

## A Strategy for Ending Northern Uganda's Crisis

*As amended on 13 January 2006 with a corrected footnote 11.*

### I. OVERVIEW

The brutal Lord's Resistance Army (LRA) insurgency enters its twentieth year with no end in sight, made more complicated by the troubling political events in Kampala over the past few months, including the arrest of opposition figures. The rebels' new strategy of ambushing vehicles, including those of humanitarian aid agencies, has worsened the humanitarian situation in northern Uganda; peace processes in Sudan and the Congo (DRC) are being disrupted as the LRA crosses borders without response from the UN Security Council; mediation efforts have stalled; and International Criminal Court (ICC) arrest warrants have gone unexecuted. In isolation, military, diplomatic, political and judicial strategies have no realistic prospect of reversing these trends. The U.S., UK, Norway and the Netherlands (the informal 'Quartet' of concerned countries in Kampala), the UN, Sudan and the Congo must work with the Ugandan government to fashion a comprehensive strategy that integrates both military and non-military elements.

On 13 October 2005, the ICC unsealed arrest warrants it issued three months earlier for five LRA commanders, including the leader, Joseph Kony. However, the Court has a limited mandate to pursue justice but no power of its own to execute its warrants, and the international community, including its staunchest supporters, has thus far failed to put in place practical mechanisms to uphold its authority and bring the war to an end. The stakes for the ICC are high in northern Uganda, and the warrants it has issued for LRA leaders to be arrested for trial of atrocity crimes is crucial to the pursuit of justice not only in northern Uganda, but also wherever such crimes occur. But regional governments and the international community have made no new efforts to arrest the indictees.

The Ugandan army has more than twenty times the LRA's manpower in northern Uganda but its efforts to apprehend the suspects or defeat the insurgency are hindered by corruption, abusive behaviour, poor organisation, and lack of equipment. Uganda and the new government of national unity in Sudan are working better together to put LRA forces at greater risk in their

old southern Sudan refuge, but there are credible reports that elements of Sudanese military intelligence still aid them. Kony's location roughly 100 km north of Juba indicates he is still being given sanctuary by elements in the government. The governments of Uganda, Sudan and Congo have not reached a trilateral agreement for a true regional response and international pressure to achieve such an agreement is lacking.

Meanwhile the LRA has undertaken a series of attacks aimed at showing its continuing viability as a fighting force. In parallel, it has moved a significant number of its fighters into the Congo for the first time, and mediator Betty Bigombe, a former Ugandan government minister, temporarily suspended efforts to present a recently prepared peace plan. Following publication of the ICC warrants, donors have reduced the already meagre funding for her initiative, and she is hampered by the lack of a structured mediation secretariat that would help sustain peacemaking efforts. Heightened insecurity has forced UN humanitarian agencies and other NGOs to reduce access to IDP (Internally Displaced Persons) camps, adding to the misery of the some 1.7 million IDPs in northern Uganda.

Governments committed both to ending the war and achieving accountability in Uganda need to devise and apply a comprehensive strategy that complements and reinforces the ICC indictments and Bigombe's intention to resume peacemaking efforts. Crucial elements should include:

#### **Military Components**

- *Apprehending the Indictees:* Without a more serious military component, efforts to apprehend the ICC-indicted suspects, defeat the insurgency, or even drive the LRA into a more pliable negotiating position will fail. Additional military punch could come from either rapidly enhancing the capacity of special units of the Ugandan military and the Sudan People's Liberation Movement (SPLM) forces or finding an external country to provide special forces and intelligence units to do the job directly, in liaison with the Ugandan military, ideally with

the support of the Security Council. The psychological impact of three or four sharp attacks on LRA positions would be significant, and many commanders and ordinary fighters would be tempted to turn themselves in. A bounty like that used in conjunction with the International Criminal Tribunals for Rwanda and the former Yugoslavia should be offered to private citizens for capture or assistance in capturing indictees alive.

- *Crossing Borders:* The Quartet should press Uganda, Sudan and the Congo to agree on cooperative measures including hot pursuit guidelines, and should help negotiate such an agreement.
- *Protecting Civilians:* The Ugandan military has failed to protect civilian populations not only from the LRA but also from its own troops, who have in some cases been the major source of insecurity in the camps. It must redeploy in ways that prioritise protection, and the government should try any soldiers accused of human rights abuses and punish them appropriately if they are found guilty.

#### **Non-Military Components**

- *Comprehensive Dialogue:* The Quartet and the UN Security Council should support Bigombe in developing and presenting a repackaged and more extensive proposal that includes separate initiatives with indicted and non-indicted LRA commanders as well as improved livelihood and security incentives for non-indicted commanders and rank and file to break with Kony.
- *DDR Initiative:* Much lip service has been given to incentives for the insurgents to come in from the bush, principally through a viable disarmament, demobilisation and reintegration (DDR) program, but little practical has been done. Donors should develop a major initiative to be implemented in the north and used by Bigombe to demonstrate to rebels the viability of laying down their arms.
- *Humanitarian Aid:* Donors need to work with the government to meet the basic humanitarian needs of IDPs in northern Uganda and to assess where camp populations can be supported and protected to return home. The DDR strategy for the LRA must be linked to increased aid for IDP war victims.
- *UN Security Council Action:* The Council should recognise the LRA poses a threat to international peace and security and endorse a plan that includes appointment of a UN envoy of stature and accepted by Uganda to support Bigombe's

mediation, and effective execution of the ICC warrants. It should also appoint a Panel of Experts to investigate support and sanctuary to the LRA and impose targeted sanctions on identified persons.

- *Truth and Reconciliation Efforts:* The ICC warrants are but a crucial first step in a long and difficult justice and accountability process. Donors should work with the Ugandan government and judiciary to establish a mechanism along the lines of a Truth and Reconciliation Commission and support traditional reconciliation initiatives to help resolve local and personal grievances.
- *Diplomatic Engagement:* Donor countries need to engage quietly but strongly with President Yoweri Museveni and other Ugandan political leaders to make resolution of the conflict a major priority of the government and of all presidential candidates.

None of this may result in the apprehension of Kony and the other indicted figures. If it causes them to seek third-country asylum, there could be a tough decision ahead on a possible trade-off between peace and accountability. Without a comprehensive government-donor strategy, the northern Uganda problem will not be definitively solved. For that, Kampala would have to do much more to reform its army and persuade the Acholi people that it is taking a more enlightened approach to a region that has long suffered from central government abuse and neglect.

