

Dealing with complexity in peace negotiations:

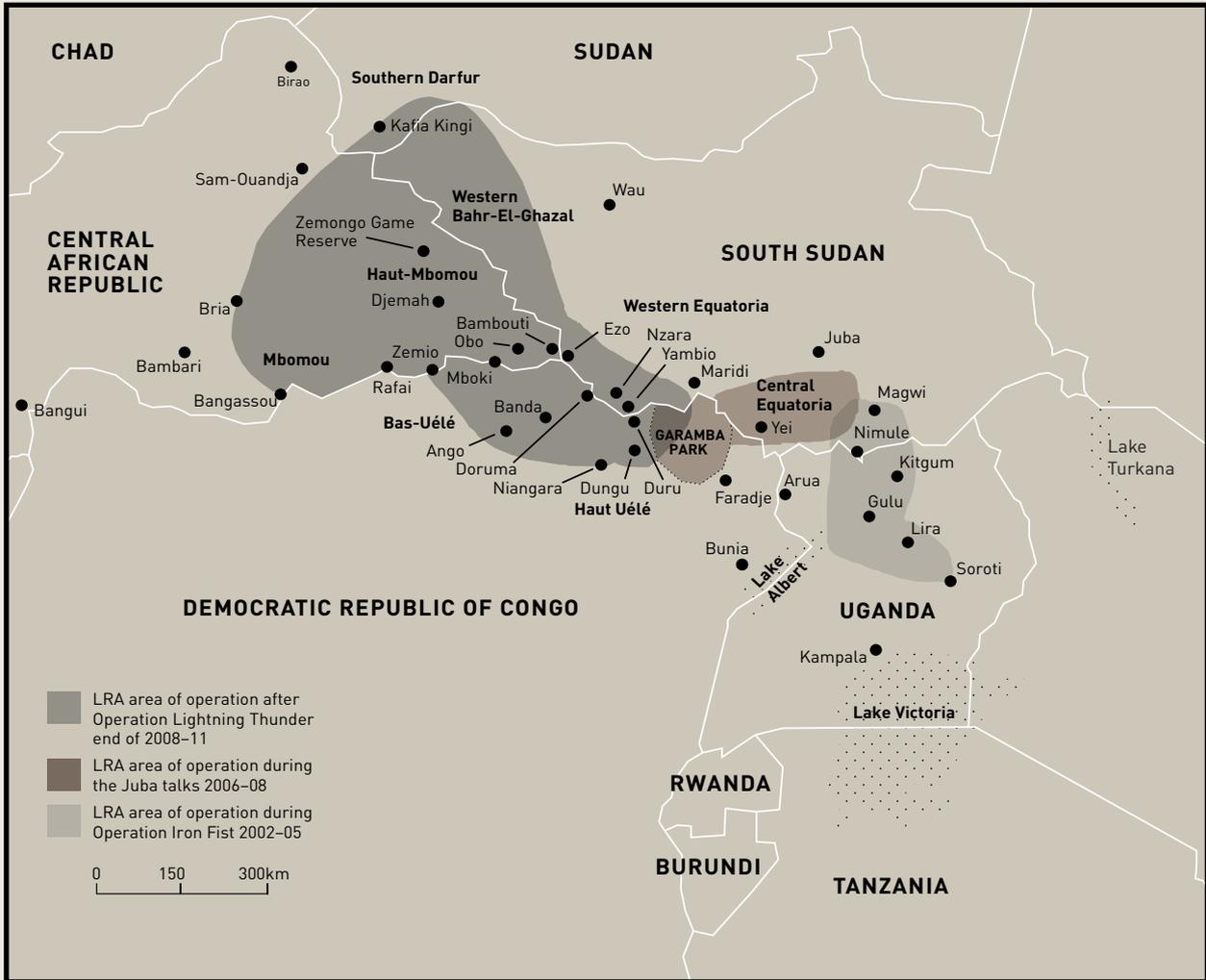
Reflections on the Lord's Resistance Army and the Juba talks

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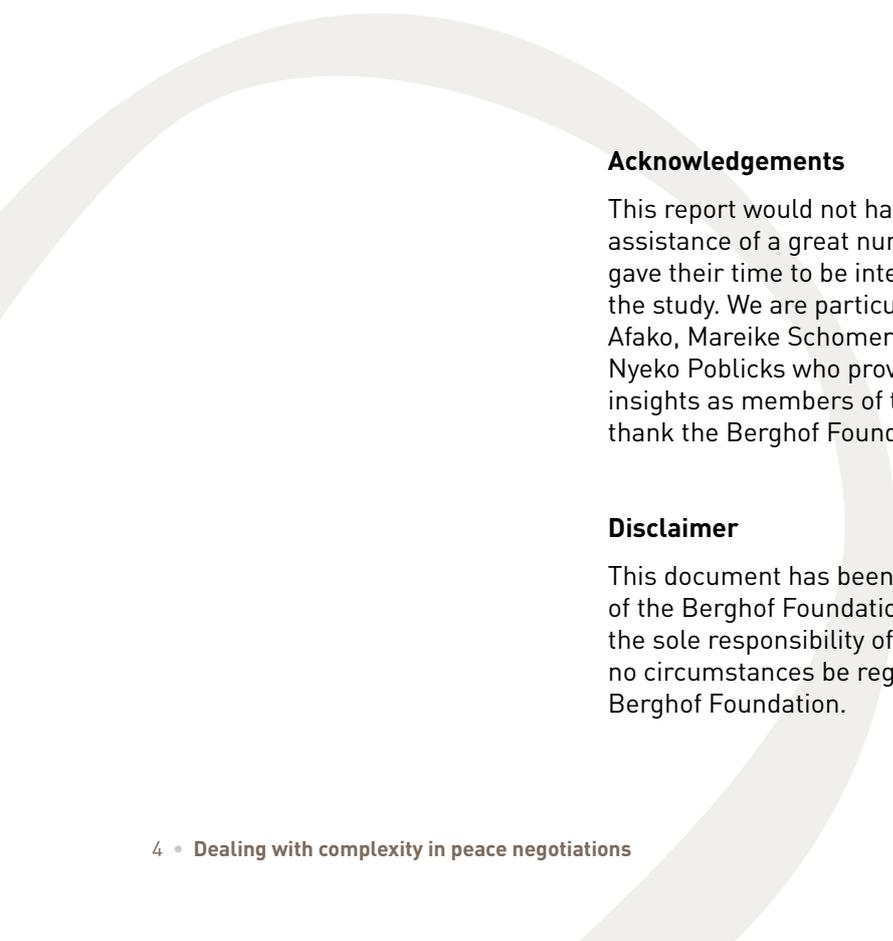
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Disclaimer

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Executive summary

Background

The Juba peace talks that commenced in July 2006 between the Government of Uganda (GoU) and the Lord's Resistance Army (LRA) offered the best opportunity to end their conflict since the outbreak of LRA violence in the 1980s. Since the talks collapsed in December 2008 and the conflict spread into neighbouring Democratic Republic of Congo (DRC) and Central African Republic (CAR), there has been little appetite for renewed talks from either GoU or the international community. Various groups in northern Uganda, some parts of DRC, CAR and South Sudan, especially religious and traditional leaders, have continued to press for talks. They urge that a more comprehensive approach is necessary and possible, including a renewed commitment to finding a peaceful solution. However, the general feeling among international policy makers and Ugandan government officials interviewed is that Joseph Kony (leader of the LRA) had his chance to sign, can no longer be trusted, and that military action is the only option left to end the conflict.

Current strategies and policies to bring peace, including the US strategy, acknowledge that there are no purely military strategies to end the conflict. Unfortunately, however, the alternatives are not vigorously pursued

Current strategies and policies to bring peace, including the US strategy¹, acknowledge that there are no purely military strategies to end the conflict. Unfortunately, however, the alternatives are not vigorously pursued. In the event of renewed dialogue with the LRA, there are important lessons to be drawn from the successes and failings of the Juba peace talks. The need to learn from the Juba peace talks is the focus of this paper. The conflict with the LRA features many complex elements relating to its long historical roots, the diverse range of actors and overlapping interests involved, and the enigmatic nature of the LRA and its leader, all of which have made the search for a solution difficult.

The context of the LRA

The backdrop for the complexity faced by negotiators and other interveners in Juba was a general dearth of knowledge about the LRA. Important misconceptions and myths about the LRA persist, stemming from ignorance, and deliberate misrepresentations by the GoU, the LRA itself and some international actors involved in the two-decade long search for solutions. The gaps in knowledge about the inner workings of the LRA and the lack of consensus on many aspects of the LRA issue have made it difficult to create effective strategies to end its insurgency, and also constrained negotiation efforts in Juba.

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As became quickly evident in Juba, the LRA simply did not fit into the mould of an armed group that could be drawn into a mediation process in conventional ways. The LRA was a multi-faceted and disjointed organisation that for all practical purposes does not have a political wing. Its secrecy and intense distrust of President Museveni and the GoU and its unwillingness to send any of its top commanders or officials to the talks, made it challenging to communicate with. The LRA's reliance on 'political proxies' – many of whom were more like consultants than genuine representatives, and whose loyalty and competence was consequently in doubt – to represent it at the talks further confused negotiations.

Joseph Kony stands out due to his intensely enigmatic nature and the difficulty of comprehending his motives. His espousal of

¹ US Strategy to Support the Disarmament of the Lord's Resistance Army, 24 November 2010, p.9.

religious practices and rituals to reinforce the internal coherence of his movement was coupled with the use of extreme violence to achieve his military goals. Over time, his stated goals have alternated between wanting to overthrow the 'corrupt' regime in Kampala, installing a system of governance based on the Ten Commandments, and defending the interests of the people of northern Uganda. Yet faced with an opportunity to sign an agreement that would end the conflict, his actions suggested that he no longer believed in the outcomes of the Juba peace process.

In these circumstances, the Juba mediation by the Government of South Sudan – with its reliance on formal processes – was in many ways ill-equipped to engage with the LRA and its enigmatic leader. A further element of complexity was the presence of a self-interested Chief Mediator (Riek Machar), who was not trusted by either party and whose ultimate interest was to get the LRA out of South Sudan – itself engaged in a precarious transition to independence. In these circumstances, the real talks could not make progress until they were moved to the 'margins' where the main protagonists could more directly engage with each other.

The sporadically inclusive nature of the negotiations, though key to adding legitimacy to the process and giving voice to a diverse array of stakeholders, including victims and international agencies, likely prolonged and complicated the process. Not only did this lead to a broadening of the agenda, as pressure increased to address the 'causes' of the LRA conflict, but it also opened the way for various actors to pursue personal interests, not least of all their 'income security'. The intense rivalries and disagreements between many of those involved in Juba (including donors) made it difficult for the Chief Mediator to manage the third party interventions.

