



Situation Report

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The Juba Peace Talks – the checkered road to peace for Northern Uganda

Introduction

The northern Uganda conflict has had dehumanizing and devastating repercussions on the communities in northern Uganda and the country as a whole.² Northern and eastern Uganda has been a front line of conflict for longer than the 20-year LRA conflict. Still, Uganda's history is coloured by bloody conflicts revolving around power struggles since independence, with President Museveni's National Resistance Movement either forcefully frustrating or engaging in dialogue aimed towards resolving armed conflicts fought by up to twenty armed groups.³ But perhaps the longest unresolved conflict is the Lord's Resistance Army (LRA), which has survived major government and community-based military offences, and the four previous attempts at resolving the conflict through negotiation failed.⁴

The LRA rebellion is unique in its own right, not only by its longevity, but also by its widespread nature (involving not only Uganda, but her neighbours) and their choice of tactics. 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.⁵ Systemically, what developed as a local revolt grew in complexity to bear cross-border dimensions, when the LRA insurgency spilled over to southern Sudan, with the rebels establishing contact with, and support from, the Khartoum-based Sudanese government. The LRA had fixed headquarters and bases in southern Sudan for years.⁶ Further, the LRA moved to north-eastern Democratic Republic of Congo (DRC) in September 2005⁷, effectively expanding the conflict, and with suspicions that the rebels could slip to the Central Africa Republic should they meet hostility in DRC, the conflict could become ever more complex.

The extensive nature of the northern Uganda conflict has perhaps been best understood, and used for one-sided advantage, by the President Museveni's government.⁸ The LRA rebellion was to emerge, almost as an international conflict when, the Ugandan government's realistic calculation in the post-September 11 2001 environment ensured the designation of the rebel LRA as a terrorist organisation as it was listed in the US Terrorist Exclusion List.⁹ Whereas this feat did not translate to internationally coordinated efforts to end the LRA, its rebel leaders now contend with International Criminal Court indictments while the United Nations Security Council has noted the LRA as one of the armed groups that threaten the stability of individual states and the region as a whole.¹⁰

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The current Government of Southern Sudan (GOSS) mediated peace talks in Juba are considered to be the best attempt at negotiated peace between the LRA and Government of Uganda. Over the span of the conflict, the more preferred norm – a military solution – hasn't been successful. On the other hand, the four failed previous attempts at negotiation were unsuccessful. The inherent weaknesses of these failed negotiation attempts were that they were held in Uganda, sponsored by the Government of Uganda, which was also confrontational in the conflict and a sponsor of LRA leaders' security while the talks went on. The primary structure of the negotiations was essentially two-fold while it is doubtful that the conflict was ripe for resolution.¹¹ In such a structure of negotiations, it is harder to break a deadlock, while in the Ugandan case "the negotiations were marred by communication difficulties, alleged vested interests of certain high-ranking officers and politicians, Museveni's strict deadline of seven days for negotiations and the LRA's turn to Sudan for weapons re-armament."¹²

The threat of regional insecurity in the parts of central and eastern Africa due to the rebellion in Uganda is real. A conflict systems approach reveals a system of interlocking and overlapping conflicts in a region and shows that those conflicts are played out against the backdrop of interfacing and competitive regional politics and diplomacy.¹³ Uganda's involvement in DRC, for instance, 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.¹⁴

More significantly, the LRA war against the Government of Uganda was by one perspective a proxy war waged by the Khartoum-based regime with the intention of creating unending insecurity in northern Uganda. The Government of Uganda on the other reciprocated by supporting the Sudan People's Liberation Army war against the Khartoum government.

Therefore, while the Juba Talks have the uniqueness of the involvement of an independent government as a third party intervener to the northern Uganda conflict, this intervener (GOSS) has been a party to the regionalized dimension of the conflict, and this factor has informed part of the challenges of the mediation process. Objectively stated, the strength of the Juba Talks over previous attempts is that the peace talks are a three-way traffic in structure with the mediator hosting the talks away from the country of conflict, the talks have a structured agenda addressing core issues to the conflict, the process has the considerable support and/or attention of the international community and importantly, the conflict is at its ripest moment for peaceful resolution.¹⁵

With the current uncomfortable lack of success to the Juba Peace Talks, one of the critical issues to be considered is if the approach to the negotiation has focused in the creative resolution of the conflict, bearing in mind the wide-ranging nature of the conflict. A stinging LRA criticism of the mediation process has been that the Chief Mediator is biased towards the Government of Uganda (GOU) delegation, while the GOU initially did not trust the Chief Mediator's intentions.¹⁶ But considering the fact that southern Sudan is part of the eastern and central African conflict system, its choice to mediate is perfect as the mediator is heterogeneous (GOSS is both inside and outside of the conflict).¹⁷

Between July 2006 and January 2007, the highs and lows of the peace process have included the signing of the Cessation of Hostilities Agreement (CHA), LRA surfacing to assembly points in southern Sudan, violations of the CHA (including alleged UPDF aerial bombardments of the LRA in southern Sudan and LRA movement out of the assembly points), walkouts from the process, signing of two addenda to the CHA, killing of civilians in LRA-style ambushes in southern Sudan later suspected to have been orchestrated by SAF militias, the long running impasse on agenda item No. 2 and the current stalemate over the mediator and venue of the talks.

