perceived dichotomy between peace and justice in the resolution of conflicts in Africa will continue to impact on future peace mediation efforts on the continent.

Thirdly, while the successful implementation of the CPA would bear immediate fruits for peace in northern Uganda, resolution of conflicts in (eastern) DRC, CAR, Darfur and (to some extent) Chad would eliminate the regional rivalries that set up Khartoum and her neighbours (including Uganda) for proxy warfare through support for dissident groups.

As such, the international and African community needs to embrace a broad integrated approach to ending conflicts in the region, because they are interconnected. And this has been basic thrust of this report – to underscore the regionalisation of the Northern Uganda conflict, and the need for an internationalised approach to resolving this regional conflict system.

Leaving the responsibility for an endgame solely to the Kampala administration would likely narrow options down to a military onslaught. As is the case, regional security chiefs from DRC, Southern Sudan and Uganda have already embarked on the military option, which will create a wider, more costly regional humanitarian problem (considering the LRA tactics and the consequences of war). Further, the LRA conflict isn't just rooted in domestic causes but regional diplomatic rivalry has contributed to the conflict. Attempting to crush the rebels without resolving the regional rivalries wouldn't be sustainable.

The chief mediator appears to acknowledge the need for peaceful resolution of the LRA conflict. But against this backdrop he has supported the military offensive and asked the UN to do the same.

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- 1 David Mwaniki is Chief Executive of Global Crisis Solutions and has been actively involved in the analysis of the Northern Uganda conflict for several years. Manasseh Wepundi is a Research Associate with Global Crisis Solutions with extensive research experience on Northern Uganda and direct experience in the Juba mediation process. Harriet Morolong is an independent Political Analyst and an Advisory board Member of the Nairobi based Global Crisis Solutions.
 - 2 The LRA abducted between 300 and 500 people in the region over the first quarter of 2008. See Spiegel, J. & Prendergast, J. 2008. *A New Peace Strategy for Northern Uganda*, Washington: Enough Strategy Paper 19, p.2
 - 3 Machar R. 2008. *Report and Recommendations of the Chief Mediator of the Peace Process Between the Government of the Republic of Uganda and the Lord's Resistance Army*. Juba: Juba Peace Talks Secretariat, p. 2
 - 4 The five agenda items agreed upon for the talks are: (i) cessation of hostilities; (ii) comprehensive solutions to the causes of the war; (iii) accountability and reconciliation; (iv) disarmament, demobilisation and reintegration (DDR), and (v) final ceasefire.
 - 5 Machar, R., Op. Cit., p.6
 - 6 See the three previous Institute of Security Studies (ISS) Situation Reports: Ruaudel, H. and Timpson, A. 2005. *Northern Uganda – from a Forgotten War to an Unforgivable Crisis – the War Against Children*; Mwaniki, D., and Wepundi, M. 2007. *The Juba Peace Talks – the Checkered Road to Peace for Northern Uganda*; and Quaranto, J. P., 2007. *Northern Uganda: Emerging Threats to Peace Talks*.
 - 7 See Machar, R., Op. Cit.
 - 8 See section on Early Peace Efforts
 - 9 If the Community of Sant'Egidio facilitated peace talks in Rome, the initiative failed due to LRA disagreements over representation.
 - 10 See Mwaniki, D. and Wepundi, M. 2007. *The Juba Peace Talks – the Checkered Road to Peace for Northern Uganda*. Pretoria: Institute for Security Studies, p.3
 - 11 For more discussion on threats, see also Quaranto, J. P., 2007. *Northern Uganda: Emerging Threats to Peace Talks*, Pretoria, Institute of Security Studies
 - 12 New Vision, *LRA Leader Speaks out on Deputy Otti*, See <http://allafrica.com/stories/printable/200711090002.html> [Accessed on 12th November 2007]
 - 13 Defectors included LRA commanders Opio Makasi and Sunday Otto among others
 - 14 Widespread speculations about the death of Otti were dispelled by the LRA as false. The former leader of the LRA peace delegation, Martin Ojul, initially claimed Otti had cholera before Joseph Kony explained that his deputy was under "house arrest". It later emerged that Otti had been executed in DRC's Garamba forest.
 - 15 Mwaniki, D. and Wepundi, M., Op. Cit., p.6
 - 16 Ibid.
 - 17 See Spiegel, J. and Prendergast, J., Op. Cit.
 - 18 Machar, R., Op. Cit., p.7
 - 19 Quaranto, I. P., 2007. *Op. Cit.* p.2
 - 20 Ibid.
 - 21 See "Joint Press Availability with African Great Lakes State Leaders" in <http://www.state.gov/secretary/rm/2007/12/96505.htm> [Accessed on 13 June 2008]
 - 22 New Vision, *Uganda: SPLA to Attack Kony Hide-out*, Op. Cit.
 - 23 Ibid.
 - 24 While Kampala and SPLA have frequently accused Khartoum of supporting the LRA rebels, CAR's President Bozizé has accused Sudan of aiding and training the Union des Forces Democratiques pour le Rassemblement (UFDR) rebels. See, Small Arms Survey, 2007. *A Widening War Around Sudan: The Proliferation of Armed Groups in the Central African Republic*. Sudan Issue Brief No. 5. Geneva: Small Arms Survey, p.1
 - 25 Quaranto, I.P. Op. Cit. p.6
 - 26 Sunday Nation, *How Sudan Began Losing the Battle for Peace After a Truce*, 14 October 2007, p.32
 - 27 Quaranto, Op. Cit.
 - 28 ICG Africa Briefing No. 27. 2005. *Building a Comprehensive Peace Strategy for Northern Uganda*. Kampala/Brussels: ICG, p.3. See also, Møller, B. 2001. *Europe and the Crises in the Great Lakes Region*. Paper prepared for the Conference on Peace Building in the Great Lakes Region in Africa, organised by the African Peace Research and Education Association, Kampala. p.9
 - 29 Quaranto, Op. Cit.
 - 30 See Gersony, R., 1997. *The Anguish of Northern Uganda: Result of a Field-based Assessment of the Civil Conflicts in Northern Uganda*. Kampala: USAID, p.82. When the National Resistance Movement came to power in 1986, the Ugandan refugee population in southern Sudan was estimated to be 500,000
 - 31 Ex-Amin forces in southern Sudan formed the Uganda National Rescue Front (UNRF) and Former Uganda National Army (FUNA) in late 1980, and the West Nile Bank Front (WBNF) formed in 1994 and had Sudanese support. Later, after the overthrow of President Tito Okello in 1986, some of the Uganda National Liberation Army (UNLA) fled to southern Sudan. The Uganda People's Democratic Army (UPDA) was formed in southern Sudan and when some of its leaders brokered a deal with President Museveni's NRM, a group of its UPDA rebels fled to southern Sudan.