## **II. THE STATE OF THE CONFLICT**

### **A. TRENDS IN LRA CAPACITY AND TACTICS**

LRA<sup>1</sup> fighters are widely scattered in northern Uganda, southern Sudan, and the Congo.<sup>2</sup> They move in small

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<sup>1</sup> For more background on the LRA insurgency, see Crisis Group Africa Report N°77, *Northern Uganda: Understanding and Solving the Conflict*, 14 April 2004; and Crisis Group Africa Briefings N°23, *Shock Therapy for Northern Uganda's Peace Process*, 11 April 2005; N°22, *Peace in Northern Uganda: Decisive Weeks Ahead*, 21 February 2005; and N°27, *Building a Comprehensive Peace Strategy for Northern Uganda*, 23 June 2005.

<sup>2</sup> The latest working figures given by the Ugandan military to the UN Mission in the Congo (MONUC) force commander on 23 September 2005 and repeated when the Uganda-Sudan protocol on military cooperation was concluded in Entebbe on 19 November 2005 are 300 to 400 LRA fighters total in the three countries. However, many observers of the conflict believe the actual number of LRA combatants is significantly higher. Crisis Group interviews, November 2005.

units of three to fifteen to avoid detection. In the weeks immediately following unsealing of the ICC warrants, the LRA escalated the intensity and nature of its attacks in both southern Sudan and northern Uganda,<sup>3</sup> targeting vehicles belonging to humanitarian non-governmental organisations (NGOs) and local transport.<sup>4</sup> Incidents include:

- on 25 October 2005, two Christian Children's Fund workers were shot and wounded on Okwongo Road en route to the Okwang IDP camp;
- on 26 October, two employees of two NGOs – ACCORD and CARITAS – were killed in separate ambushes in Pader and Kitgum and four women were abducted near Purongo camp in Gulu;<sup>5</sup>
- on 31 October, two UN World Food Program workers (detailed from the Swiss NGO Foundation for Mine Action) were ambushed and killed along the Juba-Nimuli road in southern Sudan;<sup>6</sup>
- on 5 November, a man was beaten to death near Koro sub-county headquarters on the main road to Kampala, a woman was abducted and later released and a vehicle with three staff members from International Aid Services was ambushed on the Kaya-Yei road near Morobo in southern Sudan, resulting in one dead and two injured; and
- on 8 November, a vehicle travelling 22 kilometres northeast of Paraa lodge in the Murchison Falls Park was ambushed and a British national killed.

Though the LRA denies it is specifically targeting humanitarian workers, the attacks may bear out the warning several humanitarian and human rights organisations expressed at a meeting with the ICC Chief Prosecutor Luis Moreno Ocampo on 1 March 2005, that publication of warrants would lead to an increase in violence, including reprisals against their organisations.<sup>7</sup>

Responsibility to protect civilians in northern Uganda rests primarily with the Ugandan government, but its army<sup>8</sup> has repeatedly failed to prevent LRA attacks and even its own troops from abusing civilians. Prior to publication of the ICC warrants, neither Uganda nor the Court's international supporters put in place measures to enhance civilian protection, a collective failure that is having serious consequences in northern Uganda and southern Sudan.

Directly following the attacks of 25-26 October, the UN's Security Management Team in northern Uganda directed that "all UN missions in the field be aborted now and staff be recalled to base".<sup>9</sup> Non-essential UN field travel was suspended until 31 October. Under Secretary-General for Humanitarian Affairs and Emergency Coordinator Jan Egeland told the Security Council on 19 December that UN relief agencies require military escorts to 182 of the 200 camps for IDPs in northern Uganda.<sup>10</sup> A number of relief agencies, particularly those that operate on the principle of neutrality and cannot accept armed escorts, have suspended or restricted operations outside the main towns.<sup>11</sup> The reduction in attacks against aid agency vehicles since early November seems due to this reduction in humanitarian access and road travel.

The impact has been as bad for civilians in southern Sudan. Attacks against NGO staff have forced relief workers to withdraw and made large parts of Eastern and Western Equatoria inaccessible for humanitarian operations. Egeland pointed out that despite the signing of the Comprehensive Peace Agreement (CPA) by the SPLM and the Khartoum government on 9 January 2005, "as long as there is a significant LRA presence in the DRC/Sudan border area, it is difficult to imagine when refugees can start returning to Central or Western Equatoria, areas that previously were among the safest in Southern Sudan".<sup>12</sup>

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<sup>3</sup> In northern Uganda the LRA became more active in four districts: Gulu, Pader, Kitgum and Lira. In southern Sudan it increased attacks along the Kaya-Yei road, north of the Juba-Torit road, in Morobo and parts of Imatong.

<sup>4</sup> UN Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Jan Egeland told the Security Council that "LRA attacks on civilians and humanitarian workers have escalated, severely undermining our ability to provide relief to millions of people" and that the LRA has adopted "a shocking new tactic: the deliberate targeting of humanitarians". Statement, 19 December 2005.

<sup>5</sup> UN weekly security report, 30 October 2005.

<sup>6</sup> The victims were in a three-vehicle convoy. They were stopped by three men, ordered to dismount and killed. The two other vehicles escaped to a Sudanese army camp. "Sudan: UN condemns reported killing of de-miners by Ugandan rebels", UN News Service, 31 October 2005.

<sup>7</sup> Crisis Group interviews, March 2005.

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<sup>8</sup> The Ugandan People's Defence Forces (UPDF).

<sup>9</sup> Crisis Group interview, October 2005.

<sup>10</sup> Egeland added that "many other organisations find fees for escorts prohibitively expensive, or do not use them on principle". The areas where military escort is required for UN relief agencies includes parts of Gulu and all of Pader and Kitgum districts. Crisis Group interview, November 2005.

<sup>11</sup> [Replacement footnote inserted on 13 January 2006.] These include Medecins Sans Frontieres (MSF), Action Against Hunger and Oxfam. The International Committee of the Red Cross (ICRC), which does not accept military escorts as a matter of longstanding policy, has reduced some of its activities in more remote areas, but has not discontinued them.

<sup>12</sup> Egeland statement, op. cit. For reporting on the Sudan peace process, see Crisis Group Africa Report N°96, *The Khartoum-SPLM Agreement: Sudan's Uncertain Peace*, 25 July 2005.