International support for the Juba process was a double-edged sword. On the one hand, donor pressure on Ugandan President Museveni was key to his decision to stay engaged in the talks for as long as he did, and donor resources were also vital in making the talks possible. On the other hand, there was immense impatience on the part of donors to see quick results, which resulted in pressure to progress the formal process in Juba much more rapidly than the parallel negotiations taking place between Kony and Museveni that ultimately had the best chance of convincing Kony to accept the political settlement on offer.

In the final analysis, the formal architecture for the Juba process incorrectly assumed the presence of two partners with adequate negotiating capacities and incentives to talk. With Kony and four other of his senior commanders under formal indictment by the International Criminal Court (ICC), there were few 'carrots' or 'sticks' that could be used to move him towards a deal. In these circumstances, the negotiation process came up against Kony's and Museveni's enduring distrust of one another, the difficulty for Museveni of offering Kony a compromise solution that would be publicly acceptable, and Kony's deep-seated aversion to an agreement that would result in him losing face.

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Relevant lessons for the LRA conflict

If talks with the LRA restart again one day, they are unlikely to be within a formal framework such as Juba. Nevertheless, the factors that contributed to the complexity of the Juba talks remain. The five agenda items² agreed in Juba remain unimplemented; instead current thinking is dominated by the support for military 'solutions' to bring lasting peace to the region. Yet the military campaign is in its fourth year with no end in sight. LRA violence against civilians and its consequences remain urgent in the region.

Despite the challenges faced by the Juba peace process, there are some important lessons to draw:

- The need for a more open and honest assessment of the diverse expectations of the actors involved in the process, including the LRA, GoU and international donors, and the consequent constraints to reaching a settlement.
- While any future talks would almost certainly be driven by the urgency to end the violence quickly, adequate space will be needed to make possible the subtle communications and negotiations necessary for confidence to be built between the parties.
- Experience suggests that future efforts should not seek to tackle all issues simultaneously. Instead it would be more effective to focus on eliminating the military threat posed by the LRA while ensuring that provisions and space are made for longer-term political issues to be resolved after reaching a settlement that ends the violence.
- Because inclusive negotiations can be a double-edged sword, this requires careful management of the nature and extent of public participation in future talks so that it facilitates the most rapid and enduring solution possible to end the violence.
- The role of the diaspora in future negotiations needs to be more carefully managed given the hugely variable (and often damaging) contribution that members linked to the LRA peace delegation made during the Juba process.
- It is crucial to recognise that while parallel initiatives can potentially play a constructive role in moving talks forward or addressing complementary issues that cannot be addressed in the framework of the more formal process, they can also be immensely damaging. The key challenge is how to manage them, ensure a degree of communication and collaboration, and minimise initiatives that work at cross-purposes.
- Future talks with the LRA should be undertaken with a commitment by all participants (including international actors) to abide by a set of protocols governing interaction between parties to the negotiations and which include keeping the lead mediator informed of their initiatives.

²The Cessation of Hostilities Agreement (CHA) was signed on 26 August 2006 and was renewed seven times. The Comprehensive Solutions Agreement, signed on 2 May 2007, spells out the road map to removing the sources of conflict in Uganda. The Accountability and Reconciliation Agreement, signed on 29 June 2007, spells out the justice mechanism for holding to account those responsible for committing war crimes in Uganda and for achieving reconciliation following the conflict. Annexure on the implementation protocol signed on 19 February 2008; Agreement on Permanent Ceasefire to end all hostilities signed on 23 February 2008; Agreement on Disarmament, Demobilization and Reintegration (DDRR) of the LRA forces signed on 29 February 2008. The Agreement on Implementation Protocol that described the procedure for the implementation of all the above agreements was also signed in Juba on 25 March 2008. The Final Peace Agreement that brings together all the above has never been signed.

Lessons for other intractable conflicts

Juba also offers important lessons for other peace processes, particularly ones involving negotiations with armed groups that find it difficult to engage in a formal negotiation process due to lack of capacity or personal security concerns:

- First, in a situation where a party to a conflict is multi-faceted and has not reconciled differing interests and motivations among its constituent parts, adequate space and time is required for this 'internal' process of forging of relationships and the common ground required for negotiations to be successful.
- When parties to a conflict enter talks reluctantly, the building of a broad international coalition to support the talks can be key in maintaining the momentum of the talks so that it is more difficult for parties to walk out. The fracturing of such a coalition can, conversely, send mixed signals to parties about international commitment to negotiations.
- While asymmetries in negotiating capacity between parties can usually be addressed through appropriate forms of assistance, addressing the lack of confidence among parties or internal problems of coherence is more difficult. Behind the scenes or parallel dialogue initiatives can be helpful, though there is a risk the formal process will outpace and close the space for informal initiatives.
- Opening up peace talks to other actors with an interest in the conflict may allow a broader range of issues, including 'underlying causes' to be addressed. Such an approach, however, may also make it more difficult to address the issues of armed actors that will expedite a more rapid end to the violence (such as welfare and security guarantees).
- Making a negotiation process more inclusive can challenge the mediator's control over the process, and may give rise to parallel initiatives that do not support the formal process. This underscores the importance of carefully structuring inclusivity as well as third party involvement in negotiations.
- The pace of talks must respond to the needs of negotiating parties rather than external timetables. When problems emerge in negotiations or the commitment of one or more parties appears to be wavering, mediators may need to provide time and space for parallel processes to address the core issues hampering progress.
- The costs of halting negotiations with an uncompromising party and resorting again to military action need to be weighed against the benefits of continuing to talk – even if the other party is seemingly not responsive. Negotiations are likely in the long term to be much more cost-effective than military solutions.

Introduction

This paper does not set out to provide a comprehensive review of the Juba process or the status of the LRA; other recent publications are helpful in this regard. Of particular note is *The Lord's Resistance Army: Myth and Reality*, a recently published compilation of papers examining various facets of the LRA problem and the Juba process, produced by analysts with extensive first-hand knowledge of the LRA conflict³. Various organisations including Conciliation Resources⁴ also have supported lesson-learning exercises around the Juba process⁵ that provide valuable insights. Regarding the current situation, various organisations are closely monitoring LRA activities.⁶

Rather, this paper focuses on the extent to which the structure and organisation of the Juba peace talks favoured a convergence of the conflicting LRA narratives, so confidence could be built between the parties and sufficient common ground identified to make a political settlement possible. It examines several key challenges to the formal Juba process, namely:

- The LRA's disjointed engagement in the talks;
- The pressures to widen public participation in the process, which had mixed benefits;
- The emergence of various parallel (and, in some cases, contradictory) mediation initiatives, and
- The lack of a united donor position in favour of a negotiated peace settlement.

Methodology

This paper draws on interviews with various groups of people who have had direct involvement either with the LRA or the Juba process.⁷ Research was conducted from March 2010 to July 2011 and involved more than 70 interviews: military commanders of UPDF and Sudan People's Liberation Army (SPLA), LRA ex-combatants, groups of Acholi people in the Diaspora (London and Nairobi), religious and traditional leaders in northern Uganda, members of parliament in Uganda and South Sudan, senior Government officials in South Sudan, including the Vice President Reik Machar Teny-Dhurgon, representatives of donor countries that supported the talks (in Kampala, Nairobi and Juba), ex-members of the mediation team, UNICEF representatives, academics, former members of the Cessation of Hostilities monitoring team, members of the LRA delegation to Juba, officials of the Amnesty Commission in Uganda, former LRA abductees and former members of the LRA high command, and experts with direct involvement either in the Juba process or in broader peacebuilding initiatives in northern Uganda also provided valuable insights.⁸

In addition, five meetings of the project advisory group composed of members from the mediation team in Juba and experts in mediation and peacebuilding were held in London. The project advisory group considered the methodology, and monitored the project as it progressed including discussing the draft reports and the final draft report. The authors checked preliminary conclusions and insights in meetings with the project advisory group. Based on the draft report, three informal meetings were held with members that constituted the LRA peace team and cessation of hostilities monitoring team, and the African Union office in Bangui, Central African Republic.

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³ T. Allen and K. Vlassenroot (Eds.), Zed Books: London, 2010.

⁴ *Initiatives to End the Violence in Northern Uganda: 2002–09 and the Juba Peace Process, Accord: An International Review of Peace Initiatives*, published by Conciliation Resources, 2010 (www.c-r.org/accord/juba).

⁵ *The Juba Peace Process: An Analysis of Emerging Issues and Key Lessons Learned*, by F. Muhereza, published by DANIDA, 2009.

⁶ See, for example, *When will this end and what will it take? People's perspectives on addressing the Lord's Resistance Army*, Conciliation Resources, 2011.

⁷ Visits were made to Uganda (Kampala, Gulu, Kitgum), Kenya (Nairobi), and South Sudan (Juba) where interviews were conducted.

⁸ These included Barney Afako, Mareike Schomerus, Warner ten Kate, Kennedy Tumutegyeize, Jonathan Cohen, Andy Carl and Caesar Nyeko Poblicks.

The conflict's politicised nature, and the lack of credible, professional and independent reporting, unsurprisingly results in wildly differing interpretations of LRA actions, which makes it difficult to accept at face value many statements by interlocutors from all sides

The failure of LRA leader Joseph Kony to sign the final agreement, followed by another failed Government of Uganda attempt to resolve the LRA problem militarily, ultimately ended the Juba process

The report also draws on source materials from peacebuilding and local civil society partners. In particular, the report draws on Conciliation Resources's update to Accord Issue 11, 2010⁹ that looked at the initiatives to end the violence in northern Uganda, including interviews with some of the key individuals and experts involved in the Juba peace process.

Building a clear picture of what happened in Juba and, in particular, the LRA and Kony's thinking around the talks is a challenging exercise. The conflict's politicised nature, and the lack of credible, professional and independent reporting, unsurprisingly results in wildly differing interpretations of LRA actions, which makes it difficult to accept at face value many statements by interlocutors from all sides. For instance, researchers particularly seek ex-commanders who have come out of the bush, but it appears many suffer from 'research fatigue' and are instructed by their UPDF minders not to divulge too much information as they are still considered a security risk. It is therefore necessary to critically examine all 'facts' and be tentative in reaching conclusions.

Structure of report

Section Two of this report gives some background on the origins of the Juba process. Section Three examines the various challenges to the formal Juba process and their impact on efforts to bridge the differences between the negotiating parties. Section Four draws some lessons from the Juba experience that may be relevant for future talks with the LRA, and also considers some wider implications of this analysis for peace initiatives in other intractable conflicts.