This paper proceeds to give an update of the Juba peace process and its status even with the current stalemate, highlighting challenges to the process and will end with a critical examination of options for the process.

This stage of the peace process covers the entire efforts towards convincing both parties to agree to dialogue. In this phase, besides the background efforts by the GOSS to convince both negotiating parties to talk also include the confidence building meetings that GOSS held with the LRA. These meetings also served as reconciliation meetings between the LRA and SPLA, who were enemies during the Sudanese conflict (between Khartoum and SPLA). These meetings were also used by Riek Machar to communicate to LRA the major change in southern Sudan – it was now under a different authority, which was the Sudan People's Liberation Movement/Army (SPLM/A). This change of administration through Sudan's Comprehensive Peace Agreement (CPA), also affected the LRA.

After the death of Dr. John Garang in July 2005, the young emerging GOSS quickly moved to fill the political space as a commitment to the peace of southern Sudan, considering its transitional stage. As a result, Salva Kiir promptly became the President of southern Sudan (and Commander-in-Chief of SPLA) in a smooth transition. Considering the potential threat of the LRA both to the smooth implementation of Sudan's CPA and GOSS, they developed three strategic options for the LRA¹⁸:

- Use GOSS offices to talk peace – LRA could choose to agree to dialogue with the GOU mediated by GOSS. GOSS would then use their diplomatic links with GOU to initiate the talks. This was the GOSS preferred option.
- Direct the Ugandan armed groups to leave the Sudan: GOSS had the option of asking both the UPDF and LRA to leave southern Sudanese territory and fight their battle in Uganda to avoid human suffering in southern Sudan. The GOSS would then close their international borders to ensure the conflict doesn't spill over to their territory again; or
- The War Option: The GOSS could sanction the SPLA to join the war and fight the LRA

These options were communicated to the LRA in the Babede meeting and were repeated to them on 2nd May 2006 in Nabanga. H.E. Riek Machar also told the LRA, "Make use of us so that we facilitate peace between you and the Government of Uganda." To start the peace process facilitated by the GOSS, Riek Machar gave some prerequisites:

- i. The LRA had to put a stop to killing, abducting or raping the local Sudanese communities
- ii. The LRA delegation to Juba must 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 confidently
- iii. The LRA High had to be accessible to the mediation team (including the Chief Mediator and his technical team)
- iv. There must be a cessation of hostilities between the LRA and SPLA

On the other hand, the LRA voiced their fears about the possibility of there being a hidden agenda about the talks, observing that the Government of Uganda attempted to exploit the previous negotiation attempts to target LRA leaders for execution without success. The LRA also needed assurance about their safety in the bush as well as the safety of their delegation in Juba.

The pre-negotiation phase served to reduce the LRA fears, and achieve reconciliation between the LRA and GOSS. It also presented the LRA a preliminary opportunity to erase the mystery behind the group and its leaders, especially Joseph Kony who had been thought to be a spirit. The LRA exploited the confidence building meetings to start erasing perceptions that they had no political agenda in their

armed conflict with the GOU.¹⁹ The LRA also made assurances that there would be no fighting between them and the SPLA or southern Sudanese communities.

The Chief Mediator adopted a broad-based approach to mediation. Separate from the negotiating parties, there are local and international observers, while the mediator is himself backed by a technical mediation team. The local team of observers mainly includes the Ugandan Members of Parliament, religious and cultural leaders. The observers, especially the local observers, shuttle between the negotiating parties discussing their positions on items of discussion at the talks, resolving stalemates through concessions obtained from either side. This has in itself made the negotiations run smoothly without problems.

Besides the mediating, negotiating, and observer teams, there is a team for community mobilization, which connects the gap between the peace negotiations in Juba and the community hopes and expectations in northern and eastern Uganda. The community mobilization team has played the role of rallying the conflict affected communities to support the process, and to solicit their views about the peace process, which are communicated back to Juba through the Chief Mediator. The creation of the team and their tasks has essentially created a feedback mechanism between the mediation and negotiating party teams and the conflict affected communities of northern and eastern Uganda. But this team, and the process of community mobilization can and has been political, and this has challenged their relations with the GOU delegation (who felt the team's report to the mediator was largely unacceptable) and even with the team of local observers (in a what emerged to be a struggle for space and relevance).s

When the team of local observers and community mobilization team met in Juba from 1st October 2006, fault lines appeared among (and even within) the groups as each tried to find their space, and assert their relevance over the other. An oversight could have been team building forums for these groups for them to harmonize their approach, language and roles. Considering the importance of all these groups, the need for combined efforts among them is urgent. Nevertheless, this phenomenon (of inter and intra group rivalry) should not come as a surprise to those following the peace process (Ugandans, international community and observers); it is a natural group dynamics phenomenon, which explains the very existence of a group. What however should be done is to re-channel this "differentness" into uniqueness of purpose and functions but all combined to achieve one goal – peace.

In addition, there have been side meetings as part of the design of mediation aimed at confidence building. A week after the talks began, Acholi cultural and religious leaders of northern Uganda met their counterparts in southern Sudan to seek forgiveness (on behalf of the LRA) for atrocities committed by the LRA in southern Sudan. That is when it was conceived that the LRA delegation should meet the Acholi chiefs in southern Sudan. Embedded in the mediation process therefore has been the task of enhancing reconciliation between the LRA and local communities (in northern Uganda and southern Sudan), and between the LRA and SPLA (which was the first to be achieved).