The UN estimates that 1.7 million IDPs in northern Uganda live in squalid camps and rely on humanitarian assistance for survival.<sup>13</sup> A recent comprehensive mortality survey found that 1,000 excess deaths per week occur in these camps as a result of the conflict.<sup>14</sup> This rate is likely to increase as NGOs scale back operations because of insecurity. Oxfam says: "If we can't get aid through, even more people will die".<sup>15</sup>

Violence against civilians and the Ugandan military also escalated dramatically late in 2005. Incidents include:

- on 19 November, the LRA ambushed a lorry carrying traditional Acholi<sup>16</sup> dancers near Ligiligi on the Adilang-Patongo road in Pader district, killing nine and injuring ten;
- on 21 November, the LRA fired a rocket-propelled grenade at a minibus travelling between Pader and Pajule in Pader district, killing two civilians, and then executed ten survivors; on the same day a pick-up truck was ambushed at Oryang in Kitgum, with one civilian killed and two wounded;
- on 23 November, the LRA killed the wife of a local council chairman in Paloga, Kitgum and abducted two civilians;
- on 13 December, the LRA ambushed a pick-up truck near Omoro in Lira district, killing eight passengers (including an infant) and wounding six more; and
- on 31 December, the LRA attacked a group of civilians at Minakulu trading centre in Bobi sub-county, Gulu district. The attackers killed three civilians, cut off the ears of the deceased, and

abducted an unknown number of people including a nine-year old boy. The same group then attacked and killed three people in Ngai trading centre in Apac district.

Despite the high-profile attacks, LRA force strength is gradually decreasing due to death, surrender and capture. The movement cannot replenish as quickly as it is taking losses, and its survival in southern Sudan is being undermined by increasing military cooperation between Uganda and Sudan (discussed below) and the implementation, albeit slow, of the CPA.<sup>17</sup> Further, the apparent death of Dominic Ongwen,<sup>18</sup> one of its most brutal commanders, during a fire fight with the army in Teso in October, is a blow to its capacity in Pader district, where he had his own operation.<sup>19</sup> Ongwen was one of the top eight in the movement and the one perhaps most opposed to peace talks. His message was always to "keep on killing". Yet these losses are not significant enough to reduce the LRA's ability to attack civilians and NGO workers. Indeed, by shifting its focus from kidnapping – child abductions and mutilations are decreasing – to road ambushes, which receive more media attention, it is demonstrating that it remains a lethal enemy and that the army still lacks the will and capacity to stop it.

## B. SUDAN'S ROLE

The signing of the CPA and the creation of a government of national unity in Khartoum has altered the dynamics in southern Sudan but the LRA continues to disrupt humanitarian operations in the region and its transition to peace. Khartoum now admits that the LRA was given sanctuary and logistical support as part of a destabilisation strategy and scorched earth campaign against southern Sudanese civilians but says that any continuing assistance no longer reflects official policy. However, spoilers within the ruling National Congress Party and military, who continue to exert full control over the security structures of the new government, are hostile towards the CPA, and the LRA remains a tempting tool with which to help scuttle the agreement. Kony's location

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and Crisis Group Africa Report N°30, *Garang's Death: Implications for Peace in Sudan*, 9 August 2005.

<sup>13</sup> "UN to increase presence in the North", IRIN News, 22 November 2005. Figures for persons displaced by the LRA in southern Sudan and the Congo are not available at this time. For alternative estimates of IDP numbers, see fn. 48 below.

<sup>14</sup> "Health and mortality survey among internally displaced persons in Gulu, Kitgum, and Pader districts, northern Uganda", a joint survey by the Ugandan Ministry of Health, the International Rescue Committee (IRC), the UN World Health Organisation, the UN Children's Fund, the UN World Food Program and the UN Population Fund, July 2005, available at: <http://intranet.theirc.org/docs/N%20Uganda%20MOH%20Survey%20Report%20July%202005%20FINAL.pdf>.

<sup>15</sup> "Uganda: Two aid workers killed in the north by suspected LRA rebels", IRIN News, 27 October 2005.

<sup>16</sup> The Acholi are the predominant ethnic group in northern Uganda. The LRA's insurgency is a struggle against the government first and foremost, but it is also between the predominantly Acholi LRA and the wider Acholi population, which bears the brunt of the violence.

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<sup>17</sup> Unlike indigenous Sudanese militia groups with close ties to the ruling National Congress Party (NCP), the LRA's connections do not extend to Khartoum. Although evidence suggests that elements of the Sudanese Armed Forces (SAF) continue to support it, the army's re-deployment to the North under the CPA will eventually cut its main lifeline inside southern Sudan. As the SPLM reorganises and takes firmer control of the South, and the UN Mission in Sudan (UNMIS) is fully equipped and deployed, the LRA will have fewer places to hide.

<sup>18</sup> Ongwen is one of the indicted LRA commanders.

<sup>19</sup> Ongwen once told a senior diplomat: "If I'm in a bad mood I go out and kill people". Crisis Group interview, October 2005.

roughly 100 km north of Juba indicates he is still being given sanctuary by elements in the government, and reports continue that some assistance flows from government sources to LRA units.

Nevertheless, military cooperation between Sudan and Uganda is increasing, and Khartoum has granted its neighbour permission to conduct joint operations with its army, the Sudanese Armed Forces (SAF), and the SPLM north of the Juba-Torit road – the so-called “red line”.<sup>20</sup> Some Ugandan military officials are pleased with the new operational possibilities, which, if maintained over time, will create additional pressure on the LRA and provide more leverage for a solution.<sup>21</sup> But others still talk resentfully of continued Sudanese support to the LRA.<sup>22</sup>

On 19 November 2005, Ugandan army, Sudanese army and SPLM field commanders met in Entebbe (Uganda) and confirmed joint military operations were ongoing and were being aided by the UN Mission in the Sudan (UNMIS).<sup>23</sup> “In our view, the fact that we have the protocol, and Sudan is willing to renew it all the time to allow us into their territory, is a big achievement. It is difficult for them to just give up Kony, but with time, we shall be able to fully trust each other and get rid of the LRA”, a senior Uganda official told Crisis Group afterwards.<sup>24</sup>

Although battlefield cooperation has increased, some Ugandan officials believe Sudan is playing a double game. Army commanders have told Crisis Group that Sudanese army elements continue to give direct support to Kony and his fighters,<sup>25</sup> and operational shortcomings remain that the LRA can exploit. In particular, notification

requirements imposed by Khartoum require the Ugandans to warn Sudanese troops in advance of any operations north of the “red line”.<sup>26</sup> This requirement has led to the establishment of a Joint Coordination Centre in Juba, southern Sudan, for the three military forces. The Ugandan army notifies the centre, which obtains clearance from the SAF and communicates it back. However, the Ugandan military suspects that the notification requirement enables LRA supporters within the SAF to evacuate LRA elements or advise LRA commanders to move to safe areas before the attack begins.