Aim of this study

The Juba peace talks between the GoU and the LRA took place between July 2006 and December 2008, mediated by Vice-President Riek Machar Teny-Dhurgon of the Government of South Sudan (GoSS). These talks were generally seen as offering the best opportunity to end the LRA conflict since the outbreak of violence 20 years before. They went further than past initiatives by putting into place foundations for a comprehensive settlement accepted by all parties in Juba, and would – if implemented – go a long way toward addressing the underlying causes of the conflict. However, the failure of LRA leader Joseph Kony to sign the final agreement, followed by another failed GoU attempt to resolve the LRA problem militarily, ultimately ended the Juba process.

The military operations, launched by the UPDF with US backing on 14 December 2008, continue to this day in different forms. In reaction to what was initially a surprise military attack itself in response to violations of the ceasefire agreement, LRA forces, then encamped in DRC, returned to the bush in a spree of violence, shifting their operations into northern DRC and adjoining regions of CAR and South Sudan. In the past three years, thousands have been killed and entire communities displaced, while LRA abductions of civilians to bolster its forces continue unabated. A reported 5,000 UPDF troops were deployed in the DRC to track down LRA units, though this number appears to have been reduced since Uganda's elections in February 2011 and a related deployment to Mogadishu, Somalia. Although the UPDF has thus far largely succeeded in eroding LRA numbers and containing its activities away from Uganda's borders, Kony continues to elude capture.

⁹ Conciliation Resources, *op. cit.*

Some of these elements of complexity – relating, in particular, to the identity and makeup of the LRA, its motives, and its inner workings – were arguably not well understood nor effectively addressed within the framework of the Juba process

Despite the clear limitations of the military option, there is little appetite from either the GoU or the international community for renewed dialogue with the LRA. Following the collapse of the talks in 2008, talk of renewed negotiations with the LRA became a “taboo issue” within US government circles and among certain European donors, due to the support these countries provide to the ICC, and in the case of one country, the belief that the “Embassy took many risks in supporting Juba...with little in return”.¹⁰ In addition, UPDF military pressure has made communications with and among the LRA in the bush more difficult, so it is not clear whether Kony himself has any real desire to talk again. Although various constituencies in northern Uganda, parts of DRC, CAR and South Sudan, including religious and traditional leaders, continue to press for talks, the official view of the Ugandan government and international commentators is that Kony had his chance to sign and can no longer be trusted. Privately, however, some express the view that a military solution is unlikely to achieve lasting peace. Some international groups with past involvement in peacebuilding in northern Uganda have emphasised the need for military action with an emphasis on civilian protection.¹¹ Most notably, the US government’s 2010 LRA Bill and accompanying implementation strategy are silent on the question of renewed dialogue¹², despite acknowledgement that there is no pure military solution to the LRA.¹³

If opportunities for dialogue in some form emerge, the challenges faced in Juba need to be acknowledged and where possible addressed. It is vital to assess and draw lessons from the successes and failings of the Juba process.¹⁴ This is primarily a humanitarian imperative given the growing toll in human lives in the DRC, CAR and South Sudan.

There is also a political imperative to review the Juba talks because the LRA conflict will not be fully resolved, even if military action eliminates the security threat from LRA fighters in the jungle. Some form of dialogue will therefore be necessary again, between governments in the region led by the Ugandan government, ex-combatants and representatives of the communities affected by the LRA, to facilitate processes of reconciliation and rehabilitation. Although the north is now experiencing its longest sustained period without violence since the 1980s, Uganda’s government has so far done little to put in place the key parts of the Juba agreements it signed up to, in particular those relating to accountability and reconciliation, and also reparations for conflict victims.

Finally, there is a broader learning imperative that relates to how the international community deals with intractable conflicts. The LRA conflict features many complex elements relating to its long historical roots, the diverse actors and overlapping interests involved, and the enigmatic nature of the LRA and its leader, which have made finding a resolution difficult. Some of these elements of complexity – relating, in particular, to the identity and makeup of the LRA, its motives, and its inner workings – were arguably not well understood nor effectively addressed within the framework of the Juba process. This most likely undermined the ability of negotiators and other interveners to deal constructively with the situation, and may therefore provide useful lessons for other countries facing intractable conflicts.

Indeed, a consistent theme in the literature is how international responses to the conflict since the 1980s have been shaped, constrained and undermined by the general dearth of knowledge

¹⁰ Interviews with officials in the Embassies of two European countries, Kampala, 30 April 2010.

¹¹ See, for instance, the International Crisis Group’s April 2010 report: *LRA: A Regional Strategy beyond Killing Kony*; Oxfam’s June 2010 Briefing Note: *Protecting Civilians in LRA-Affected Areas*; and The Enough Project’s November 2010 report: *The Lord’s Resistance Army of Today*.

¹² The Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (24 May 2010) and its accompanying Strategy to Support the Disarmament of the Lord’s Resistance Army (November 2010) set out four strategic objectives for US LRA policy: 1) protection of civilians, 2) apprehension or removal of Joseph Kony and senior LRA commanders from the battlefield, 3) promotion of defections from the LRA and DDR for remaining fighters; and 4) humanitarian relief for affected communities.

¹³ *US Strategy to Support the Disarmament of the Lord’s Resistance Army*.

¹⁴ This paper was commissioned by Conciliation Resources to support its comparative learning from peace processes around the world and its peacebuilding and advocacy efforts in LRA-affected regions.

Despite a growing international focus on the conflict over the past decade, key misconceptions and myths about the LRA persist

The basic assumption underpinning most formal peace talks – that there are two partners with adequate negotiating capacities and incentives to talk – did not hold in Juba

about the LRA. Despite a growing international focus on the conflict over the past decade, key misconceptions and myths about the LRA persist. These are the product of ignorance, bias or, in some cases, journalistic coverage of the conflict that has not always resulted in improved understanding as a consequence of the poor institutional memory of press organisations covering Juba and a tendency to “reduce complex realities to sound bites”.¹⁵

As Mareike Schomerus notes: “the existence of many different and sometimes conflicting LRA narratives lies at the very heart of the apparent inability to create effective strategies for ending the movement’s insurgency”.¹⁶ It could be said that the big mistake was not to engage with the LRA at the community level, as a group with deep community roots and a grassroots culture. Instead, the tactics of engagement were calibrated to deal with them as though they were an actor comfortable on the stage of international diplomacy. This clash of narratives has traditionally oscillated between two extremes: the LRA as a brutal group of religious fanatics and bandits without a political agenda and bent on violence, or a movement of fighters engaged in a struggle to defend the interests of northern Ugandans, victims of Museveni’s wars and marginalisation. Kony’s decision not to sign the Juba peace agreement, despite many conditions seemingly in place to end the conflict, has naturally focused renewed attention on his motivations. Was Kony ever serious about the talks? Did he ever intend to sign the final Juba agreement? These questions elicit very different responses among LRA experts and those in contact with Kony during the Juba process. This underscores the lack of consensus on many aspects of the LRA issue and huge gaps in knowledge about Kony’s thinking and the LRA’s inner workings.

As Barney Afako has noted, “Joseph Kony is a shock to the system of those who seek to ascribe clear political material, or spiritual motives to rebellions”.¹⁷ This highlights a second dimension of complexity in Juba: the lack of consensus on what the LRA ‘problem’ is and how to address it. According to participants in the talks, the clash of LRA narratives was apparent in Juba, with a proliferation of actors, mediation initiatives and political agendas at play. The intensity of the rivalries or disagreements among many of those involved in the Juba talks became in itself a significant obstacle to peace.¹⁸ One representative of a major European donor that supported the peace talks characterised Juba as “a circus, with NGOs and donors each seeking to enhance their own profile”.¹⁹

This raises the question whether the architecture of Juba was appropriate in the circumstances. The basic assumption underpinning most formal peace talks – that there are two partners with adequate negotiating capacities and incentives to talk – did not hold in Juba. The LRA was a group whose leader and four senior commanders were under formal indictment by the ICC and were considered war criminals by the GoU and the international community. There were few ‘carrots’ to offer or further ‘sticks’ to wield to achieve a deal – in fact, Juba became about how to find a way around the huge constraints posed by the ICC arrest warrants and convince Kony that giving himself up was in his interest – a game that necessitated taking the real talks outside the formal Juba framework.

¹⁵ Interview, Ledio Cakaj, ENOUGH, Kampala, 29 April 2010.

¹⁶ Mareike Schomerus, “Recapturing the LRA Problematique”, talk given at an Expert Meeting on The Lord’s Resistance Army: In Search of a New Approach, organised by the Clingendael Institute, The Hague, 25 June 2010.

¹⁷ www.guardian.co.uk/katine/katine-chronicles-blog/2009/apr/16/katine-joseph-kony-lra

¹⁸ Warner ten Kate, “Negotiating Peace”, talk given at an Expert Meeting on The Lord’s Resistance Army: In Search of a New Approach, organised by Clingendael, 25 June 2010, The Hague.

¹⁹ Interview, Kampala, 30 April 2010.

II. Background to the Juba peace talks

By 2004, most northern Ugandans were interned in camps as part of the Government of Uganda's counterinsurgency strategy aimed at depriving the LRA of a support base and resources to wage its fight. This strategy however, failed to protect the civilian population and alienated the people from their government

The origins of the LRA problem lie in the historical divide between the peoples of northern and southern Uganda.²⁰ In the post-independence era, this division has been a driving factor in the collapse or overthrow of successive Ugandan governments. Uganda's current President, Yoweri Museveni, took power in 1986 after overthrowing President Tito Okello, who had come to power in 1985 after Acholi generals in the northern-dominated army had overthrown President Milton Obote. In the upheavals that followed the victory of Museveni's National Resistance Army (NRA), many former Acholi soldiers from the national army regrouped to resist the new government. These forces were first organised under the Holy Spirit Movement led by Alice Lakwena and, around 1988, under the Lord's Resistance Army led by Joseph Kony.

Between 1988 and the start of the Juba talks in July 2008, GoU's response to the LRA problem shifted back and forth between military offensives and negotiations with occasional and poorly resourced efforts at dialogue. During this period the LRA successfully coped with offensives, either by seeking shelter across the Sudanese border or by dividing its forces into smaller units that could more easily evade capture. Following the two largest UPDF military operations (*Operation North* in 1991 and *Iron First* in 2002), the LRA widened its military activity in northern Uganda and at points further south, including Lango and Teso sub-regions. Within Sudan, the LRA expanded its bases in the states of Eastern Equatoria and Central Equatoria. This dramatically increased the toll on civilians. By 2004, most northern Ugandans were interned in camps as part of the GoU's counterinsurgency strategy aimed at depriving the LRA of a support base and resources to wage its fight. This strategy however, failed to protect the civilian population and alienated the people from their government. The response of the LRA was to increase abductions of children to join its ranks.