Lastly, the mobilization process as a component of mediation has been key in gaining local (southern Sudanese and northern Ugandan) community support for the process. Southern Sudanese communities were mobilized to support the peace process. They were requested to work together with the Acholi religious and cultural leaders to support their government in the mediation process and accept (and coexist peacefully with) the LRA rebels at the assembly areas. Community acceptance of LRA movement to assembly areas was a key condition for the success of LRA assembly.

In Uganda, between 8th and 13th September 2006, there was the mobilization of the conflict affected communities in the north and east to support the peace process. The report of this process was handed to the Chief Mediator on 5th October 2006.

Following the official start of the talks in July 2006, the mediating and negotiating parties dealt with the question of the structure and order of the agenda, with the initial talk being over whether an end of hostilities and ceasefire should be one item or separate. Nevertheless, the peace process can be said to have brought about agreement between the parties on four major issues – the ground rules of the talks, the agenda of the talks, cessation of hostilities and the two addenda to the cessation of hostilities agreement. The five-item agreed agenda for the Juba talks is:

1. Cessation of hostilities, covering:
 - a. Ending fighting
 - b. Stopping hostile propaganda
2. Comprehensive solutions to political, social and economic problems of marginalization in northern and eastern Uganda. This covers two broad issues:
 - a. Succession in politics
 - b. Participation in state institutions
3. Reconciliation and Accountability, which covers:
 - a. Traditional justice system (e.g. *Mato Oput* among the Acholi)
 - b. Strengthening the National Legal Framework for reconciliation (e.g. Amnesty Act)
4. Ceasefire Agreement
5. Disarmament, Demobilization, Demilitarization, Rehabilitation, and Re-integration (DDDRR) of the LRA

Whereas, while the talks progressed, LRA leader Joseph Kony declared a unilateral ceasefire on 4th August 2006, which he followed up with another unilateral declaration to end hostilities a week later, on 12th August 2006 the UPDF killed LRA commander Raska Lukwiya. This appeared to be an early blow to the peace process, but the LRA announced their determination to stay on the course of peace. Following their meeting in Kampala, on 19th August 2006 President Museveni and the GOSS President Salva Kiir jointly announced that the UPDF would 'halt operations' against the LRA if the rebels agreed to assemble in southern Sudan at designated assembly points.

It was a relief therefore, when the parties involved in the Juba peace talks successfully covered the first agenda item on cessation of hostilities, signing the Cessation of Hostilities Agreement (CHA) on 26th August 2006. The areas the parties agreed on under the CHA included:

- To cease all hostile military action aimed at each other
- To cease hostile media and other propaganda
- LRA to surface their forces and assemble in the Sudan (to be completed within three weeks)
- The UPDF to offer safe passage for LRA forces to enable them to move to the designated Assembly Areas²⁰, which shall be protected and monitored by the Sudan People's Liberation Army (SPLA)
- Establishment of the Cessation of Hostilities Monitoring Team (CHMT) to monitor the implementation of the CHA and report to the Mediator. The composition is supposed to include a team leader (SPLA military officer), two representatives each of the two parties, and two senior military officers appointed by the African Union. But in actuality the CHMT is composed of two representatives each of the LRA and Government of Uganda, led by Gen. William Deng, of the SPLA
- Provision of basic services to the LRA at the Assembly Areas
- Review of the progress of the LRA movement to designated areas after three weeks²¹

From 1st to 5th October 2006, the CHMT went on a fact finding mission to verify claims by both negotiating parties that the other had violated the provisions of the CHA. The LRA protests about government violations came in the wake of UPDF escort of diplomats and journalists to Owiny-ki-Bul assembly area. The Government of Uganda on the other hand had protested the movement of the LRA rebels away from the assembly areas in violation of the CHA.²²

On 8th October 2006, in a presentation of the CHMT interim report to the mediator, the CHMT confirmed these violations by the LRA and the Government of Uganda. It was explained that on the 27th September 2006, there was the entry to southern Sudan of two mambas, two buffalos, four pick ups, one truck and bus heading to Owiny-ki-Bul. The trip was organized by the Uganda Media Centre.

It was also pointed out that the LRA met on 14th September 2006 but were last seen at the assembly area on 29th September 2006. The rebels seen were about 45, and had come to collect foodstuffs from the assembly area. The CHMT confirmed the movement of the LRA to the north east of Owiny-ki-Bul. Further, it was established that UNMIS (Bangladeshi) officers sighted LRA movement on the Torit-Juba road. When the CHMT further moved to Magwi and met the Commissioner of the area, he produced an unsigned letter that was confirmed to be from the LRA (it read, "we are passing, we are not a threat to anybody, and so you should not fear"). It was also revealed that the LRA relations with the local communities as they moved were friendly and there were no hostilities.

The CHMT further pointed out two basic challenges to the CHA:

- Inadequate security provisions: There were only 23 SPLA soldiers at Owiny-ki-Bul, yet to provide adequate security to the LRA at the assembly area, 400 SPLA soldiers would be needed.
- Lack of basic facilities: It was observed that it would be difficult for the LRA to stay at assembly points when they lacked basic facilities, which haven't been provided.