In late October 2005, Kony was rumoured to be in the Lafon area. By the end of November, some Ugandan officers believe, the SAF had informed him of impending Ugandan army/SPLM operations and moved him to a safer location.<sup>27</sup> “The [Ugandan army] won’t act above the red line without the cooperation of the Sudanese government”, a Ugandan security official said. “Khartoum will still protect him, and the LRA couldn’t survive without Sudan’s protection”.<sup>28</sup> Crisis Group interviews with diplomats and regional experts lend support to the charge that elements of Sudanese military intelligence still help the LRA.<sup>29</sup>

### C. INTO THE CONGO

In late September 2005, Vincent Otti, the indicted LRA deputy chairman, led an estimated 400 fighters into Garamba National Park in the Congo. Crisis Group interlocutors agree that the operation was well planned, not the act of desperation described by some Ugandan officials and international observers. It opened a third theatre of operations, created an alternative safe-haven for the LRA, and further stretched the Ugandan military, reducing its capacity to respond in southern Sudan and northern Uganda.<sup>30</sup> Although the incursion is a serious threat to international peace and security, the collective response has been ineffectual, and local aid workers say the insurgents now regularly enter and leave the Congo.<sup>31</sup>

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<sup>20</sup> A one-month agreement between the Ugandan army, the Sudanese army and the SPLM was signed on 7 October 2005, renewable monthly by simple rollover if agreeable to the parties. The protocol presently in force was concluded on 19 November and expires on 19 January 2006 unless renewed. “Sudan, Uganda, SPL[M] armies join efforts against LRA”, Angola Press, 22 November 2005.

<sup>21</sup> In late 2005, the Ugandan army was planning operations in the area of Lafon, northeast of Juba. Crisis Group interviews, October and November 2005.

<sup>22</sup> Crisis Group interviews, December 2005.

<sup>23</sup> Ugandan military sources say UNMIS is facilitating operations by clearing and de-mining the roads so that the joint operations can proceed in greater safety. Crisis Group interview, November 2005.

<sup>24</sup> The Entebbe meeting was attended by the Ugandan Chief of Defence Forces, General Aronda Nyakairima, Major General Almahi Mahmoud of the SAF and Major General Pieng Deng of the SPLM. Crisis Group interview, November 2005.

<sup>25</sup> This support is said to include sanctuary, intelligence and some weapons, ammunition, communications and medical assistance. The credibility of these claims is uncertain. Crisis Group interviews, November 2005.

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<sup>26</sup> The notification requirements are intended to prevent Ugandan army units being mistaken for rebel forces.

<sup>27</sup> Crisis Group interview, November 2005.

<sup>28</sup> Crisis Group interview, October 2005.

<sup>29</sup> Crisis Group interviews, November and December 2005.

<sup>30</sup> Vincent Otti called the BBC World Service on 29 November and denied that the LRA had entered the Congo. Ugandan officials dismissed the denial as diversionary. Crisis Group interview, Will Ross, BBC Kampala, November 2005.

<sup>31</sup> “Uganda wants joint operations against LRA rebels”, Reuters, 20 October 2005. In early October, after placing at least 50 to 100 fighters inside Garamba Park, the LRA crossed back into southern Sudan at Tore, a town 46 miles northwest of Yei along the road to Maridi, and looted villages in the area. UN High Commissioner for Refugees (UNHCR), “Sudan Operations:

Otti contacted Congolese army (FARDC) commanders in late September and claimed he had been invited into the country by senior officials of the transitional government, including the minister of defence.<sup>32</sup> The transitional government in Kinshasa denied this. On 23 September, the force commander of the UN Mission in the Congo (MONUC) and Congolese commanders met with their Ugandan counterparts in Kampala. The chief of the Ugandan forces, General Aronda Nyakairima, stated that the LRA incursion could be motivated by a desire to make contact with other Ugandan and Rwandan armed groups in eastern Congo with a view to destabilising Uganda.<sup>33</sup> MONUC and the Congolese army agreed to send a reconnaissance team to Aba, near the Congolese border with Sudan, to meet with an LRA delegation led by Tabu Makosa and two other officers. Makosa – likely a pseudonym for a senior LRA commander<sup>34</sup> – had telephoned Congolese officials to request the meeting in order to explain the LRA presence.

On 29 September, Ugandan President Museveni undermined the regional response by threatening to invade if Congolese authorities did not expel the LRA.<sup>35</sup> His threat was immediately condemned by Kinshasa and the UN and reinforced suspicions about Uganda's motivations in the Congo's troubled Ituri and other eastern regions.<sup>36</sup> The two countries traded accusations and the Congolese army quickly sent additional troops – including two commando battalions – both to contain the LRA incursion and to pre-empt a Ugandan raid. MONUC also deployed a military observer team and a company to the

border area with Sudan,<sup>37</sup> and at least three battalions of Ugandan forces remain deployed along the Congo border.<sup>38</sup> However, the Ugandan and Congolese armies and MONUC have exchanged information on the LRA movement, and talks between senior Ugandan and Congolese military officials were held to keep tensions down.<sup>39</sup>

On 6 October, MONUC airlifted a Congolese army delegation led by General Padiri, commander in charge of the region, to Aba to meet with Makosa. MONUC, according to Ugandan officials, was also present. On 20 October, Congolese participants in a meeting of the Tripartite Plus Joint Commission<sup>40</sup> in Kampala told Ugandan counterparts that the Congolese army had escorted the insurgents to the border without fighting or arresting them.<sup>41</sup> In early November, MONUC reported small incursions of LRA and the Ugandan army into the Congo, and the Congolese army and MONUC launched a joint “area domination” operation around Aba that improved local security. Cooperation between regional actors has subsequently increased. The Congolese met with the SPLM at Aba in mid-November to discuss the LRA problem, and MONUC and UNMIS met in Juba, Sudan to improve information sharing on the LRA and discuss coordinated military operations.<sup>42</sup>

Representatives at the Tripartite Plus Joint Commission meeting discussed policy responses to the destabilising presence of armed groups in eastern Congo, including the LRA. On 25 November, in a joint letter, the Tripartite Plus foreign ministers recommended that the Security Council strengthen the draft resolution under consideration for extending MONUC's mandate by asking MONUC to name all armed groups and militias operating in eastern Congo, by authorising it to disarm forcibly those armed groups and militias, and by urging increased donor support for building the Congolese army's capacity.<sup>43</sup>

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Sudan/Chad Situation”, update 35, 20 October 2005, at <http://www.reliefweb.int/rw/RWB.NSF/db900SID/HMYT-6HGL-D6?OpenDocument>. The SPLM does not have a strong presence in the Tore area, which may have contributed to the LRA's decision to go there. Crisis Group email correspondence, October 2005.