Even as military offensives continued during this period, GoU pursued or gave its approval for various peace initiatives.²¹ Its support for these initiatives was however often half-hearted. Since the 1980s, President Museveni has been consistently clear that he sees the LRA problem as essentially a military one. The LRA argues that Museveni has always been "more interested in negotiating surrender than the causes of the conflict"²². Nevertheless, from time to time he has had to bow to pressure from northern constituencies and the international community to give dialogue a chance, yet he has often used these peace overtures to facilitate military strikes. This use of the 'carrot' and the 'stick' did not succeed in defeating the LRA or force it to talk or seek surrender under GoU's terms, which were intended to deny the LRA a platform to politicise the conflict. Rather, it contributed to the LRA's further suspicion and distrust of the government and, in all likelihood, LRA reprisal attacks targeting civilians in north and eastern Uganda, and parts of Southern Sudan.

Unable to resolve the conflict militarily, GoU pursued other political initiatives. An Amnesty Act was passed by Parliament (despite Museveni's initial opposition) in 2000, paving the way over the next four to five years for thousands of LRA rebels and family members to 'report' and receive assistance to resettle. Among these were

²⁰ For an introductory overview of the origins of the LRA problem and subsequent efforts to resolve it, see Conciliation Resources, *Protracted Conflict, Elusive Peace: Initiatives to End the Violence in Northern Uganda, Accord: An International Review of Peace Initiatives*, Issue 11, 2002. www.c-r.org/accord/uganda, and the introductory chapter of *Myth and Reality* by Allen and Vlassenroot (eds).

²¹ For a detailed assessment of the key peace initiatives, see O. Lucima (Ed.), *Protracted Conflict, Elusive Peace: Initiatives to End the Violence in Northern Uganda, Accord: An International Review of Peace Initiatives*, Issue 11, 2002. For an overview of initiatives since 2002, including the Juba process, see the supplement to *Protracted Conflict, Elusive Peace* www.c-r.org/accord/uganda

²² Interview with Justine Labeja, Acting Leader, LRA Peace Team, Nairobi, 27 April 2010.

Unable to resolve the conflict militarily, the Government of Uganda pursued other political initiatives. An Amnesty Act was passed by Parliament in 2000, paving the way over the next four to five years for thousands of LRA rebels and family members to 'report' and receive assistance to resettle

Both the LRA and the Government of Uganda nevertheless came to the table reluctantly

many LRA commanders, whose defection began to severely affect the organisation's military capability. The outbreak of the US-led 'war on terror' in 2001 also brought important international changes that further put pressure on the LRA. In particular, the 2002 Anti-Terrorism Act (which closely followed the US government's decision to put the LRA on its list of 'terrorist' groups) set certain limits on the Amnesty and made LRA membership a criminal offence. In 2003, GoU referred the situation in the north to the newly established ICC, which set further limits on the Amnesty and issued warrants for the arrest of five senior LRA commanders, including Kony. Although it is an international mechanism intended to reduce impunity for war crimes, many saw the ICC's involvement as at odds with the Amnesty Act and as an obstacle rather than an aid to nationally led peace efforts.

The LRA conflict has always had important regional dimensions, which ultimately gave rise to the Juba peace process. The Acholi people straddle the Uganda-Sudan border, and the interconnectedness between communities on both sides of the border made it possible for the LRA to seek refuge in South Sudan²³ for many years in relative safety from the UPDF. By the late 1990s however, international pressure grew for Sudan's government (Khartoum) to cut its links with the LRA, which it had supported in response to GoU's support for the SPLA that was fighting the Khartoum regime. Khartoum and the SPLA signed the Comprehensive Peace Agreement (CPA) in 2005 to end Sudan's long civil war, which brought the best conditions so far to bring about an end to the LRA problem. A key CPA provision was that no party to the agreement harbour insurgents. Concerned by the threat of ongoing LRA activity, the recently established GoSS gave the LRA an ultimatum to either leave Sudanese territory peacefully, accept its offer to broker talks with GoU, or face military action.²⁴

Following more than a decade of civil society-led peace efforts – most notably by the Acholi Religious Leaders Peace Initiative in 2005, with the facilitation of Pax Christi (a Netherlands-based peacebuilding NGO) and Rwot David Acana (Acholi Paramount Chief) – a communication link was re-established with the LRA High Command. This opened the way for preliminary discussions and confidence building and the LRA's eventual decision to take part in the Juba talks. Both the LRA and the GoU nevertheless came to the table reluctantly – the former because it was being squeezed militarily, particularly due to the halt in support from its Khartoum ally. Museveni was also under immense pressure, including from donors, the northern Ugandan electorate and GoSS President Salva Kir. With national elections scheduled for 2007 along with Uganda hosting the Commonwealth Heads of Government Summit (CHOGM), there was much at stake for Museveni regarding how the long-standing LRA issue was handled. Not least the fact that most of the northern Ugandan electorate (some 1.7 million people) was internally displaced, and living in deplorable conditions.

There were several good reasons why the Juba talks offered the best opportunity to date to end the LRA conflict. Most important was this convergence of factors at national, regional and international levels in favour of finding a solution. While hosting the talks in Juba meant they were more likely to be influenced by wider regional dynamics, it was at least easier to offer the LRA the security guarantees it required to talk. This was a persistent

²³ The region once referred to as southern Sudan became an independent state, the Republic of South Sudan, on 9 July 2011. For the sake of consistency, in this paper we refer to this region by its new name.

²⁴ Interview with Riek Machar, Vice-President, Republic of South Sudan Juba, 18 August 2010.

The fact this was an African-led initiative, mediated by Government of South Sudan and with observers from five other African countries, also may have increased ownership of the process and incentives for a successful outcome

A member of the LRA peace team saw Juba as 'an opportunity for cleansing for all parties for past crimes and violations'

concern for the LRA, though the GoU consistently rebuffed its calls for an internationalisation of the peace process under UN auspices, which it feared would enhance the LRA's political status.²⁵ The fact this was an African-led initiative, mediated by GoSS and with observers from five other African countries²⁶, also may have increased ownership of the process and incentives for a successful outcome.

For the LRA, which had failed in past negotiations to articulate clearly its demands or be taken seriously by GoU as a negotiating partner, the Juba talks offered a *potential* platform to pursue certain political aims rather than simply negotiate military surrender. This was made possible by the broad negotiating agenda agreed at the talks' outset, notwithstanding GoU's reluctance to see the peace process politicised. But it is also evident that, from the outset, LRA and Ugandan government expectations about the issues to be discussed differed markedly: a member of the LRA peace team saw Juba as "an opportunity for cleansing for all parties for past crimes and violations", but complained that the Government of Uganda has "refused to account for its own crimes".²⁷

The Juba talks were formally structured around five agenda items: (1) cessation of hostilities, (2) comprehensive political solutions, (3) justice and accountability, (4) disarmament, demobilisation and reintegration (DDR), and (5) a permanent ceasefire. The talks involved the preparation of detailed memos and papers that were subject to comment and discussion between the parties and then revised before being agreed. This way of working would challenge the LRA because of their lack of negotiating capacities. These asymmetries were recognised at the outset; the architecture for Juba was based on an assumption that balance could be restored through appropriate technical assistance, particularly legal, for the LRA.²⁸ However, it can be questioned whether this assistance could ever effectively achieve its aim of making the LRA a more effective interlocutor given that its peace team consisted largely of 'proxies' whose commitment to, and knowledge of, the negotiating positions of Kony were limited. Other issues included the lack of coordination between the GoSS mediator and other peacebuilding actors (notably Pax Christi) and the impatience on the part of some international donors (notably the US) to see a deal.

From the start, Kony and Museveni remained distrustful of each other and neither favoured a political settlement. Both had publicly and clearly stated their opposition to negotiating on various occasions, in Kony's case as long as the ICC warrants were in force and GoU refused to treat it as an equal partner. Although both parties accepted Riek Machar as mediator, he faced a major task to overcome the distrust and bring together their positions so that a settlement could be reached, not least of all because Kony engaged remotely in the process. This political challenge exposed the limitations of the Juba architecture. It became subject to contradictory pressures to make it more inclusive and open-ended so the LRA's wider political grievances could be aired, but also to keep it time-bound and focused on working out the technicalities needed to neutralise the LRA military threat, which was GoU's overwhelming priority.

²⁵ Sensitive to these concerns, in 2004 a number of donor countries commissioned a scoping study to assess options for the deployment of troops on a bilateral basis from several European countries to provide security guarantees for the LRA in the event of peace talks resuming. However, there was little appetite in donor capitals to send troops to Uganda, and GoU itself responded without enthusiasm to this proposal. See D. Hendrickson et al, *Scoping of options for establishment of an international presence in support of an LRA gathering*, November 2004, Conflict, Security & Development Group, King's College London (www.securityanddevelopment.org).

²⁶ The five African Union observers to the Juba talks were: Francisco Madeira (Mozambique), Ambassador Japeth Getugi (Kenya), Gen. Gilbert Ramano (South Africa), Ambassador Peter Chiwanga (Tanzania) and Ambassador Juvenal Yav Thsikomb (DRC).

²⁷ Interview with Justine Labeja, Acting Leader, LRA Peace Team, Nairobi, 27 April 2010.

²⁸ Comment made by Barney Afako, lead Legal Adviser to the Chief Mediator.

Active UN endorsement for the process was nonetheless vital in silencing any doubts about the legality of the process raised by the ICC's issuing of arrest warrants for the LRA the year before

Although African-led, international support was essential to making the Juba process happen. The United Nations provided important political support to the process, led by the intervention of Jan Egeland, then Under-Secretary-General for Humanitarian Affairs, who endorsed the process, and later through the appointment of former Mozambican Prime Minister, Joaquim Chissano, as the UN Secretary-General's Special Envoy for the LRA-affected areas. The UN Office for the Coordination of Humanitarian Affairs (OCHA) took the lead in facilitating and coordinating wider donor support for Juba, though faced huge operational challenges in fulfilling this role effectively. Active UN endorsement for the process was nonetheless vital in silencing any doubts about the legality of the process raised by the ICC's issuing of arrest warrants for the LRA the year before.²⁹

This opened the way for other donors to put funds into a UN-managed donor trust fund, though most had serious reservations post-ICC in supporting a process of dialogue and providing humanitarian aid to indicted war criminals and proscribed 'terrorists'. As Barney Afako pointed out, this was not an auspicious start to the talks:

Influenced by the ICC arrest warrants, international and regional actors, who would normally prop up peace processes, became at best ambivalent about the LRA. The group was now viewed not as a legitimate political force but as a security threat (or nuisance) in the region. Its leaders are seen as mere war criminals. No one wants to touch the LRA.³⁰

Pressure for a swifter conclusion to talks than may have been possible or desirable... sent mixed signals to the LRA about the international community's role

Nevertheless, the view of the UK's Department for International Development (DFID) was that "this is the best chance there had been for peace, and it was important to seize the opportunity despite the challenges involved".³¹ The Danes, Swiss, Austrians, Swedes and Norwegians, among others, quickly followed suit. Donor willingness to cede control of the mediation to GoSS nevertheless came with strings attached. It resulted in pressure for a swifter conclusion to talks than may have been possible or desirable, and sent mixed signals to the LRA about the international community's role as security guarantor and its commitment to resolving the conflict non-militarily.

