

Seizing the Second Chance: Peace on the Horizon for Uganda?

Uganda Conflict Action Network Policy Brief

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Historic peace talks to end the 21-year war in northern Uganda, thought to have collapsed, may yet get a second chance. The new involvement of regional countries, the African Union and especially UN special envoy Joaquim Chissano gives new hope to a process already considered the best opportunity to end the war. Yet, reviving peace talks and ensuring their success are two different challenges. Reaching a comprehensive agreement will demand fresh thinking and flexibility by all stakeholders, especially when dealing with issues of transitional justice and trust. In particular, the U.S. government, thus far publicly absent from the process, can bring critical leverage and confidence to the process by public support and engagement.

Juba Peace Talks: A Second Chance?

The process that began in July 2006 has been widely hailed as the best opportunity in over a decade to end the war. Unlike past mediation attempts, the leadership of the new semi-autonomous Government of South Sudan (GoSS) gives this process legitimacy and potential. For the first time, peace talks are being held outside Uganda with such a strategic third-party mediator.

Negotiations between the Government of Uganda (GoU) and Lord's Resistance Army (LRA) began in July in Juba, South Sudan. In August, the parties reached the breakthrough Cessation of Hostilities (CoH) Agreement, bringing relative calm to northern Uganda for the first time in years. In the following months, there were virtually no attacks or abductions in the region, and 300,000 displaced persons returned home. The numbers of child "night commuters" fell to their lowest levels in a decade. Furthermore, the possibility of an end to the LRA rebellion was welcomed by the wider region, as LRA attacks have destabilized southern Sudan and recently northeast Democratic Republic of Congo (DRC).

Yet, the talks stalled due to disagreements over the agenda, particularly regarding "comprehensive solutions to the war." In addition, both parties accused each other of violating the CoH. In January, the LRA delegation refused to return to Juba, demanding a new mediator and venue. Since then, there has been growing fear in northern Uganda, as some LRA have re-entered the north. Many who had left the displacement camps following the start of negotiations have returned. In Sudan, there have been reports of LRA attacks as some fighters moved toward both the DRC and the Central African Republic.

Last month, the intervention of both northern Ugandan leaders and the new UN special envoy, former Mozambican president Joaquim Chissano, convinced the LRA to return to talks. Chissano's role as a respected African elder and statesman was reportedly crucial, especially convincing LRA leader Joseph Kony to return to negotiations. In the compromise reached, five countries (Kenya, South Africa, Tanzania, Mozambique and DR Congo) will send high-level observers to supplement the GoSS mediation. Some of these officials have recently been named:

Mozambican Minister for the Presidency Francisco Caetano Madeira, South Africa's Lt. Gen. Gilbert Lebeko Ramano, Tanzania's Ali Siwa and Kenya's Japheth Getugi.

In addition, the African Union (AU) agreed to coordinate eight new ceasefire monitors. The DRC military and UN Mission in Congo (MONUC) have also recently committed to monitor the movement of LRA fighters from DRC to Ri-Kwangba, the CoH assembly point in Sudan.

This month, the pace has quickened. At meetings organized by Pax Christi, in Mombasa, Kenya, representatives from the two sides reportedly reached broad agreement on a framework for continuing talks. Then, meeting in Ri-Kwangba on 13-14 April, the GoU and LRA agreed to extend the CoH until 30 June. The parties also agree to resume peace talks in Juba on 26 April.

A Triple Challenge for Peace

This is excellent news, yet resuming talks and ensuring their success are two different challenges. In fact, the same contentious issues of trust, transparency and transitional justice will arise. Unless they are addressed with fresh thinking and flexibility, a comprehensive agreement will remain unlikely.

First, both sides remain skeptical of the other's integrity and the LRA has accused the Sudanese mediation team of being prejudiced against the LRA. In the first set of talks, lacking involvement of several influential actors – the U.S. government, AU and IGAD to name a few – perpetuated this mistrust. Greater regional and international engagement would not only bring leverage, but also build confidence. While these actors should not override GoSS leadership, their presence would provide implicit accountability. The new involvement of five African countries and Chissano is a hopeful start, but still incomplete.

Second, the Cessation of Hostilities agreement clearly suffered from a lack of transparency, as a result of a weak and under-funded monitoring team. Both parties are guilty of significant violations. When talks recommence, the obvious solution is to employ a strengthened monitoring team, which can better verify rebel movements and military activity. The AU is set to supplement this task, but will need increased resources and mandate from the international community.