<sup>32</sup> Crisis Group interviews with MONUC and Ugandan army officials, October 2005. Uganda is quick to believe LRA claims because they reinforce its own analysis that seeks to link the LRA to the People's Redemption Army (PRA) and Rwanda.

<sup>33</sup> These groups include: the Allied Democratic Forces (ADF), remnants of the West Nile Bank Front (WNBF), the National Army for the Liberation of Uganda (NALU) and Rwandan Hutu rebels (the FDLR). For more on Congolese armed groups, see Crisis Group Africa Briefing N°34, *A Congo Action Plan*, 19 October 2005.

<sup>34</sup> That name is not in the LRA command structure.

<sup>35</sup> “LRA still in Congo – army”, *New Vision*, 18 November 2005. See also “Letter dated 7 October 2005 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council”, UNSC S/2005/645, 12 October 2005.

<sup>36</sup> For analysis of the conflict in Ituri, see Crisis Group Africa Report N°84, *Maintaining Momentum in the Congo: The Ituri Problem*, 26 August 2004.

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<sup>37</sup> UN Secretary-General's report on MONUC, 28 December 2005, op. cit.

<sup>38</sup> Crisis Group interviews, November 2005.

<sup>39</sup> Crisis Group interviews, November 2005.

<sup>40</sup> After the Bukavu crisis in mid-2004, the U.S. sponsored a trilateral agreement between Rwanda, the Congo and Uganda that established committees to deal with diplomatic and security issues. Burundi joined the group in September 2005.

<sup>41</sup> Participants at the tripartite meeting initially expressed concern that Congolese officials had met directly with Otti and failed to arrest him, which the Congo is obliged to do as an ICC signatory state. Crisis Group interviews with Ugandan and Congolese officials, October 2005, however, indicate that Otti was not at the meeting.

<sup>42</sup> UN Secretary-General's report on MONUC, 28 December 2005, op. cit.

<sup>43</sup> Annex to the letter dated 21 October 2005 from the Permanent Representative of Uganda to the Security Council.

On 28 November, the African Union (AU) sent a military delegation to Uganda to discuss a possible AU deployment to disarm forcibly armed groups in eastern Congo.<sup>44</sup> The delegation also visited Congo, Rwanda and Burundi. According to an AU spokesperson, "MONUC doesn't have the mandate to proceed with forcible disarmament. The FARDC does not yet have the capacity, given that the army is still in the process of integration. We will come, therefore, to bridge the gap between the two". Given the difficulty the AU is experiencing in fielding a sufficient military force in Darfur, however, it is not likely that such a mission will reach the eastern Congo any time soon.

If the Security Council does not strengthen MONUC's mandate – which seems likely given the Secretariat's and Council members' preference for FARDC to have the lead in forcible disarmament – President Museveni will probably explore other potentially destabilising military options for dealing with the LRA in eastern Congo. During a meeting in Entebbe on 9 October, he suggested to the Security Council that his army be allowed to participate in joint operations with MONUC and the Congolese army.<sup>45</sup> With MONUC's encouragement, Ugandan and Congolese representatives have reached an understanding on cooperation for the time being to address the LRA presence, and the Congo has deployed 1,200 troops along the Sudan border to prevent LRA incursions into its territory.<sup>46</sup>

The AU and the Tripartite Plus Joint Commission are appropriate forums for the Ugandan and Congolese governments to discuss their differences and diffuse the tensions exacerbated by the LRA incursion. They should continue to use these diplomatic channels to resolve outstanding issues concerning armed groups that operate in their countries and pose a security threat to local civilian populations and regional stability.

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For recommendations on improving FARDC performance, see Crisis Group Briefing, *A Congo Action Plan*, op. cit.

<sup>44</sup> An AU military mission led by South African Brigadier General J. Souaard, visited Uganda on 28 November 2005 as part of an effort to determine numbers, location, logistics and threat levels of armed groups in eastern Congo. Other members of the mission were from Guinea, Nigeria, Senegal, Togo, Ethiopia, Angola and Algeria.

<sup>45</sup> Report of the Security Council Mission to Central Africa, 4-11 November 2005. Available at <http://www.un.org/Docs/sc/misionreports.html>.

<sup>46</sup> Twentieth report of the Secretary-General on the United Nations Organisation Mission in the Democratic Republic of the Congo, 28 December 2005.

### III. RESPONSES TO THE CRISIS

#### A. MILITARY STRATEGY AND CIVILIAN PROTECTION GAPS

Uganda's army is deficient at protecting civilians from LRA attack, has insufficient discipline to prevent its own troops from abusing civilians, and as presently structured is not capable of conducting the kind of offensive operations that could capture or kill the LRA leaders. Morale is low, training for small unit commando operations is insubstantial, transportation capacity is poor, and resource and equipment problems chronic.

Civilians in northern Uganda, the vast majority of whom live in IDP camps under a policy of enforced displacement,<sup>47</sup> are the victims of both coercion and psychological oppression at the hands of a broad range of perpetrators, from the LRA to the Ugandan police and army.<sup>48</sup> More than one third of the 170-person sample interviewed for a recent Human Rights Watch report had experienced or witnessed beatings by the army in the last year.<sup>49</sup> In a recent incident in Lalogi IDP camp in Gulu district, the army fired on civilians who were protesting the killing of an eighteen-year old boy by a soldier. Six civilians were killed and sixteen injured. IDPs regularly complain that soldiers accused of murder are transferred to other units before proper investigation.<sup>50</sup>

Enforced displacement brings with it deprivation, restricted movement, coercion, violence and sexual exploitation. Since the conflict began nineteen years ago, an estimated 25,000 children have been abducted, including 7,500 girls, who are believed to have conceived some 1,000 babies in captivity.<sup>51</sup> Civilians in the Congo and southern Sudan are also at risk.<sup>52</sup>

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<sup>47</sup> According to a UNICEF Humanitarian Situation Report released in August 2005, the number of IDPs (80 per cent of whom are women and children) has risen from 150,000 to over 1.4 million in the past three years. Human Rights Watch believes the figure is much higher: 1.9 million. "Uprooted and Forgotten", Human Rights Watch, September 2005.

<sup>48</sup> What has been called a "brutal cocktail" in "Nowhere to Hide", Civil Society Organisations for Peace in Northern Uganda (CSOPNU), December 2004.