²⁹ Barney Afako, 'Negotiating in the Shadow of Justice', in *Initiatives to End the Violence in Northern Uganda: 2002-09 and the Juba Peace Process in Accord: An International Review of Peace Initiatives*, published by Conciliation Resources, 2010.

³⁰ www.guardian.co.uk/katine/katine-chronicles-blog/2009/apr/16/katine-joseph-kony-lra

³¹ Interview, Graham Carrington, former DFID Uganda Humanitarian Adviser, Kampala 29 April 2010.

III. Factors shaping and constraining negotiations in Juba

The debate since the Juba process ended has been shallow in many respects. Kony is widely viewed as responsible for the collapse of talks. It is often suggested he was never serious about talks in the first place. This view has been used to justify military action as the only remaining option, and has discouraged further analysis of other reasons contributing to the breakdown of Juba.³² The implication is that nothing more could have been done to achieve a settlement. Yet other factors that shaped and constrained the mediation efforts in Juba have not received the attention they merit.

Unlike most contemporary rebel groups with clearly identifiable military and political wings, the LRA has a complex array of supporters and affiliates

Disjointed nature of the LRA engagement

The challenge for outsiders seeking to facilitate a settlement of the conflict that started in northern Uganda and has since moved to South Sudan, the DRC, and the CAR has, over the years, been complicated by the multi-faceted, shifting and murky identity of the LRA. Unlike most contemporary rebel groups with clearly identifiable military and political wings, the LRA has a complex array of supporters and affiliates, some of whom operate under the banner of the Lord's Resistance *Movement* (LRM), a somewhat broader (though not well defined) constituency than the LRA itself. Several overlapping categories of people fall under the movement's umbrella. First, the members of the armed group led by Joseph Kony, which has fluctuated in size dramatically over the past 20 years and has included combatant families and many abducted children and those born in the bush. Second, people not directly involved in the LRA conflict, but who – for family or political reasons – are associated with the LRA and/or its grievances and may lend (or are perceived to lend) support of some kind. Third, the members of various LRA peace delegations over the years, many of whom hail from the Ugandan diaspora and have had little if any formal contact with Kony and his fighters in the bush.

These different categories are often collectively and uncritically referred to as the LRM, implying a firm structure, underpinned by a coherent political agenda, that does not in practice exist, or at least no longer does

These different categories are often collectively and uncritically referred to as the LRM, implying a firm structure, underpinned by a coherent political agenda, that does not in practice exist, or at least no longer does.³³ Although the LRA never had a fully formed and recognised political wing, the external LRA sympathisers have periodically issued political manifestos challenging the legitimacy of the Museveni regime. The military leadership of the LRA however has tended to place more emphasis on the spiritual ideology of their movement and what it sees as the historical causes of the conflict. The weakness of the movement has been exacerbated by suspicion, mistrust and ineffective communication between the 'fighters' and the 'external sympathisers', and by the subordination of the political wing and external supporters to the military "High Command".

The Ugandan government has attempted over the years to weaken and discredit the opposition leaders, especially those from northern Uganda, as LRA sympathisers or individuals that use the LRA as springboard to promote an 'anti-Museveni agenda', or for other opportunistic reasons. The government has also tried to tarnish the Ugandan diaspora, many of which are anti-Museveni, by

³² This point was made by Warner Ten Kate, "Negotiating Peace".

³³ The LRA peace delegation, for example, regularly made reference to the Lord's Resistance Army/Movement.

Despite the view, often reinforced by the Government of Uganda, that the LRA's armed struggle has been sustained with support from the diaspora, many northern members of the diaspora have in fact been actively engaged for many years in supporting efforts to find a constructive solution to the crisis in northern Uganda

The mediators were dealing with a complex grouping with many different parts claiming to represent the LRA, not all of which shared the same goal or identity

associating them with the LRA. This has clouded the complexity of the relationship between northern Ugandans and the LRA. Michael Otim argues that “although hostility towards the Government by northerners is often interpreted as support for the LRA, this is not necessarily the case as many have their own grievances”.³⁴ However, as one member of the Ugandan diaspora notes, “for lack of any other political options, the LRA has become the vehicle to express these grievances.”³⁵

Despite the view, often reinforced by GoU, that the LRA's armed struggle has been sustained with support from the diaspora, many northern members of the diaspora have in fact been actively engaged for many years in supporting efforts to find a constructive solution to the crisis in northern Uganda. Few appear to have had any real influence on Kony. As the LRA's continuing atrocities have further undermined the credibility of its armed struggle, many Ugandans who were LRA sympathisers or supporters have become silent. This has made it even more difficult to build an accurate picture of the group, and has affected international perspectives on the LRA problem.

Many international actors have been content to accept the prevailing view of the LRA as a ragtag group of bandits intent on kidnapping children and massacring civilians; a view that recent LRA activities in northern DRC, South Sudan and the CAR has done little to dispel. At the same time, the gap between how external actors understand the LRA and the reality on the ground has increased. This gulf has been caused by simplistic and sensationalist portrayals of the LRA by the Western media as well as by the failure to report or investigate human rights abuses – even those committed by criminals and the UPDF have been attributed to the LRA. Yet the reality is more complex, with the actual identity and makeup of the LRA shifting and diversifying over time as the conflict evolved, particularly after the breakdown of the Juba talks.

One good example of the simplistic and sensationalist portrayals of the LRA can be seen with regard to the group's use of violence, which is often characterised as ‘random’ and ‘barbaric’. Analysts following the LRA have nonetheless identified reasons for the use of violence by the LRA which, if not in any way diminishing the group's brutality or culpability, suggest that there are nonetheless logical explanations that are important to understand in devising response strategies. The purpose of their violence is clear. When they are attacked, they counter-strike against soft civilians targets connected with those attacking, or to capture international media and divert attention. Terrorising civilians and instilling fear also discourages civilians from divulging where the LRA are based, or diverting UPDF troops from where Kony and other members of the movement are located.³⁶

Oversimplification of who the LRA is and the group's motives and grievances have underpinned both GoU and international responses to the LRA problem, and discouraged deeper analysis of the complex dynamics that created and sustain the LRA. The mediators were dealing with a complex grouping with many different parts claiming to represent the LRA, not all of which shared the same goal or identity. The end result was a dissonance between the formal architecture of the peace process and emphasis on developing the agreements, and the reality of the LRA as a complex, multi-faceted and contradictory organisation requiring a much more flexible approach than many actors recognised.

³⁴ Interview with Michael Otim, International Center for Transitional Justice, Gulu, 1 May 2010.

³⁵ Interview with a member of the Ugandan diaspora living in London, 14 June 2010.

³⁶ Interview, Kampala, 29 April 2010.

Observers note that the peace talks were also about the LRA's own search for identity, which involved both understanding what form the organisation might take outside the bush if a peace agreement was signed, and negotiating its internal relationship among its various constituent parts

Because of the diverse backgrounds and interests of those who made up the LRA peace team at Juba, a range of differing motivations and grievances and interpersonal disputes became wrapped up around the formal peace discussions

³⁷ These points were made by both Mareike Schomerus and Barney Afako.

³⁸ Some members of the Diaspora came from UK, US and Kenya.

³⁹ Schomerus, M, "Searching for Solutions in Juba: An Overview", in *Initiatives to End the Violence in Northern Uganda: 2002-09 and the Juba Peace Process, Accord: An International Review of Peace Initiatives*, published by Conciliation Resources, 2010.

⁴⁰ Interview, Michael Otim, ICTJ, Kampala, 05 May 2011.

⁴¹ Barney Afako, Lead legal adviser to the Chief Mediator, London, 21 May 2010.

The complexity and internal contradictions of the LRA and its supporters and whether they all shared a same vision was something the organisation itself was struggling to come to terms with at Juba. Observers note that the peace talks were also about the LRA's own search for identity, which involved both understanding what form the organisation might take outside the bush if a peace agreement was signed, and negotiating its internal relationship among its various constituent parts.³⁷ Never before had the LRA such an opportunity to engage in a process of internal reflection and negotiation. The Juba process, however, with its emphasis on deadlines, preparation of papers, and the complex interaction of formal and informal mediation initiatives, left little space for this reflection to occur.

Both the discourse around Juba and the formal organisation of the talks under the auspices of the GoSS and Riek Machar assumed the two parties were ready and able to talk to each other. Yet the mediators could not be confident at any given time that they were speaking with genuine and direct representatives of Kony. Most LRA peace delegation members had weak links with both the LRA leadership in the bush and people still living in northern Uganda. This posed a dilemma for the mediators. On the one hand, this was a peace team that Joseph Kony had sent to negotiate on his behalf; on the other, most delegation members were perceived to be 'proxy political appointees' whose claim to represent the fighters was contested. Most came from the international diaspora³⁸ and had different priorities to the LRA in the bush. Their concerns revolved more around addressing their own historic grievances and what they saw as the 'root causes' of the conflict and their own political agendas. Thus the talks became more politicised and drawn-out.³⁹ Criticism of the GoSS mediation team also alleged that it prioritised political demands from the Ugandan diaspora and did not explore fully the real reasons why the LRA continued fighting in the bush.

Because of the diverse backgrounds and interests of those who made up the LRA peace team at Juba, a range of differing motivations and grievances and interpersonal disputes became wrapped up around the formal peace discussions. This had the dual effect of overloading the agenda and prolonging the talks more than might have been necessary. The fact that some LRA delegation members appeared to be as much concerned about ensuring "income security" and profiling their own personal political grievances presented huge challenges for the mediators. Michael Otim, who closely monitored the Juba process, argues that "it took on a life of its own due to the many vested interests" and that it was "underpinned by an assumption that eventually Kony would change his mind about signing or otherwise be cornered."⁴⁰ However, this belief was in apparent disregard of quite clear signs from late 2006 that Kony was not committed to signing, which were largely downplayed.⁴¹

Mixed benefits of public participation

The open nature of the Juba negotiation process was seen as key to increasing the chance a final agreement would be respected by all sides. However, Justice Onega, among many others, has argued that "Juba was made unnecessarily large", greatly complicating the negotiation process not least because of the inclusion of "some spoilers" in the process.⁴² This ultimately may have made agreement more difficult to reach. That said, it is not clear the

It is not clear the Chief Mediator could have resisted pressures to broaden public participation given the prevailing democratic wind in the region following the 2006 Ugandan elections – the first multiparty elections in the country in 25 years – and Sudan’s Comprehensive Peace Agreement

Chief Mediator could have resisted pressures to broaden public participation given the prevailing democratic wind in the region following the 2006 Ugandan elections – the first multiparty elections in the country in 25 years – and the CPA.