- 32 ICG Africa Report No. 26. 2000. *Scramble for the Congo: Anatomy of an Ugly War*, Nairobi/Brussels: ICG, Pp. 30. The ADF emerged in 1995 from a combination of pre-existing Sudanese supported opposition movements to the NRM regime in Kampala. They waged their war mainly in western Uganda in areas around the Rwenzori Mountains.
- 33 See Gersony, Op. Cit. p.88–89
- 34 The humanitarian situation was so bad that in 2003 when Jan Egeland, the United Nations Emergency Coordinator, visited victims of conflict displaced to the squalid Internally Displaced Persons (IDP) camps in northern Uganda, he described the situation as “the most forgotten humanitarian crisis in the world”.
- 35 ICG Africa Briefing No. 35. 2006. *A Strategy for Ending Northern Uganda’s Crisis*. Kampala/Brussels: ICG, Pp.5–6
- 36 See Gersony, R. op. Cit.
- 37 Mainly composed of former Uganda National Liberation Army (UNLA) ousted government soldiers, the UPDA was the first armed opposition to President Museveni’s government.
- 38 See Lamwaka, C. “The peace process in northern Uganda 1986–1990”, ed. Conciliation Resources, London, *Accord: An International Review of Peace Initiatives* (2002): 32
- 39 Joseph Kony has changed the name of his rebel group twice. In 1988 it was named the United Holy Salvation Army (UHSA) and it later changed to the United Democratic Christian Movement/Army in 1991. Since 1992, Kony’s outfit has been known by its current name, the Lord’s Resistance Army (LRA).
- 40 Ibid.
- 41 See Branch, A. 2005. “Neither Peace nor Justice: Political Violence and the Peasantry in Northern Uganda, 1986–1998”, *African Studies Quarterly* 8, No.2, p.15. URL: <http://web.africa.ufl.edu/asq/v8/v8i2a.htm> [Accessed on 10 June 2007]
- 42 Ibid., p.2
- 43 But the Operation North substantially dented LRA’s capacity.
- 44 See Branch, A., Op. Cit. p.16
- 45 See Lomo, Z. and Hovil, L.2004. *Behind the Violence: Causes, Consequences and the Search for Solutions to the War in Northern Uganda*, Kampala: Refugee Law Project, p.6
- 46 See Gersony, R., Op. Cit.
- 47 The Operation was launched after an agreement with the Khartoum government permitting the UPDF to operate up to a certain distance inside southern Sudan in pursuit of the LRA.
- 48 See Foundation for Human Rights Initiative. 2006. *Northern Uganda: Peace at Last?*, Kampala: FHRI, p.40
- 49 International Crisis Group, 2006. *Peace in Northern Uganda?*. Africa Briefing No.41. Nairobi/Brussels: ICG, p.2
- 50 Zartman, W. and Touval, S. argue that a conflict is ripe for mediation when parties to a mediation perceive themselves to be in a mutually hurting stalemate (where neither side anticipates achievement of its goals by perpetuation of conflict), and that the crisis is bounded by a deadline (i.e. the realisation that matters are becoming worse). See Zartman, W. and Touval, S. 1996. “*International Mediation in the Post-Cold War Era*” in Crocker, A. C. et al, *Managing Global Chaos: Sources and Responses to International Conflict*, Washington D.C.: USIP, 1996, pp.452–453
- 51 GOSS had three strategic options for the LRA problem – employ GOSS good offices to pursue mediation; or, leave southern Sudan and take the war back to Uganda; or, face the war option (for the SPLA to join the war)
- 52 Civil Society Organisations for Peace in Northern Uganda. 2006. *Counting the Cost: Twenty Years of War in Northern Uganda*, Kampala: CSOPNU, p.9.
- 53 See UN S/RES/1653 (2006), and S/RES/1663 (2006)
- 54 For instance, in August 2006 the UPDF killed Raska Lukwiya (an LRA Commander) two weeks before the signing of the Cessation of Hostilities Agreement with the LRA.
- 55 See The Monitor, *Mao Criticizes Kony Decision to Keep Fighting*, 4 June 2008, <http://allafrica.com/stories/200806031161.html> [Accessed on 13 June 2008]
- 56 See “The Peace Process Must Live On: Juba’s Lessons and its Legacy” in www.ugandacan.org/item/28252fmore [Accessed on 13 June 2008]
- 57 See Ruaudel, H. and Timpson, A. Op. Cit., p.14
- 58 For instance, it is curious that two years after its inception, the African Court of Human and People Rights (ACHPR) has been loudly silent on the issue of accounting for the atrocities of the Northern Uganda conflict.