<sup>49</sup> "Uprooted and Forgotten", op. cit.

<sup>50</sup> Gulu Archdiocese Justice and Peace Commission press release, 27 December, 2005.

<sup>51</sup> UNICEF, op. cit.

<sup>52</sup> With partial reference to the LRA, UNMIS has stated that "continued extortion and forced conscription of returnees by local militias was of concern to humanitarian agencies operating in Sudan's south". "Sudan-Uganda: LRA attacks hampering aid effort in southern Sudan – UN", IRIN News, 20 October 2005.



IDP camps have existed for years in northern Uganda but the army has not yet erected effective defensive perimeters that allow camp residents freedom to move about and farm. According to Jan Egeland of the UN:

Less than half the IDPs in Acholi districts can access land that is more than two kilometres outside of their camps, severely hampering their ability to produce their own food. At present, there is no prospect of a large-scale return before the critical March planting season. Therefore, [the UN World Food Program] will have to provide food aid to 1.5 million IDPs through 2006.<sup>53</sup>

Instead of pursuing a more active defensive strategy (see below), the army typically sets up its own camp next to that of the IDPs. This has some deterrence value: the LRA has carried out few successful attacks inside IDP camps in recent months. However, the insurgents, who, as already noted now operate in smaller units that would in any case not likely be able to overrun a camp, are concentrating on kidnapping IDPs when they collect firewood or farm outside the perimeter.<sup>54</sup> The Local Defence Units (LDUs), which are intended to supplement camp security, actually contribute to insecurity because of their severe lack of organisation, poor or non-existent training, indiscipline and irregular pay. They frequently engage in shakedowns, rapes and sometimes murder of the very people they are assigned to protect.

## **B. DIPLOMATIC EFFORTS**

For much of the year since the ceasefire collapsed at the end of 2004, Betty Bigombe, a former Ugandan government minister who has been authorised by President Museveni to mediate the conflict, has sought to bring the LRA – and Kony specifically – into a genuine dialogue.<sup>55</sup> While there have been occasional hopeful signs, her efforts so far have not succeeded. In September 2005, Bigombe prepared an extensive draft peace proposal, which President Museveni accepted as the starting point

for substantive negotiations. Logistical problems prevented her from presenting it to Kony before the ICC unsealed its indictments in mid-October.<sup>56</sup>

On 2 November 2005, Bigombe advised ICC Prosecutor Ocampo that she intended to continue contacts with the LRA.<sup>57</sup> The Ugandan government also told the ICC that it considers the option of a negotiated settlement still open.<sup>58</sup> Although ICC officials remain extremely sceptical that Kony has any commitment to peace, they support diplomatic efforts for multiple purposes: to encourage indicted senior figures to surrender; to reduce LRA attacks; to obtain the return of abductees; and to persuade non-indicted LRA fighters to take advantage of the government's amnesty law by turning themselves in.<sup>59</sup> In order to encourage defections, the prosecutor's office has indicated that there are no remaining sealed indictments and no plans to issue new indictments, though it may extend its investigation to additional suspects, of course, if new evidence of atrocities emerges.<sup>60</sup>

Bigombe speaks regularly via phone with Vincent Otti, the LRA's deputy commander, and maintains contact with other senior rebel figures. Otti indicates he is sceptical of the government's efforts to reintegrate returnees back into their communities. "They [LRA fighters] come out and do what?", he asked Bigombe. Otti also told Bigombe that an LRA ceasefire declaration would be misinterpreted by the government and its international partners as a result of pressure following the unsealing of ICC warrants.<sup>61</sup> On 29 November, however, he contacted the BBC World Service and called for renewed peace negotiations. The head of the government's peace team, Interior Minister Ruhakana Rugunda, quickly welcomed this,<sup>62</sup> and government officials, including other members of the peace team, said they contacted Bigombe about renewing the effort for a negotiated settlement.<sup>63</sup>

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<sup>53</sup> Egeland statement, op cit.

<sup>54</sup> On this LRA tactical shift, see Crisis Group Briefing, *Building a Comprehensive Peace Strategy for Northern Uganda*, op. cit.

<sup>55</sup> Bigombe has been involved in past efforts at peacemaking with the LRA, though none that progressed as far as the current initiative, which she has been authorised to pursue by President Museveni. She went to southern Sudan in June and July 2004 but Sudanese military intelligence would not allow her to see Kony despite prior arrangements and pledges. Between July and November 2004, she worked at making new contact in Uganda. This developed with Sam Kolo, a Kony deputy, and the Ugandan government subsequently declared a brief unilateral ceasefire. For more on the history of the peace process, see the Crisis Group report and briefings cited in fn. 1 above.

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<sup>56</sup> ICC officials have indicated that they delayed the unsealing of the warrants to give Bigombe's initiative more time to succeed.

<sup>57</sup> Crisis Group interviews, November 2005.

<sup>58</sup> Crisis Group interviews, November 2005.

<sup>59</sup> The amnesty act was adopted in 2000 and applies to any Ugandan who has engaged or is engaging in a rebellion against the government. For a thorough discussion of this act and its implications, see "Whose Justice? Perceptions of Uganda's Amnesty Act 2000: The Potential for Conflict Resolution and Long-Term Reconciliation", Refugee Law Project Working Paper no. 15, February 2005.

<sup>60</sup> Crisis Group interviews, November 2005.

<sup>61</sup> Bigombe briefing for NGOs, Gulu, 25 November 2005.

<sup>62</sup> "Ugandans welcome rebel overture", BBC News, 30 October 2005.

<sup>63</sup> The government peace team was named in December 2004 when Bigombe made contact with the LRA. It also includes Betty Akech, minister of state for security in the president's office, and Steven Kagoda, permanent secretary, Ministry of



In December, Bigombe's activities were focused on two tracks: discussions with the indicted LRA commanders to encourage them to surrender and to allow her to conduct a dialogue with non-indicted commanders; and developing incentives – substantial DDR proposals – for the return of non-indicted commanders and rank-and-file.<sup>64</sup> The LRA in turn is discussing with her a possible unilateral ceasefire to demonstrate its seriousness.

Despite these opportunities, which seem to result, whatever Otti's denials, at least in part from the leverage that the ICC indictments have created, donors have largely stopped funding Bigombe's peace efforts. ICC officials consider their work and the peace process complementary in that Bigombe seeks to draw the non-indicted LRA out of the bush. The Ugandan government, however, thus far has failed to show its commitment to her work by helping with the financing so that she can engage a secretariat to support the mediation.