Another issue of transparency involves the LRA itself, which is hardly a united body. Peace talks have exposed a complex and divided external network that resides not only in East Africa, but also in Europe and North America. The LRA negotiating team is mostly from these networks. While some negotiators are truly committed to peace, others see the process as a vehicle for economic advancement or primarily to embarrass President Museveni. Some elements within the wider network have denounced talks and pushed for a return to violence. Though the LRA military leadership may be ready to reach a deal, these "spoilers," if unaddressed, will continue to disrupt the peace process.

Third, the challenges of transitional justice remain an obstacle for the process. The GoU has promised to seek revocation of the International Criminal Court (ICC) indictments on LRA leadership, but only when a comprehensive agreement is reached. The LRA remains suspicious,

especially when the ICC Prosecutor has stated that arrest warrants will be sustained. Work is underway to research alternative mechanisms for accountability, building on traditional justice rituals and formal judicial mechanisms. However, while this research continues, ICC rigidity is only entrenching the impasse. Both Article 16 and Article 53 of the Rome Statute allow for indictments to be suspended if it is in the “interest of victims.” Northerners have overwhelmingly made clear their disapproval of the ICC if it hinders the progress of peace talks. The international community, either through the Security Council or informal channels, must impress upon the ICC the need for greater sensitivity to local needs.

The other dimension of justice involves the longstanding political exclusion of northerners. Neither the Ugandan government nor the LRA can honestly claim to represent the best interests of the people of northern Uganda. Ultimately, a just peace will require processes that empower northerners to express their grievances and participate fully in national political processes. Though the Juba process is not an adequate forum to address these concerns, it can be a place to initiate discussion. However, it should be northern civil society, not the LRA or GoU, that sets such an agenda. Their representation at the talks would at least be a reminder to the parties that negotiations are not just about politics; they’re about people’s lives.

The Humanitarian Imperative

With all eyes focused on the Juba process, the humanitarian imperative in northern Uganda has lost momentum. At least 1.4 million people remain in squalid displacement camps. The security situation in the north will remain tense until a peace agreement is reached. Northerners have little faith in the UPDF to provide security for their return home. However, the welfare of northern Uganda should not be held hostage by a fragile peace process. A coordinated humanitarian strategy in both camps and areas of return is urgently needed; an approach that addresses emergency food and healthcare needs, but also longer-term recovery and institution building.

In May 2006, the GoU, in partnership with international donors, launched the Joint Monitoring Committee (JMC) and Emergency Plan for Humanitarian Interventions for the North. For long-term reconstruction, however, the GoU is currently in the process of finalizing and implementing the National Peace, Recovery and Development Plan for Northern Uganda (PRDP). The PRDP, a three-year strategy, plans emergency relief provision, revitalizing healthcare and education services, strengthening judicial and police forces, and other initiatives to assist the return and resettlement of the displaced population.

While the PRDP provides an encouraging framework, concerns remain about prospects for its implementation. The GoU continues to send mixed signals about its commitments, most recently by refusing to recognize the UN’s new Humanitarian Coordinator. This refusal eventually led to the UN withdrawing its candidate for the position, despite her substantial qualifications. The incident disappointed many in the humanitarian community who had expressed hope that a Humanitarian Coordinator would finally improve coordination of humanitarian efforts.

In addition, provision of basic needs for the war-affected population remains inadequate. This is partially a result of the international community’s failure to respond to the 2007 UN funding

appeals. As a result of this funding shortage, the World Food Programme announced this month that it would be forced to cut food rations in half.

The protection of civilians also remains a problem, especially accountability for military personnel. The UPDF and Local Defense Units (LDU) remain primarily responsible for civilian protection and policing. Yet, a February 2007 report by the UN High Commissioner for Human Rights notes “significant levels of human rights violations by the UPDF.” Despite positive trends to combat impunity, many alleged human rights violations still go unpunished. This is in part the result of a weak judicial system, undermined by overcrowded detention facilities, arbitrary detentions and partial local judges. Though the civilian police force has been doubled, many lack professional training and succumb to corruption. In this climate, many crimes, especially gender-based violence, go unreported.

New challenges have also arisen as heads of households begin returning to their homes to cultivate land, often leaving women, children and the elderly in camps. Protection and humanitarian approaches must be responsive to this new reality; still supporting those in the camps, while also transitioning to return and recovery initiatives. In areas of high return, such as the Lango sub-region, such adaptation has been slow and inconsistent.