At the time of the presentation of the CHMT interim report to the Chief Mediator, the negotiating parties had already begun discussing the second agenda item, which deals with addressing comprehensive solutions to the conflict. This agenda is considered by the LRA as extremely important, considering that it addresses the root causes of the conflict.²³ The mediator had already received the government and LRA positions on the agenda, and had prepared a mediator's draft position paper, which harmonized the two positions, on the basis of which the negotiating parties would debate. Whereas the government delegation, in a meeting with the mobilization team on 6th October 2005, expressed the desire and hope that an agreement on agenda item No. 2 would be reached soon, the LRA delegation expressed, in various forums (meetings with the teams, and at the plenary sessions at the negotiation table), the need for more time to be created for consultations on the agenda item.

In a meeting on 7th October 2006 at Juba Bridge Camp that brought together the LRA delegation, the religious leaders, cultural leaders, the Acholi Parliamentary Group, the Observer team and the Mobilization team, the leader of the LRA delegation Mr. Martin Ojul observed that the parties in the talks have never gone for recess ever since the talks began, but some members of the delegation only leave periodically for consultations. The LRA preference was that prior to exhausting discussions on agenda item No. 2 there was need to go on recess.

In a plenary session on 6th October 2006 to discuss the Mediator's draft position paper on Agenda 2 (which harmonized the LRA and GOU positions)²⁴, the Chief Mediator, whereas appreciating that the process hadn't yet reached a point of no return, opined that that week (of 1st – 8th October 2006) was the week to sign an agreement. According to the Chief Mediator, the point of no return would be arrived after the signing of agenda item No. 2 (this could be due to his appreciation of the weight both parties place on the agenda item).

A second request the LRA made during the discussions on agenda item No. 2 was that the parties review the status of the implementation of the CHA, following CHMT confirmed reports of violations by either party. This was initially taken to be a delay tactic.

The stalemate over the process appeared to be worsened with 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). 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 protested they were being framed by UPDF. But shortly after, there were reports about the SPLA’s arrest of 15 suspected northern Sudanese militiamen (SAF), and was sensitive.

The sensitivity of the SPLA finding is that the peace process has to battle with the challenge of possible spoilers. This paper began with a strong emphasis on the systemic basis of the northern Uganda. A systemic conflict has a range of actors involved in the conflict, and the conflict itself is ever-changing. The fact that there is a new political administration in southern Sudan doesn’t protect them from challenges of spoilers in the implementation of their own CPA, and in the mediation of the LRA-GOU talks. It came to the fore that one critical actor had been, and still is, left out of the peace process – the Khartoum-based regime. The existence of the GOSS doesn’t eliminate the influence of Khartoum over the LRA, and even the direction and smoothness of the talks. The suspicion that the perpetrators of the ambushes were militias allied to Khartoum drove the point home.

The ambushes awakened the mediation and negotiating parties to the significance of the LRA request – a review of the CHA was urgent, and perhaps, it would sustain dynamism in the talks, as there had been a long stalemate on Agenda item No.2. Spirits were high and energies rejuvenated by the signing of the addendum to the Cessation of Hostilities Agreement on 1st November 2006.²⁵ Under the agreement, the LRA rebels had up to one month to re-assemble, unauthorized visitors were barred from assembly areas and the Africa Union was re-invited to participate in the peace process, while the GOSS was charged with ensuring adequate security to the LRA assembly areas.

In mid-December 2007, the GOU and LRA negotiating delegations in Juba agreed to extend the ending of hostilities to run till February 2007. This development, whereas positive, came in the wake of continued violations of the Cessation of Hostilities Agreement (CHA) by both parties. These violations were confirmed and documented by the CHMT, who held that:

- i. The LRA has not assembled in Owiny-ki-Bul, hence breaching the CHA
- ii. The LRA has some presence in Ri-Kwangba but has not properly assembled there. However, because of inadequate water supply in Ri-Kwangba, the LRA can not be considered to be in breach of the CHA on this account
- iii. The UPDF has withdrawn from Palutaka and Tabika, as promised
- iv. Clashes between LRA and UPDF took place on 29th November 2006 (around Mogiri, Nisitu and Ngangala) and 30th November 2006 in the area of Liria. All being areas outside the provisions of the CHA, and therefore both forces were not supposed to be found there.²⁶
- v. On 30th November 2006, a UPDF helicopter dropped bombs near Opari (very close to Owiny-ki-Bul).

The constancy in the CHMT findings and reports is that CHMT implementation is weak and this is blamed on the negotiating parties’ breach of the CHA as much as it is due to the weak institutional framework around which the CHA is implemented.

Yet, even though CoH implementation is weak, there are good prospects that recent confidence-building measures will give new strength to the agreement. For instance, whereas the CHA provides for two senior military officers sent by the African Union to the monitoring team, in actuality members of the CHMT only comprises of two members each of the belligerent parties (GOU and LRA) led by an SPLA officer. Given the fact that GOSS is not only a nascent party but also that the Sudanese conflict involved the GOU (on the SPLA side) and LRA (on the Khartoum side)²⁷, it can be said that the need for officers *exogenous* to the conflict (seconded by the AU or IGAD) is urgent.

The process has been a salad bowl of encouraging confidence building gestures from the GOU towards the LRA²⁸ and similar positive gestures from the LRA²⁹, mixed with unnerving hostile gestures that have threatened to stall or even terminate the peace process.³⁰ This problem of having a confusing mazy pattern of peace talks filled with mutual suspicion appeared resolved when, in December 2006, the GOU and LRA delegations agreed on a strategy to fast track the process including holding joint sessions without the mediator.