Various groups came to Juba claiming to represent the interests of the northern population of Uganda. Despite the conflict, national elections had taken place in Uganda in 2006, including in the north, to elect a President, Members of Parliament and local council members (LC1–5). Museveni was re-elected as president, with the victory officially providing him and his government with a clear mandate to represent the interests of northern Ugandans in the Juba process even though he received few votes in the north. Conversely, the officials elected to parliament from the north, who were predominantly Acholi members of the opposition, also came to power with a mandate to represent the northern population. Many, particularly the parliamentarians, became engaged in advocating for a negotiated solution to the conflict and sought to become directly involved in Juba.

These two mandates – one held by the President, the other by Acholi members of the opposition – were not compatible. Efforts by members of the Acholi Parliamentary Group to serve as a bridge to facilitate communication between the LRA and the GoU during the period preceding Juba were met with accusations that they were passing on confidential information to the LRA or seeking political gain. As Okumu Ronald Reagan, MP for Aswa County, has noted: “Museveni’s willingness to go along with the Juba talks was all about winning the Northern vote.”⁴³ The Acholi Parliamentary Group soon faced competition from the Amani (Peace) Parliamentary Group–Uganda chapter, consisting largely of National Movement MPs (who backed the President), which was officially sponsored and facilitated by the government to monitor the peace process.

At another level, there were voluntary groups and NGOs – made up, for example, of religious and cultural leaders, and women – who by virtue of their close links to the conflict victims, came to Juba with a claim to represent northern communities and lobby for a peaceful solution. Some were invited to Juba as observers in both formal and informal capacities. Their representatives also regularly visited Joseph Kony in his Garamba camp in DRC throughout the Juba process. These northern Ugandan civil society members were often accompanied by delegations of elders from South Sudan, themselves concerned by the conflict’s impact on their communities, and who also formally sought to influence the discussions in Juba.

The LRA itself – and its team from the diaspora which made up the peace delegation – constituted another group that came to Juba with a claim to represent northern Ugandans, despite its credibility being at an all-time low by 2006. The Juba process elevated the LRA to a position where it could in effect usurp the role of spokesperson for northern Ugandans (many of whom had been victims of LRA aggression either directly or indirectly), even though it did not enjoy the legitimacy, moral ground, and much less the capacity to effectively negotiate on their behalf.

The LRA is often described as having no political agenda, reflecting the fact that those speaking on their behalf rarely have been able to articulate a clear plan. However, the political agenda they presented in Juba consistently highlighted the political grievances

⁴² Interview, Justice Onega, Chair of the Amnesty Commission, Kampala, 05 May 2010.

⁴³ Interview, Kampala, 4 May 2010.

That the LRA was able to assume the mantle of political representative for northern Ugandans, even though most people in northern Uganda disagreed quite fundamentally with the methods pursued to defend their interests, reflected the lack of options for northern Ugandans to express their grievances

The multiple agendas pursued in Juba, along with the conflicting claims of those present to be the legitimate representatives of northern Ugandans, raises the question of whether Juba was the right forum to address the broader political issues driving the conflict

⁴⁴ Interview, Bishop Mark Baker Ochola, Gulu, 02 May 2010.

⁴⁵ Interview, Dr Ben Latigo, University of the District of Columbia, Washington, D.C., 17 June 2011.

of northern Ugandans, and had been articulated in one way or another during previous attempts to negotiate. That the LRA was able to assume the mantle of political representative for northern Ugandans, even though most people in northern Uganda disagreed quite fundamentally with the methods pursued to defend their interests, reflected the lack of options for northern Ugandans to express their grievances. This fact underscores how the issue of real and perceived marginalisation of the north looms large over the LRA conflict. Over time however, the link between the concerns of the LRA fighters and broader Acholi grievances has weakened due to the loss of the LRA's influence, and as alternative political representatives for northerners have emerged with the opening up of the political space in Uganda.

While it is apparent – for northern Ugandans, anyway – that the LRA problem remains as much a political conflict as a military one, the opposite is true for Museveni. He has always privileged a narrower military understanding of the conflict and its required solutions, and consistently resisted the LRA's calls for a power-sharing agreement or the disbandment of the UPDF. Museveni initially dispatched a military general to represent him at Juba, suggesting that he viewed the talks as a means to provide the LRA with a 'soft landing' as their final surrender was negotiated and his military victory confirmed.

Although the GoU agreed to the Juba talks, it was very uncomfortable with the broadening of the negotiations to encompass the wider social and political issues that have historically underpinned the LRA problem. The general approach of the Juba negotiations was that all issues needed to be addressed together (hence the five agendas). GoU did not want to negotiate around 'causes', only to get the LRA's surrender. Thus it resisted an approach to negotiations that required equal treatment with the LRA, something that Kony insisted on repeatedly. He stated bluntly, when the possibility of establishing a Special Court was mooted, that "unless the Special Court also tries UPDF soldiers he would not sign any peace agreement".⁴⁴ With the formal process in Juba not able to deliver on the main parties' needs, various other tracks of influence, negotiation and pressure emerged in parallel, as discussed below.

The multiple agendas pursued in Juba, along with the conflicting claims of those present to be the legitimate representatives of northern Ugandans, raises the question of whether Juba was the right forum to address the broader political issues driving the conflict. As Ben Latigo notes, the inclusive nature of the Juba process betrayed the fact that historically Museveni had "always been more sensitive to the views of donors rather than Uganda's citizens; he was forced into negotiations from outside rather than by internal political pressure."⁴⁵ This did not bode well, therefore, for efforts by the various interest groups in Juba to influence Museveni.

The formal negotiation process at Juba faced limitations for reasons mentioned already: namely the disjointed nature of the LRA's engagement, the asymmetrical relations between the two parties, differences between the parties on the scope and nature of the issues for discussion, and the loosely structured mediation. The latter reflected in part Machar's personal style – what he himself refers to as a "big tree" approach – that involved opening the talks to all parties who felt they had a stake in the conflict and

How to provide security guarantees or welfare for Kony and his indicted senior commanders was not on the formal agenda, although addressing these issues would be necessary if a peace agreement were to be signed

As the number of actors increased, so did the stakes for control over the mediation process and, in particular, access to Joseph Kony who was central to achieving any kind of settlement. This resulted in a splintering of the mediation process as the official Machar-led formal process was challenged by several competing informal initiatives

an interest in the outcome of peace negotiations. Juba was thus opened up to a wide range of stakeholders, who all competed and jostled for influence and to air their grievances.

This broadening and opening up of Juba, which Barney Afako argues may ultimately have been the “lynchpin of its failure”, may also have been driven by a need for public consultation to act as a fig leaf to appease the ICC and conflict affected communities, and to show that the process was going to be equally attentive to local justice needs. The indictments of Kony and several senior commanders cast a shadow over Juba and constrained the nature and direction of talks that could take place in the formal mediations. Much discussion therefore focused on addressing the needs of either victims or lower rank LRA fighters. How to provide security guarantees or welfare for Kony and his indicted senior commanders was not on the formal agenda, although addressing these issues would be necessary if a peace agreement were to be signed. A separate set of a parallel initiatives therefore emerged, in some cases with the knowledge of the mediator, in others not, to get around the constraints of the formal Juba process.

Interplay of formal and informal mediation initiatives

The Juba process started small, as unofficial third-party mediation. The fledgling GoSS that emerged out of the CPA in 2005 had pressing strategic concerns around how to ensure the political and economic viability of the new state. The LRA presence in South Sudan posed a real threat to stability and needed to be neutralised. GoSS also wanted to see the re-opening of economic routes between South Sudan and northern Uganda – closed during the years of strife – to allow easier and safer access to goods from East Africa. Following the CPA signing, South Sudan’s government – led by Vice President Reik Machar – therefore began to explore ways to cultivate links with the LRA and convince Kony, along with President Museveni to enter into talks.

The mediation started slowly, supported by a few NGOs including Pax Christi, which served as the initial channel of communication between GoSS and the LRA. The talks later formalised to include former Mozambican President Chissano as the Special Envoy of the UN Secretary General (SESG), and official observers from the African Union (AU), Kenya, Tanzania, DRC, Mozambique, European Union (EU) representatives and members, and the United States. As the number of actors increased, so did the stakes for control over the mediation process and, in particular, access to Joseph Kony who was central to achieving any kind of settlement. This resulted in a splintering of the mediation process as the official Machar-led formal process was challenged by several competing informal initiatives.

According to observers, there was disagreement between Machar and Pax Christi early on in the Juba process over who should chair the talks. Pax Christi, by virtue of its key role in initiating the talks and its belief that the talks should be chaired by a neutral mediator, believed it was best-placed to lead the talks, or at the very least to serve as co-chair. Tensions were also apparent between Pax Christi and the Italian religious group San Egidio, which was also seeking a role for itself in the process – based on a track record of earlier involvement and its close link with Catholic clergy in the area. In 2007, when the talks were visibly losing momentum, Machar slowly edged Pax Christi out of the process, and began to work in

a more unilateral fashion. Frustrated by the apparent inability of the delegations to focus on the negotiations due to what it saw as their pursuit of personal agendas, Pax Christi decided there was a need for a quiet, low-key problem solving session with all of the parties in a location where there would not be any distractions. It convened a week-long meeting in Mombasa without the knowledge or approval of Machar to which it invited representatives of the LRA and GoU, including Museveni's brother General Salim Saleh. While this meeting appears to have restored some momentum to the talks, it also further weakened Machar's control over the process. This opened the way to certain LRA and Ugandan President's Office/ State House representatives to reach a deal that was outside of the formal Juba framework and agenda items, and which was not approved by Kony.

Although well intentioned, this unilateral Pax Christi initiative was widely viewed as damaging to the overall process. Tensions were heightened within the LRA camp in Garamba when Kony heard about the Mombasa meeting and allegations that money had been (allegedly) channelled by State House to his second-in-command Vincent Otti, whose loyalty he increasingly was questioning. Otti was executed soon after, allegedly on Kony's direct orders.