### C. THE INTERNATIONAL CRIMINAL COURT

The five warrants that the ICC issued on 8 July 2005 and unsealed on 13 October<sup>65</sup> were directed at Joseph Kony, the LRA leader, Vincent Otti, his deputy, and three other senior commanders, Raska Lukwiya, Okot Odhimabo and Dominic Ongwen.<sup>66</sup> Kony faces 33 counts for war crimes and crimes against humanity.<sup>67</sup> The ICC transmitted the unsealed warrants and requests for arrest and surrender to the governments of Uganda and the

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Internal Affairs. It is intended to negotiate for the government if the LRA responds positively to Bigombe's effort. Following Otti's phone call to the BBC, Kagoda, told Crisis Group: "We are always ready to talk peace with them if they are serious, and we are preparing ourselves if they are serious". Crisis Group interview, 30 November 2005.

<sup>64</sup> Crisis Group discussion with Bigombe.

<sup>65</sup> Uganda formally referred jurisdiction to the ICC in December 2003, [http://www.icc-cpi.int/pressrelease\\_details&id=16&l=en.html](http://www.icc-cpi.int/pressrelease_details&id=16&l=en.html). The ICC investigation, which has benefited from the government's cooperation, was formally launched in July 2004. The five indictments were the first ever issued by the young court.

<sup>66</sup> During the week of 26 September 2005, the ICC notified Uganda, Sudan and DRC of the warrants. On 7 October, a list of the indictees was reported in the international press; the ICC confirmed the warrants on 14 October.

<sup>67</sup> Kony faces twelve counts of crimes against humanity, including murder, enslavement, sexual enslavement, rape and inhumane acts of inflicting serious bodily injury and suffering. He also faces 21 counts of war crimes for murder, cruel treatment of civilians, intentionally directing an attack against a civilian population, pillaging, inducing rape and forced enlistment of children. As noted above, it is believed Ongwen died in combat on 30 September 2005.

Congo, both parties to the Rome Statute<sup>68</sup> and thus obliged to cooperate with it, as well as to the government of Sudan. The latter is not a signatory to the Rome Statute but its new government of national unity recently pledged in a memorandum of understanding with the prosecutor to cooperate on execution of the warrants.<sup>69</sup>

Many Ugandan civil society organisations express frustration with the ICC and argue that its process should proceed within a broader framework that includes traditional justice mechanisms of the Acholi people who live in the North and a peace and reconciliation commission.<sup>70</sup> Ugandans have mixed opinions about the appropriate mechanisms but many believe that ending the war should take priority.<sup>71</sup> Crisis Group interviews in northern Uganda found that many residents believe publication of the indictments was premature, and more time should have been given to diplomatic efforts to produce peace despite their slowness.<sup>72</sup>

Though there is some feeling in Uganda that the ICC can help achieve peace, the majority of citizens know little about the Court or how it operates. A recent survey found that only about one quarter of Ugandans are even aware of it.<sup>73</sup> While the Court has sought to engage directly with northern Ugandans on some occasions, most of its publicised efforts at public education have been directed toward journalists, lawyers and members of the judiciary.<sup>74</sup> Ugandan civil society organisations say that

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<sup>68</sup> The Rome Statute is the treaty that created the ICC. It entered into force on 1 July 2002.

<sup>69</sup> Crisis Group interviews, November 2005.

<sup>70</sup> "Mechanisms such as *mano oput* and bending of the spears are ancient Acholi rituals which, despite many years of war and displacement, are still being practiced in the sub-region, and have the support and confidence of the majority of Acholis and their traditional leaders", CSOPNU, op cit. For discussion of traditional justice mechanisms in northern Uganda, see "Peace First, Justice Later", Refugee Law Project Working Paper no. 17, July 2005.

<sup>71</sup> "Peace First, Justice Later", op. cit.

<sup>72</sup> Crisis Group interviews, October and November 2005.

<sup>73</sup> The survey found that 84 per cent of northern Ugandans believe the international community should be involved in holding accountable those responsible for human rights violations but 73 per cent have no knowledge of the ICC. The remaining 27 per cent mostly believe it will contribute to both peace (91 per cent) and justice (89 per cent), but many of these also believe it has the independent military capacity to arrest those that it indicts. Knowledge of the ICC came mainly through the media (63 per cent), and to a lesser extent from the government, friends and family, religious leaders and other sources. "Forgotten Voices", International Center for Transitional Justice and the Human Rights Center, University of California (Berkeley), July 2005.

<sup>74</sup> See <http://www.icc-cpi.int/press/pressreleases.html> for information on the ICC's outreach efforts.

although ICC officials have visited the North regularly and have used radio to explain the warrants, the Court's "low-profile" approach to the investigation – important for witness safety – means there is little public understanding there.<sup>75</sup>

In a statement the day after the ICC indictments were made public, UN Secretary-General Kofi Annan said they would "send a powerful signal around the world that those responsible for such crimes will be held accountable for their action".<sup>76</sup> For that to happen, however, the indictments need to be followed by actions that lead to arrests or at least to peace. Northern Ugandans who have heard of the ICC appear to believe that it has its own capacity to arrest the LRA members it has indicted.<sup>77</sup> Unless the ICC, its supporters, and the Ugandan government correct such misperceptions, the Court's credibility could suffer seriously. Moreover, Crisis Group interviews with ex-LRA commanders indicate that those still in the bush intend to continue to fight unless they receive ironclad guarantees that they will not be indicted if they defect. Kony has repeatedly described the Bigombe initiative to his commanders as a trick designed to arrest him, and he and other senior LRA figures now tell their troops that the indictments prove the peace talk was never serious.<sup>78</sup> The recent escalation in high profile attacks is meant not only to demonstrate that the LRA is still lethal, but also to discredit the ICC.<sup>79</sup>

Something needs to be done quickly to advance execution of the warrants and bring peace closer or the ICC and the international community more generally may be seen increasingly not only as having failed to bring an end to the suffering but, despite their best intentions, inadvertently to have made it worse. Neither the Ugandan army's inefficient military operations, Bigombe's inadequately supported diplomacy nor the ICC's judicial measures are likely to be sufficient in isolation. A new strategy is

needed that combines the best elements of all three in a coordinated and complementary fashion.

## IV. A COMPREHENSIVE STRATEGY

### A. MILITARY ASPECTS

More effective military action is needed both to execute the ICC warrants and to protect civilians.