The newfound cooperative spirit between the negotiating parties did not produce an agreement on Agenda item No.2, which is an agenda item with the potential to swing the peace talks into high gear, once an agreement is reached on it. This should have been the determination of the Chief Mediator, when hoping for a resumption of talks (from recess) on 15th January 2007; the LRA announced their disengagement from the talks three days before (on 12th December). The LRA cited security considerations and demanded for a shift of the talks to a neutral country and mediator.

The LRA announcement followed Sudan's President El-Bashir threatening the LRA with joint military action if there was no peaceful solution to the LRA problem.³¹ Less than two weeks later, President El-Bashir pledged his support for UN efforts to resolve the conflict between the GOU and LRA, acknowledging that the LRA has caused instability and impaired the process of implementation of the comprehensive peace agreement.³²

On the surface, these statements coming from top leaders in Sudan were a statement of their commitment to settle the conflict. Two issues need to be addressed though – first that the Government of Southern Sudan is the mediating party (and hosts the talks as well as the LRA forces assembling on its territory), and secondly, that the warning to the LRA came from President El-Bashir, whose government is accused of having supporting the LRA before. When the SPLM considered their strategic options concerning the LRA conflict, the option to facilitate the peace talks was their preferred option, joining the war to push out the LRA was their last option. The frustrations of horrible suspected LRA ambushes could have taken their toll on the administration. But these violent incidences were grey areas – for example, for the 19th October 2006 ambushes suspected Sudanese militiamen (SAF) were arrested.

For both scenarios (of the mediating institution and the former LRA supporter threatening military action), one explanation is that internal Sudanese realities and politics are scarring not only the country, but also the Juba Peace Talks too. While the Khartoum-based government might not yet be ready for a permanent resolution of the northern Ugandan conflict³³, there may be leadership rivalries within the GOSS and SPLM/A that are hurting the peace process.

The Khartoum role re-emphasizes the importance of treating the northern Uganda as a systemic conflict. If so looked at, then it becomes visible that a very critical actor in that conflict that has been ignored in the current peace process is the Khartoum government. Addressing Khartoum's interests in the northern Ugandan conflict in a way even assures southern Sudan of a stable implementation of their very own CPA.³⁴ Some critics observe that President El-Bashir's threat of military action against the LRA was not genuine but was aimed at disrupting the peace process.

On the southern Sudanese side, there that top SPLM/A leaders, GOSS President Salva Kiir and his Vice President Riek Machar, could both be aiming for the top leadership of southern Sudan, especially in the face of the possible secession of southern Sudan after the 2011 referendum.

The Juba Peace Talks should not be victim to these challenges. Anchoring the peace talks on a regional institutional framework like IGAD, even while mediated by the GOSS, insulates the process. First and foremost, this would be a basis for addressing the systemic dimension. Secondly, it would give the talks stability since the mediating party is the emerging and transitional Government of Southern Sudan (GOSS). Thirdly, through a regional institutional framework, the administration and management of the mediation secretariat would be more professional. Fourthly, the Chief Mediator would have an expanded and stronger technical team supporting him. Fifthly, the CHMT would easily get military officers exogenous to the conflict, while the team would be more easily equipped to effectively implement its role. And very importantly, through a regional institutional framework, a Heads of State Summit would be realized as a superstructure above the mediator and negotiating parties, hence creating pressures on the GOU and LRA to fast track the process.

The LRA in their demand requested Kenya, South Africa or any other neutral country to host the talks. Later on, through their spokesman Mr. Obonyo Olweny, the LRA requested the Kenya government being the IGAD chair to intervene in the peace process. Shifting the talks from southern Sudan to any other place in a huff would be careless. For any country to step into the process in a manner likely to be interpreted by the GOSS as a diplomatic slap in the face would most likely harm the very process all regional actors need to support. The LRA cannot afford an adversarial approach to demanding a shift in the venue of the talks:

First and foremost, the designated assembly points are in southern Sudan. The LRA forces' presence in southern Sudan is therefore a result of the GOSS administration's goodwill. For talks to be shifted elsewhere, one of the important questions would be where would the LRA forces assemble during the peace talks? The option of shifting assembly points out of southern Sudan to DRC is impractical, unless the LRA intend to stay in their hideouts in eastern DRC. Similarly, the prospect of creating assembly points in northern Uganda at this stage might not be easily sellable to either party. In previous peace talks, the issue of having assembly points in northern Uganda is debatable

Secondly, the Juba Peace Talks already have a funding arrangement, through the 4.8 million dollar UN Juba Initiative Fund. Despite being at its infancy, and the fact that it is in a transitional post-conflict period of implementation of their Comprehensive Peace Agreement with the Khartoum government, the Government of Southern Sudan (GOSS) is said to have spent \$500,000 in just the first month of the Juba peace talks alone – costs incurred from hosting and supporting the talks. The UN decision to set up a basket fund, under the influence of the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Mr. Jan Egeland, has received financial support from Canada, Belgium, Germany, Ireland, the Netherlands, Norway, Sweden, and the United Kingdom.³⁵ Canada is the biggest donor to the UN Juba Initiative Fund, with a contribution of \$1.5 million made in December 2006. Evidently absent from the list of donors is the United States. Considering the already established infrastructure for funding the Juba Peace Talks, it is doubtful that donors would be willing to fund the talks should there be a shift because of the bureaucratic and cost implications of such a decision.