This incident raises important questions about Pax Christi's involvement (and that of NGOs generally) in the process: did it have sufficient clout and capacity to manage a process of this scope? When would it have been appropriate for it to formally hand over its role to GoSS or another interlocutor? Should not a new and more tailored role have been agreed with Pax Christi to enable it to remain involved and deploy its areas of strength – for instance, its knowledge of and close relationship with the LRA and civil society groups in the region – in a more constructive manner?

State House's unhappiness with the formal Juba process, particularly the five agreements, which it saw as legitimising the LRA, spurred it to enter into separate private talks with LRA elements. The aim was not in every instance to advance the Chief Mediator's formal process in Juba. GoU's multi-pronged approach reflected its own strategy of both supporting and aiming to subvert the official process.

Different GoU actors became involved in the Juba process, including the formal negotiating team under Internal Affairs Minister Ruhakana Rugunda; various elements within the UPDF and security services; and the President's brother Salim Saleh, who directly approached Vincent Otti. All reported to Museveni, but did not necessarily act in concert or with awareness of what one another were doing. Various aims were pursued, including seeking to 'clip the wings' of the LRA peace team by buying off key members, driving a wedge between the peace delegation members and the LRA in the bush, seeking to convince Otti to leave Kony, and so on. These parallel initiatives were evidenced by private meetings between members of the LRA delegation and GoU, unexplained changes in LRA negotiating positions, and regular reports of funds being funnelled to key LRA figures including delegation head David Matsanga and Vincent Otti.⁴⁶ The head of the LRA peace team later acknowledged that the GoU was able to exploit the situation due to its "poor organisation" and the "corruption of certain members of the peace team."⁴⁷

A further complexity, and of greater significance, was President Museveni's direct intervention in the talks, reflecting his tendency

Various aims were pursued, including seeking to 'clip the wings' of the LRA peace team by buying off key members, driving a wedge between the peace delegation members and the LRA in the bush, seeking to convince Otti to leave Kony, and so on

⁴⁶ After the talks collapsed in December 2008, three members of the LRA delegation returned to Uganda where they were formally granted amnesty.

On a number of occasions, the President quite publicly contradicted statements made by Rugunda, his official representative and who was generally perceived in Juba as seeking to constructively engage in the talks

Because Museveni could not be publicly seen to be rewarding Kony in contravention of the ICC, there was a need to negotiate a way around this constraint with Kony behind the scenes

to micro-manage. On a number of occasions, the President quite publicly contradicted statements made by Rugunda, his official representative and who was generally perceived in Juba as seeking to constructively engage in the talks. Members of the intelligence services were reportedly active on the ground “putting pressure on Rugunda’s team” and “manipulating intelligence in order to sway the talks.”⁴⁸ As it became evident that the stumbling blocks to a peace settlement could not be overcome unless Kony’s personal welfare and security was addressed, Museveni became engaged in direct talks with Kony over the phone in a bid to find a solution.

Overcoming the ICC hurdle was the key enduring challenge for both parties. Kony had early on made clear his opposition to signing the settlement unless the ICC warrants were dropped or suspended. This could not be contemplated at the formal discussions in Juba and created a dilemma for Museveni that Barney Afako sums up as follows:

What kind of carrot could possibly be offered to a person who has already been indicted by the ICC? And what other sticks are left after the warrants? ...Once the justice card has been played, leverage over individuals is severely curtailed. Thus the Juba talks took place in an environment where solid personal incentives could not be offered to LRA leaders, and at the same time the negotiations had to deal with the formidable disincentive of the arrest warrants.⁴⁹

Because Museveni could not be publicly seen to be rewarding Kony in contravention of the ICC, there was a need to negotiate a way around this constraint with Kony behind the scenes. In the end, the Ugandan criminal justice processes were proposed as an alternative to the ICC. A “gentleman’s agreement” was reached that the Ugandan government would bring a challenge to the Security Council to suspend the ICC indictment, opening the way to the establishment of a Special Court that could try and sentence Kony.⁵⁰ A commitment was made that Kony would be imprisoned in the north, though the conditions of this imprisonment would be sufficiently flexible to meet the international requirement for Kony’s freedom and movement to be significantly curtailed while sparing him the humiliation of formal incarceration in a prison. For this agreement to work, however, Kony was advised that “it would not be easy”, that “he would need to accept the language” of any public declarations made regarding this agreement which would differ somewhat from the language of the gentleman’s agreement, and that “he would need to trust Museveni”. But Kony was always adamant that he would not sign any agreement unless the arrest warrants of the ICC, which he saw as a “court for the weak” were first dropped. The ultimate hurdles, Afako argues were “saving face” and “humiliation”, ultimately “it was not clear how these hurdles could be overcome”.

Riek Machar says he was aware of the parallel initiatives from State House and accepted them (“I was able to absorb the shocks”) for he understood that the formal process led by him would not be able to address the most sensitive and significant barrier to a peace deal – namely Kony’s unwillingness to surrender to an ICC court case and imprisonment in The Hague. Most damaging however was that Machar was most likely unaware of the detail of State House’s discussions with Kony and the LRA. With the blessing of State House, various people including (the late) Walter Ochora made pilgrimages to Garamba to meet Kony and convey messages

⁴⁷ Interview with Justine Labeja, Acting Leader, LRA Peace Team, Nairobi, 27 April 2010.

⁴⁸ Interview, member of the Government of Uganda, Kampala, May 2010.

⁴⁹ www.guardian.co.uk/katine/katine-chronicles-blog/2009/apr/16/katine-joseph-kony-lra

⁵⁰ Barney Afako, Lead legal adviser to the Chief Mediator, London, 21 May 2010.

Under huge international pressure, the preparation of paperwork for an eventual peace deal had advanced far quicker in Juba than the more delicate and sensitive negotiations behind the scenes about Kony's status. The Juba architecture, however, was not flexible enough to accommodate the two-tiered nature of the negotiations

from Museveni. In one meeting for instance, a decision to reduce the number of assembly areas for LRA troops from two (Owiny Ki-bul and Ri kwamba) to one (Ri-Kwamba), and allow LRA soldiers in Owiny Ki-bul to march to Ri-Kwamba, was agreed directly between State House and Otti. Machar was not formally debriefed after these meetings.

In the absence of a mechanism to ensure regular and direct communication between the Chief Mediator and Kony, the latter became dependent on a range of different intermediaries – some of whom (family members, traditional and religious leaders) he appeared to trust, and others, such as the head of his peace team, David Matsanga, he had lost confidence in. Because the information reaching him in the bush from these diverse sources was often conflicting, Kony asked family members and various traditional and religious leaders to travel to meet him in the bush on a number of occasions. These informal intermediaries who Kony most trusted were generally not financially 'facilitated' as part of the Juba process and, it is claimed, were increasingly sidelined by the GoU.⁵¹ Kony became increasingly disaffected with members of his peace team, some of whom he knew had dual allegiances and were benefitting financially from the process, and stated to the Acholi Paramount Chief Rwot Acana – the last person in the peace team to see him in late 2008 – that “ he would not sign an agreement negotiated by thieves.”⁵²

In summary, “Juba was about formalities, so that the parallel initiatives necessary to overcome the areas of disagreement between the parties could be overcome”.⁵³ Under huge international pressure, the preparation of paperwork for an eventual peace deal had advanced far quicker in Juba than the more delicate and sensitive negotiations behind the scenes about Kony's status. The Juba architecture, however, was not flexible enough to accommodate the two-tiered nature of the negotiations. This partly reflected the fact that the delegates from the LRA and Rugunda's peace team did not have the authority to speak for Kony and Museveni respectively. But also that those members who knew Kony best and who Kony appears to have trusted the most, were ultimately marginalised from the talks.

In the final analysis, the talks around the formal agenda items did not allow for the level of nuance and communication necessary to bridge the gaps between the two parties so that a peace settlement could be signed. While the parallel initiatives allowed for many of the key sticking points to an agreement to be addressed more directly, the final hurdle may simply not have been surmountable due to Kony's immense distrust of Museveni. One traditional Chief comments that even if the distrust had been overcome he does not think Kony would ever have signed “because he recognised the magnitude and brutality of his acts and could not return to face his community.”⁵⁴

Conflicting donor agendas around ending the war

As the impetus of the Juba process grew, the international community, including the UN, saw in their support to the GoSS and the Juba process a way of possibly managing the tricky political situation presented by the LRA. Juba allowed donors to describe the process as an 'African solution for African problems' while still supporting the arrest warrants issued by the ICC. However, the involvement of multiple donors was double edged: for while it increased international advocacy for the Juba talks (leading to more

⁵¹ Interview, Kitgum traditional leader, 2 May 2010.

⁵² Interview, Rwot Acana, Acholi Paramount Chief, Gulu, 3 May 2010.

⁵³ Barney Afako, Lead legal adviser to the Chief Mediator, London, 21 May 2010.

⁵⁴ Interview, traditional Chief, Gulu, 3 May 2010.

Juba allowed donors to describe the process as an 'African solution for African problems' while still supporting the arrest warrants issued by the ICC

The United States however did not share the European donors' consensus on the importance of a negotiated settlement and supporting Juba

discussions and funds), it also sent conflicting signals to the LRA on the authority of the ICC and inevitably catapulted Joseph Kony to a position of international recognition and profile.

From the outset, the LRA viewed international involvement in the Juba process as desirable, believing this would give additional guarantees of their security. There were more practical reasons why an international role was crucial, namely that the new GoSS – formed only one year before – still lacked the basic infrastructure and resources necessary to manage the talks for a sustained period. The transition to cantonment and demobilisation of a fighting force reliant on regular raiding missions for its survival would require significant supplementary resources. While donors were initially cautious about engaging with Juba because of the ICC indictment that most donor countries supported, most found a way to work around this. The Uganda-based donors who had long pressured GoU to engage in peace talks (most notably, the Danes, Norwegians, Swedes, Dutch, Irish, British and the EU) were cautious about their initial engagement. These donors agreed it would be desirable initially not to get directly involved as observers, and instead limit involvement to providing financial and technical support through the creation of a basket fund.

This donor position reflected the belief that it was important for the credibility of the process to be led as much as possible by Africans, but also real sensitivities around certain aspects of their engagement (for example, food shipments to LRA forces camped in the Garamba forest) that made it essential to get the messaging right about Juba's importance. The sensitivity around donor engagement in Juba was heightened by LRA violations of the ceasefire at various stages that, though not necessarily more egregious than those committed by GoU, still made donor governments nervous and contributed to pressure for a quick settlement.