Furthermore, other areas crucial to peace and recovery receive scant attention in the JMC and PRDP. The future of land access and tenure remains uncertain for many northerners, creating the potential for violent land conflicts and landlessness among returnees. Households headed by women or children will have an especially difficult time securing access to land. Though these issues have been discussed in the Parliament and a National Land Policy is being developed, the GoU has been slow to articulate a clear plan to protect land rights. Also, more attention is needed to develop mechanisms for national dialogue and reconciliation.

U.S. Engagement Greatly Needed

Given the potential to end the humanitarian crisis and promote regional stability, it would seem likely that the U.S. government (USG) would be eager to strengthen the Juba peace process. However, though the USG may be providing private support to the GoU, it has expressed little public support or engagement. Last June, U.S. Assistant Secretary of State for African Affairs Jendayi Frazer, on her first visit to northern Uganda, said that the U.S. would support any initiative that could deliver peace. Yet, the State Department has since moderated Frazer’s remark. Three press statements by the State Department issued since—in November 2006, February and April 2007—have evaded making a strong statement of support for the talks, instead focusing on humanitarian assistance. Given immense U.S. involvement in Ugandan affairs, the lack of public support breeds suspicion and undermines confidence in the process.

Officials within the State Department have defended this passivity by invoking the philosophy that there should be “African solutions to African problems.” Yet, this defense is dubious first because of U.S. increasing activity, especially militarily, with Uganda and in the region. Furthermore, the chief mediator, GoSS Vice President Riek Machar, has privately requested USG help. Technical assistance is still urgently needed to support the GoSS and monitor the CoH. More importantly, high-level USG diplomatic engagement has proven to bring unique

leverage and resource mobilization to African peace processes in the past. This was shown by the Bush administration's involvement in Sudan's North-South peace process, specifically by the strategic role of special envoy John Danforth.

This is not to say that the USG is entirely ignoring the peace talks. State Department officials are monitoring the process and say they would "welcome" a peaceful resolution to the war. Officials at the U.S. embassy in Kampala have provided internal consultations with the GoU. Still, USG *public* absence and minimal *public* engagement are undercutting the potential of the process.

With the Juba talks getting a second chance, so too does the USG. As negotiations resume, the USG must continue using internal channels to press the GoU to fully and flexibly engage this opportunity. In addition, though, the USG needs to show its public support for and commitment to successful peace talks. A first step would be a direct statement, ideally by President Bush expressing full support for the Juba process. The Bush administration should then send a high-ranking senior official to convey this support and coordinate USG policy. This official should be careful not to override GoSS leadership, but can advise and add leverage.

Furthermore, assistance is still greatly needed to sustain the peace process and especially to bolster monitoring of the CoH. The other members of Uganda's Core Donor Group – Canada, Netherlands, Norway and the United Kingdom – have already contributed over \$5 million to the UN's Juba Initiative Fund. The USG has yet to pledge, but can now provide funds that will be critical as the peace process extends. Additionally, the USG has broadly expressed willingness to fund post-conflict reconstruction if an agreement is reached. By further specifying this, the USG can help contribute to a "peace dividend," increasing confidence in the Juba process.

In addition to this support, the USG is also well placed to subtly help the process overcome its largest obstacles. For one, "spoilers" in the LRA external wings continue to advocate against the talks. The USG could rally the international community to expose and sanction these harmful individuals. At the very least, the State Department must identify and stop those operating within U.S. borders. A second seemingly intractable issue involves the dilemmas of transitional justice. The international community, most likely through the Security Council, must assist the Juba process in ensuring justice, but not at the expense of peace. The USG and its allies have greater influence over the ICC and can diplomatically express the imperative for reasonable flexibility.

Finally, the USG has rightly continued to emphasize the importance of humanitarian assistance to the war-torn region. The recent cuts in WFP food rations must be addressed. Regardless of how peace talks proceed, targeted assistance for short-term survival needs and long-term rebuilding is essential. Along with provision of aid, the USG must also continue emphasizing to the GoU its protection responsibilities in the north. The USG should consider making some bilateral assistance – particularly military – conditional on provision of security in the North. In addition, the USG should remain fully engaged in strengthening the PRDP and other processes for recovery and development. It is particularly important that these processes do not overlook sensitive issues, such as disarmament of Local Defense Units, land rights and national reconciliation. Failure to think strategically about these issues will only perpetuate Uganda's post-independence cycle of violence. The USG has great interest in a stable and united Uganda that can be a regional leader for peace and stability.