The ICC indictments

There are some significant points in the Juba Peace Talks. The most important to the LRA is the ICC indictments against five top LRA leaders and commanders. The LRA have continually demanded the withdrawal of the ICC case for them to sign any final peace agreement. The government response has often that the ICC are partners in the peace process, and for the GOU to apply for their withdrawal,

there is need for the LRA to sign a final peace agreement, seek forgiveness and reconciliation with the conflict affected communities, then the withdrawal of the ICC case would be considered.

Consolidating cantonment

Secondly, the movement of the LRA forces back to the designated assembly areas has emerged as a sticking point. Whereas the CHA and its addendum stipulate that the LRA should assemble at two designated areas, the LRA demand that the UPDF should move clear east of Juba before the LRA assembly. From all indications, the UPDF are not ready to leave their stations in southern Sudan. This therefore threatens to be a long standoff.

Besides these sticking points, there are other challenges to the peace process (bearing in mind the already mentioned challenge of a nascent government mediating the peace talks without support of a regional institutional framework and regional state actors):

The mediator's dilemma

Whereas it was earlier noted that the strength of the Chief Mediator is in the fact that he is a heterogeneous third party intervener, he is also trapped in a dilemma. Both the LRA and GOU look at the Chief Mediator with particular expectations they each believe should be met. The GOU, being a long time ally of the SPLA in their war against Khartoum, warm to the GOSS mediation who feel they owe Uganda. On the other hand, the LRA having fought alongside Khartoum, and thereby having been allies with Riek Machar when he fought on the Arab side³⁶, similarly had confidence in the GOSS mediation (specifically Riek Machar's), as chances were he would be favourable towards their cause. With this situation, the neutrality of the mediator could easily be misinterpreted as bias,³⁷ while leaning more towards either side could widen the gap between them. It is therefore the mediator's dilemma, and it can be observed in the present stalemate, where the LRA are demanding for a neutral venue and a neutral mediator.

Consolidating the ceasefire

There is the persistent challenge of the effective monitoring of the implementation of the Cessation of Hostilities Agreement (CHA). The composition of the CHMT, as it is now, is dominated by officers from the belligerent groups (two officers each) led by SPLA Major-General Deng Kuoirot. The lack of officers seconded to the team by the African Union or IGAD (or other relevant inter-governmental institution), weakens the impartiality and effectiveness of the team. The UPDF currently gives more updates about who is violating the truce (always the LRA) that does the CHMT, an ironical case of a belligerent playing the role of an independent and objective monitor. The CHMT needs to not only be expanded in membership, but also must be facilitated in terms of equipment, transport and logistical support. With the current arrangement, it is said the CHMT gets to a site where an incident of violation was reported at least two days after it has occurred.

The role of spoilers

Another major challenge is the problem of detractors. These are mainly the Diaspora and the Khartoum government, both of have supported the LRA either financially or through providing them with weapons. The recent remarks by President El-Bashir have been interpreted by critics as an attempt to jolt the process to its collapse. Perhaps one major reason why Khartoum doesn't openly support the LRA anymore is the international pressure on the government to uphold human rights and lessen human suffering in Darfur. Another critical group that has not been fully involved in the peace process are the Diaspora. They hold much influence with the LRA High Command.

The administrative architecture and the role of civil society

The weaknesses of the administration Juba Peace Talks secretariat are notable. Part of these has included delayed payments to members of the LRA delegation, who still claim to earn \$70 per day, while the GOU is said to earn \$300 a day.³⁸ Further, the LRA have received a lot of favourable attention, and have in the process heard proposals about better venues with better facilities and allowances (in addition to the neutrality of the country and mediator). It is therefore no wonder when the Norwegian Deputy Minister for Foreign Affairs recently warned Norway would resist a change in venue due to NGOs foreign venue shopping.³⁹ President Museveni lamented similarly before the Commonwealth Secretary General, Don MacKinnon on the eve of the 8th African Union Summit in Addis Ababa.⁴⁰ The understandable concern is that where such options might have been offered to the LRA, the delegation has been distracted and hasn't followed the Juba talks as enthusiastically as they would have.

Consolidating a meaningful peace framework

It has to be reiterated that the LRA insurgency has a systemic basis, and as such, the Juba Peace Talks need to be designed in such a way to address all the interests to the conflict, including the Diaspora, Khartoum, LRA, GOU, and even GOSS, etc. The mediation should be anchored on a regional institutional framework. Such a framework not only addresses the systemic dimension, but also boosts the mediation efforts of the nascent GOSS. With a regional institutional framework, even the CHMT stands to benefit.

Deepening the analysis – the LRAs concerns

In the same breath therefore, the current LRA disengagement should not be dismissed merely as a result of external influences (of NGOs, for example), but it is important to seek the LRA's strong grounds for their disengagement from the talks and their demands for a new venue. This approach first foremost brings to the fore the contradiction of a mediating country warning a belligerent party it is mediating with war. On the one hand it confirms the systemic basis of the conflict, but on the other, it emphasizes the needed for measured pronouncements especially from the GOSS leadership.

The LRA concerns about their security in Sudan due to the presence of many armed groups in the south (LRA, SAF, UPDF, SPLA etc) has some reasonable basis. The November 2006 skirmishes between SPLA forces and Khartoum government forces are manifestations of strains in the implementation of the Sudanese CPA. There are LRA fears that they could be easy victims of tensions between Khartoum and GOSS.