The United States however did not share the European donors' consensus on the importance of a negotiated settlement and supporting Juba. Despite a long history of engagement in northern Uganda including humanitarian aid and support for various peace initiatives, by 2006 patience was running out in the Bush administration. The backdrop for the emphasis on a military solution was the US-led war on terror, which had fundamentally changed the language around security and US relations with key allies in Africa whose support it required to execute its war. The GoU had rapidly seized upon the Bush administration's language of 'terrorism', following passage of its 2002 Anti-Terrorism Act as it began to brand some of its own internal opponents, particularly the LRA, as 'terrorists'. This further constrained analysis about the complexity of the LRA problem and made the GoU's decision to pursue a military option more likely and politically acceptable.

There was scepticism within the US State Department about the LRA's commitment to talks and thus about the Juba process.⁵⁵ During the early stages of Juba, there was a low-level but concerted effort by US diplomats in European capitals to denounce the talks and discourage other countries from supporting them. The US then changed tactics and, in breach of the agreement among donors in Kampala not to engage directly in the process, sought to become an official observer.⁵⁶ The EU followed suit, leaving other donors with the prospect of either watching from the outside or sending their own representatives to Juba. This influx of donors generally increased pressure on the timetable to complete the paperwork at

⁵⁵ Interview, US State Department official, May 2010.

⁵⁶ Official in the Embassy of a European country, Kampala, May 2010.

a time when the delicate behind the scenes efforts to coax Kony to a political settlement were moving more slowly.

The US, led by a senior State Department official, sought to open yet another track of dialogue with certain LRA members, including commanders from the Cessation of Hostilities monitoring team. The aim was (apparently) to give them incentives to leave the LRA, and to split the LRA representation in Juba – for example, by offering delegation members visas to visit the US. The political backdrop for this strategy was the waning days of the Bush administration and a push by the US Under-Secretary of State for African Affairs, Jendayi Frazer, to deliver Bush with a settlement to the LRA conflict before President Obama assumed power in January 2009. At the same time, the US also increased its military backing for the UPDF and actively supported GoU's development of 'Plan B' – the failed military offensive in December 2008 that drove Kony and his fighters back into the bush.

The United States, far from playing the part of a neutral actor and providing security guarantees to put Kony at ease and create a level playing field, adopted an engagement strategy that achieved the opposite outcome

The GoU's Plan B was always on the table, reflecting its pragmatic and understandable assessment that Kony's commitment to peace talks was at best partial and that the best way to keep the LRA engaged on the path to peace talks was to maintain military pressure. Kony, according to observers who interacted with him during the Juba process, was aware of GoU planning for a military offensive. He regularly expressed concerns about being cornered in Juba and, in particular, the difficulty of "pursuing peace, when there is a lion behind me."⁵⁷ Understandably, with the spectre of military action hanging over the talks, he also had his own Plan B. Observers often interpreted this as a sign of his lack of commitment to talks, though it was arguably a rational response of a competent military strategist to his increasing sense of vulnerability to attack.

The United States, far from playing the part of a neutral actor and providing security guarantees to put Kony at ease and create a level playing field, adopted an engagement strategy that achieved the opposite outcome. There is evidence of the US support to the GoU⁵⁸ from as early as 2007, based on recent information released by Wikileaks⁵⁹ of conversations between Jendayi Frazer and Museveni discussing military action, particularly the need for regional actors to put pressure on the LRA in Garamba. During 2008, Museveni encouraged President Kabila of the Democratic Republic of Congo to attack the LRA, resulting in what appeared to be LRA reprisal attacks against the local population.

To create conditions that made military action more likely, the US exploited the misgivings of the Ugandans vis-à-vis peace talks

The US approach was based on deep scepticism about Kony's commitment to talks, but also reflected the US government's judgement that more could be gained in terms of its own political interests by attempting to resolve the conflict militarily than to let talks drag on. To create conditions that made military action more likely, the US exploited the misgivings of the Ugandans (particularly Museveni) vis-à-vis peace talks, and differences between President Salva Kiir of GoSS and his deputy Riek Machar. As the rhetoric of a military solution began to dominate, insufficient thought was given to the implications of a possible failure of *Operation Lightning Thunder*, particularly of the LRA returning to war. This is, of course, exactly what happened.

⁵⁷ Interview with Archbishop John Baptist Odama, Gulu, 1 May 2010.

⁵⁸ In a sense, all governments "took sides" and supported the GoU.

⁵⁹ Summary of meetings between Jendayi Frazer and President Museveni on 5 September 2007 and 13 June 2008, Wikileaks.

IV. Lessons from the Juba process

Juba offers some key lessons for the challenge of resolving the conflict and building peace in the region

This complexity of the LRA conflict was not fully appreciated by most actors involved in Juba, nor was the formal architecture for the mediation flexible enough to cater for the deep issues and competing interests that needed to be addressed. To this extent, Juba offers some key lessons for the challenge of resolving the conflict and building peace in the region.

Talking with the LRA again

A return to talks with the LRA within the framework of a formal process such as Juba is not likely. For Kony and the other surviving members of the High Command indicted by the ICC, agreements would still have to be reached that may involve handling their cases more locally – perhaps building on the earlier offer with State House and the Special Court established in Uganda. Levels of trust are so low and a lot of confidence building measures must be made. Nevertheless, whatever form that renewed talks with the LRA might assume, there are some important considerations that need to be borne in mind based on what has been learned from Juba:

- First, any renewed engagement with the LRA, and the architecture for such an engagement, needs to be based upon a more open and honest assessment of the different expectations and interests of the various actors involved in the process, including the LRA, GoU, and donor governments. While any future talks will almost certainly be driven by the urgency to quickly end the violence, adequate space will be needed to make it possible for confidence to be built between the parties.
- Second, in light of the above, the nature and extent of public participation in future talks needs to be carefully tailored to ensure it facilitates the most rapid and enduring solution possible to end the violence. Any talks would need to be much lower in public profile – to enable the LRA commanders to understand the issues and the process – and more tightly managed. Given the high levels of mistrust between the LRA (Kony in particular) and the GoU, there is likely an important role for members of the affected communities in the region to play in building confidence among the LRA. The future mediator needs to develop a clear set of guidelines for determining who has a seat at the table in any future talks and the rules that guide discussion.
- Third, the role of the diaspora in future negotiations needs to be more carefully scrutinised given the hugely variable (and often damaging) contribution that members linked to the LRA peace delegation made during the Juba process. The diaspora has undoubtedly learned lessons from the actions of certain members who privileged personal interests over those of the LRA and the northern Uganda communities they were ostensibly representing. Any future negotiations should have the genuine backing and confidence of Joseph Kony and include the senior members of the LRA High Command.
- Fourth lesson is that while parallel initiatives can potentially play a constructive role in moving talks forward when they have stalled, or addressing complementary issues that cannot

be addressed in the framework of the formal process, they can also be immensely damaging. The key challenge is how to manage them so that initiatives that work at cross-purposes are minimised. Future talks with the LRA should be undertaken on the basis that – to the extent possible – participating members commit themselves to abide by guidelines specifying certain protocols for interaction between parties to the negotiations, and which include keeping the lead mediator informed of any initiatives.

- Fifth, any such protocols need to apply to international actors, including donors and others who are involved in the mediation or otherwise support the process at a political or financial level. Such a protocol might specify the nature of the roles external actors can play (for instance, as ‘observers’) and provide guidance on how external actors can support without disrupting a nationally led process. Adherence to such a protocol would be purely voluntary, but evoking the need for such a protocol would put pressure on international actors to go on the record regarding their position on the matter.

Lessons for other intractable conflicts

Juba also offers lessons for other conflicts or peace processes, particularly those where negotiations are being undertaken (or are sought) with armed groups that may find it difficult to engage in a formal negotiation process due to limitations in their capacity or their concerns about their safety, or where there are serious questions about the commitment of one or both sides to a negotiated solution.

Juba also offers lessons for other conflicts or peace processes, particularly those where negotiations are being undertaken (or are sought) with armed groups that may find it difficult to engage in a formal negotiation process

- In a situation of ‘complexity’, where parties to a conflict are multi-faceted and have not themselves reconciled differing interests and motivations among their constituent parts, a peace process needs to allow both space, time and resources for this ‘internal’ search for identity and the forging of relationships required for negotiations to be successful.
- When parties to a conflict enter talks reluctantly and only under external pressure, the building of a broad international coalition to end the conflict (that is, national, regional and international actors) can be key in developing momentum for talks so that it is more difficult for parties to walk out. However, the fracturing of such a coalition can rapidly open the way for competing international agendas around how the conflict should be addressed, with parties receiving mixed signals about international commitment to negotiations.
- When problems emerge in negotiations and the commitment of one or more parties to the negotiations appears to be wavering, mediators may need to be willing to shift approach quite radically. This may involve scaling down a formal process or placing conditions on its further continuation to provide time and space for parallel processes to address the core issues that hamper progress.
- The potential costs – both in lives lost and confidence undermined – of halting negotiations with an uncompromising party and resorting again to military action need to be weighed carefully against the benefits of seeking to re-energise negotiations that have lost momentum. Given that military action is unlikely to achieve a decisive outcome, continuing to talk – even if the other party is not responsive – can help contain a military

threat until stumbling blocks to a political settlement can be overcome, and is likely in the long term to be much more cost-effective than fighting.

- Finally, a signed agreement may not be the most important output of peace talks, as essential as one may be to ending the violence in the short-term. The Juba talks and other conflicts with successfully negotiated (though not implemented) settlements underscore that the process itself is equally if not more important in the long-term. Political settlements are unlikely to be implementable if they are reached predominantly because of external pressure rather than through a process of dialogue and confidence building that enables common ground to be identified between the interests of opposing parties.

While this was not achieved in Juba, the talks did result in a better understanding of the LRA, as well as the complex array of political forces and interests in the region aligned both for and against peace. Notwithstanding the tragic human cost of Juba's failure, there were important achievements – not least of all those elements of Juba agreements on which consensus was reached – that offer a basis for renewed efforts to achieve long-term stability and peace in the region.

Glossary

AU	African Union
CAR	Central Africa Republic
CPA	Comprehensive Peace Agreement
DDR	Disarmament, Daemobilisation and Reintegration
DRC	Democratic Republic of Congo
CHOGM	Commonwealth Heads of Government Summit
DFID	Department for International Development UK
EU	European Union
GoSS	Government of the Republic of South Sudan
GoU	Government of Uganda
ICC	International Criminal Court
LRA/M	Lord's Resistance Army/Movement
MP	Member of Parliament
NGO	Non-governmental organisation
NRA	National Resistance Army
OCHA	UN Office for the Coordination of Humanitarian Affairs
SESG	Special Envoy of the UN Secretary General
SPLA	Sudan People's Liberation Movement
UN	United Nations
UNICEF	United Nations Children's Fund
UPDF	Uganda People's Defence Force

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