IGAD and the peace process

IGAD involvement in the Juba Peace Talks would cushion the parties from harm, while IGAD is the most credible institution to monitor the implementation of the Sudanese CPA, addressing any hardships faced. A tumultuous phase in the implementation of the CPA is a direct threat to the Juba Peace Talks as well as the Northern Uganda peace process.

Way forward—institutionalising the talks

A practicable option for resolving the stalemate about the LRA disengagement is to restructure the Juba peace talks. Pegging the talks on a strong regional institutional framework such as IGAD, with a Heads of State summit to form a source for peer influence on Presidents El-Bashir, Museveni and Kiir would insulate the process from actions by the leaders that would escalate tensions. Further, considering the already existent financial infrastructure for the Juba Talks, the same group of donors could form the Northern Uganda Contact Group to support the process.⁴¹

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- 1 David Mwaniki is the Executive vice-President and Manasseh Wepundi is a Research Analyst at the Africa Policy Institute.
 - 2 A CSOPNU study estimates that there are between 1.8 and 2 million internally displaced persons living in squalid camps, more than 25000 children have been abducted, 45000 children 'night commute' to avoid abduction, while the majority of the people in camps live in absolute poverty.
 - 3 Civil Society Organisations for Peace in Northern Uganda, *Counting the Cost: Twenty Years of War in Northern Uganda*, (Kampala: CSOPNU, 2006), p.9. See also Z. Lomo and L. Hovil, *Behind the Violence: Causes, Consequences and the Search for Solutions to the War in Northern Uganda*, Refugee Law Project Working Paper No. 11, (Kampala: RLP, February 2004), p.4.
 - 4 The most successful peace initiative prior to the Juba peace talks is said to be the one launched by then Minister for the Pacification of the North, Betty Bigombe in 1994. It opened channels for dialogue and achieved ceasefires but later collapsed. See paper by Z. Lomo and L. Hovil, op. cit., p.6.
 - 5 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".
 - 6 ICG, *Building a Comprehensive Peace Strategy for Northern Uganda*, Africa Briefing No. 27, (Kampala/Brussels: ICG, June 2005), p.3. See also B.Møller, "Europe and the Crises in the Great Lakes Region," Paper prepared for the Conference on Peace Building in the Great Lakes Region in Africa, organized by the African Peace Research and Education Association, 24-26 July 2001, Kampala, p.9.
 - 7 ICG, *A Strategy for Ending Northern Uganda's Crisis*, Africa Briefing No. 35, (Kampala/Brussels: ICG, January 2006), pp.5-6.
 - 8 The Government of Southern Sudan's (GOSS) decision to mediate the talks, with the realization that peace in northern Uganda translates to peace in southern Sudan due to their connectivity, is also a show of their appreciation of the systemic basis of the northern Uganda conflict.
 - 9 M. Wepundi, "Terrorism and the (Re-) Emergence of the Debate on Torture" in *The Defender*, Volume 8, Issue No. 2, 2004, p.26. In a confidence building meeting between GOSS (led by Riek Machar) and LRA (led by Vincent Otti) on 11th April 2006 at Babede, the LRA second-in-command said, "... we are freedom fighters for our rights... we are not terrorists." Otti, in demonstrating that the conflict was systemic, observed, "Now we are fighting in Sudan, in Uganda and everywhere. That's why I said the war is now unique."
 - 10 See UN S/RES/1653 (2006), and S/RES/1663 (2006). Depending on the nature of the UN Secretary General's recommendations to the UN Security Council, there is a possibility of the utility of the United Nations Organization Mission in DRC (MONUC) and the United Nations Mission in the Sudan (UNMIS) coordinated military action against the LRA forces.
 - 11 W. Zartman and S. Touval argue that for 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 realization that matters are becoming worse). See W. Zartman, and S. Touval, "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.
 - 12 Z. Lomo and L. Hovil, op. cit., p.6.
 - 13 M. Mwagiru, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark Publications, 2000), p.73.
 - 14 ICG, *Scramble for the Congo: Anatomy of an Ugly War* (Nairobi/Brussels: ICG, December 2000), 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 Ruwenzori Mountains.
 - 15 Both conflicting parties are facing a moment of truth – the economic cost of the war to the Government of Uganda is proving too costly to sustain – the study by CSOPNU estimates annual cost of war to Uganda over the 20 years to be \$85million, accumulating to a staggering \$1.7billion. On the other hand, the LRA is faced with an increasingly hostile international and regional environment characterized by challenges of the ICC indictments for their key leaders, UN Security Council Resolutions calling among other things, for coordinated military action against the LRA and the loss of key foreign support from Khartoum (due to their Comprehensive Peace Agreement with the SPLA and its implementation) as well as losses of forces and key leaders (e.g. the killing of Raska Lukwiya) to the UPDF offence. The fact that the conflict has run for twenty years is a precipice, with no quick military victory assured.
 - 16 Whereas the UPDF fought alongside SPLA in southern Sudan against the Khartoum government, the LRA, who are said to have been introduced to Khartoum by Riek Machar, fought on the Khartoum government side. The Chief Mediator is therefore trusted as much as he's distrusted by both parties because of the dual identities of the Chief Mediator.
 - 17 See arguments by M. Mwagiru, op. cit., pp.77-78.
 - 18 Salva Kiir also reiterated these options in his speech during his swearing-in as Sudanese First Vice President and President of the Government of Southern Sudan.
 - 19 In the 2nd May 2006 Nabanga meeting, Joseph Kony quipped, "You cannot stay in the bush for twenty years for nothing!" In Babede on 11th April 2006, Vincent Otti said, "We are fighting the Government of Uganda, as you know, for what the Government of Uganda has been doing to my country and particularly to my tribe."

- 20 During the implementation of the CHA, there has been a battle of semantics between the negotiating parties. Whereas the GOU insists on the designated areas being called “assembly points” (having a limited defined radius), the LRA sticks to calling them “assembly areas” (as is contained in the CHA), arguing it’s the whole area around which the GOSS designated them (with no specification of radius). This was later addressed in the addendum to the CHA, which defined the radii for both assembly areas.
- 21 After the lapse of this period of time, not all the LRA rebels had assembled to the designated assembly areas, but the talks went on nonetheless without this review. During the process of assembly, although the LRA were offered a means of transport by the UPDF and civil society, the LRA second-in-command ordered that all rebels walks to the designated assembly areas. This process heralded a new realization – the excitement of the local communities about the process saw a lot support given to the process, with communities donating foodstuffs to the rebels. It was a peaceful and jovial process.
- 22 The Cessation of Hostilities Monitoring Team (CHMT) had stated on 10th September 2006 that that there had been a movement of around 500 armed elements of the LRA from Yei in the direction of Pokula. This figure was later correct to an estimated 50 armed men.
- 23 On various occasions in Juba, some described it as “the real meat of the talks”. During a radio talk show on Radio Varitas in Soroti, the LRA’s legal advisor Mr. Ayena Odongo, referred to agenda item No. 2 as “pinnacle of the talks” and once signed, it would be “the big deal”.
- 24 To date the agenda item has produced many versions of position papers from the LRA.
- 25 Upon the signing of the addendum to the CHA, LRA spokesperson, Josephine Apira proceeded to shake hands with leader of the GOU delegation, Dr. Rugunda, something she had earlier taken offence for at the beginning of talks when Dr. Rugunda reached out to salute her.
- 26 See also Reuters report, “Ugandan Army and LRA Clash, Violate Truce”, 7th December 2006, <http://www.alertnet.org/thenews/newsdesk/L0769611.htm>
- 27 To give some credit to the peace process, it is important to bear in mind that despite of, and because of, of this connectivity of Sudan’s and Uganda’s conflicts, a component of the pre-negotiation phase was reconciliation between the LRA and GOSS, in order to build confidence and trust in the mediator and the process.
- 28 For instance, the Ugandan government chartered a plane and flew a delegation to Ri-Kwangba including Norah Anek Oting, the LRA leader Joseph Kony’s mother, to visit the LRA.
- 29 Such as LRA leader Joseph Kony expressing willingness to engage in direct talks with President Museveni.
- 30 Examples include Joseph Kony’s threat on Radio Lira in late November 2006, that the LRA shall resume their “normal activities” if the government jeopardizes the peace talks. Further, the LRA has walked out of talks severally, following reasons such UPDF attacks on the LRA.
- 31 The remarks were made on 9th January 2007 during the celebration of the signing of their Comprehensive Peace Agreement. El-Bashir said, “We are prepared to constitute a joint force to eliminate the LRA. We do not want them. If we cannot find a peaceful solution to the LRA conflict, then we must pursue a military solution.”
- 32 He made these remarks in a meeting with the UN Envoy for LRA Affected Areas, Joachim Chissano.
- 33 Architects of the LRA insurgency designed it to be perpetual. By perpetuating unimaginable atrocities, the option of peace would be equally unimaginable, and the LRA would be impenetrably intact, driven to seclusion by their own acts.
- 34 In November 2006, for example, clashes broke out in Malakal, Upper Nile State, between Sudanese government forces and SPLA soldiers, in which scores of people were killed and aid work disrupted.
- 35 The Netherlands pledged \$1,142,132, Norway \$1 million, Sweden \$960,219 and the UK \$469,043.
- 36 Some sources intimate that it is Riek Machar who provided a link between the LRA and Khartoum.
- 37 For instance, the GOU was initially uncomfortable about having Riek Machar as a mediator. His donation of \$20,000 to the LRA only heightened the suspicion and criticism.
- 38 It is important to underline that the GOU delegation is also supported by Ugandan government.
- 39 “I want to urge the different NGOs and governments to stop this kind of foreign shopping to say: move the venue to Nairobi, Cape Town or elsewhere, as this will not bring both parties together,” the minister, Raymond Johansen said (while touring Te-Tugu IDP camp in Gulu on 28th January 2007).
- 40 President Museveni also ruled out new mediators, but if the LRA wanted them, “those people can be part of the Juba team”, and also explained that new mediators would mean their going back to learn the problems of northern Uganda while “the Sudanese team knows those problems already.”
- 41 In a press statement on 2nd February 2007, sixteen diplomatic missions and UNDP called on the GOU and LRA to resume the stalled South Sudan mediated peace negotiations in Juba. The signatories to the statement were Austria, Belgium, Canada, Denmark, European Commission, France, Germany, Iceland, Ireland, Italy, Japan, Netherlands, Norway, Sweden, UK and United Nations Development Programme (UNDP). Conspicuously missing, again, is the United States.