#### 1. Executing warrants

The ICC warrants are not self-executing, and the Court itself has no power of its own to enforce them. The Ugandan army as presently constituted is a weak reed upon which to rely, and the prospect of external military assistance is complicated by differences among the four nations – the Quartet – most immediately involved in trying to help the Ugandan government master the crisis. While the UK, Norway and the Netherlands are strong ICC supporters, the U.S. is hostile to the institution. However, there is enough common ground about end objectives – neutralisation of the insurgency, support for accountability and peace – that the Quartet and other relevant international actors should be able to develop with the Ugandan government a more effective military strategy. External support should focus on improving the capacity of the Ugandan army and SPLM to launch command-style strikes against the LRA and on providing specific military assets appropriate for such operations.

*Improving Ugandan and SPLM Forces:* As a matter of practical politics, the application of increased military pressure in pursuit of the indicted senior LRA commanders will likely have to be pursued principally by means of increased international aid designed to improve the special operational capacities of the Ugandan army and the forces of the new regional Government of Southern Sudan (GOSS). Efforts are already underway, but much more could be done, particularly in the gathering and provision of intelligence. Even if outsiders do everything possible, however, the political will of the Ugandan government to finish the job will be a question since Kampala has already wasted a great deal of training and material support over the years.

If it is to take advantage of improved intelligence capabilities, however, the Ugandan army will need an elite tactical unit that is highly trained in counter-insurgency operations and has helicopter support so it can close on a target quickly once identified.<sup>80</sup> The U.S., UK,

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<sup>75</sup> "The International Criminal Court Investigation in Northern Uganda", Civil Society Organisations for Peace in Northern Uganda (CSOPNU) briefing paper, 1 February 2005.

<sup>76</sup> "Annan hails International Criminal Court's arrest warrants for five Ugandan rebels", UN News Service, 17 October 2005.

<sup>77</sup> Humanitarian organisations, human rights groups and northern Ugandan civil society organisations told ICC Prosecutor Ocampo on 1 March 2005 that the ICC needed to do much more to explain its impartiality and its mandate to northern Ugandans. Crisis Group interviews, March 2005.

<sup>78</sup> Crisis Group interviews, October 2005.

<sup>79</sup> In the first week of November 2005, the LRA spread reports in northern Uganda that it had written to the paramount Acholi chief explaining it had increased attacks on aid workers there and in southern Sudan to protest the indictments. But officials in the chief's office told Crisis Group on 3 November 2005 that no such letter had been received.

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<sup>80</sup> Illustratively, when the LRA attacked an IDP camp in the last week of October 2005, there was a 45-minute lag in

and some other Western armies have skills, equipment and resources for counter-insurgency that the Ugandans lack. The political will is needed for one or another to send trainers to Uganda to work intensively with and prepare a few dozen elite troopers for commando operations.<sup>81</sup>

*Regional cooperation:* No military strategy will work without cross-border regional agreements. Kony regularly moves between Sudan and Uganda,<sup>82</sup> as does Otti who also moves in and out of the Congo. The influence of the newly formed GOSS and SPLM in the government of national unity in Khartoum are critical to cooperative military efforts between Uganda and Sudan. The UN peacekeeping missions in Sudan and the Congo – UNMIS and MONUC – are overstretched militarily and restricted by their current mandates<sup>83</sup> and the interpretation of those mandates but can help by demining roads that are used to pursue LRA units, providing transport, and supplementing intelligence.<sup>84</sup> The most practical requirement is probably for Sudan and Uganda to convert their agreement covering military cooperation, including hot pursuit and cooperative efforts at apprehending suspects, into a trilateral pact with the Congo. Heavy pressure should be placed on any of the three governments that do not cooperate in such an endeavour.

*Intelligence gathering:* Both the Ugandan army and the Government of Southern Sudan forces lack the ability to gather sufficient real-time, actionable intelligence. With the limited help presently provided, the information the Ugandans acquire is often no longer current by the time it gets into the hands of those in a position to respond. Reaction time needs to be improved through modern

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reaction by the Ugandan army, which is endlessly plagued by communication problems and disorganisation.

<sup>81</sup> A similar training program might be considered as well for an elite element of the SPLM's military forces.

<sup>82</sup> In March 2005 he attended a "cleansing" ceremony in his home village of Odek.

<sup>83</sup> The UNMIS mandate authorises the use of force to "protect United Nations personnel, facilities, installations, and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers, joint assessment mechanism and assessment and evaluation commission personnel, and, without prejudice to the responsibility of the Government of Sudan, to protect civilians under imminent threat of physical violence". MONUC is authorised to act against armed groups like the LRA operating in eastern Congo. However, given the thus far limited presence of the LRA in the Congo and a reluctance to deal with the LRA as a Congolese issue, the UN Department of Peacekeeping Operations (DPKO) is unlikely at this stage to push MONUC to engage the LRA militarily. Crisis Group interviews, December 2005 and January 2006.

<sup>84</sup> The AU could offer similar assistance if talk of a military mission to the eastern Congo is eventually followed by action. See Section II C above, however.

surveillance systems and better processes for passing information and making decisions. This could be coordinated between countries possessing such information.

*External Special Forces:* Even if all of the above are done, the difficult issues of Ugandan military competence and political will constitute major obstacles. Elements within the Ugandan government may not want a permanent solution to the crisis in the North and may obstruct national measures. "Left on its own, the UPDF will not capture the suspects or end the war", insisted one long-time observer from northern Uganda.<sup>85</sup> An elite tactical unit from a friendly government, numbering approximately 100, highly trained in counter-insurgency operations and with helicopter support and good intelligence would be an alternative. It could work closely with an elite Ugandan unit and a similar SPLM unit for a limited time with the objective of capturing the indicted LRA leaders or so shocking the rebels with hard, quick strikes that most would abandon those leaders and cause the insurgency to collapse.<sup>86</sup>

*Rewards:* A bounty for any non-official who brings Kony or any of his indicted lieutenants in alive or provides crucial information that leads to such a result is an option that the international community should consider. It would have to be small enough not to attract mercenary elements, but large enough to encourage non-indicted LRA rebels to consider turning against the leadership.<sup>87</sup>

While the above measures can and should be implemented quickly, they are only likely to achieve their intended effect if they are part of a genuine effort by the Ugandan government to tackle the army's deep-rooted problems. Indeed, most Western donors are reluctant to give additional aid to the army, especially budget support, because government corruption is pervasive and the military command structure is largely non-functional. President Museveni announced a reorganisation of the

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<sup>85</sup> Crisis Group interview, January 2006.

<sup>86</sup> The experience of the British military in Sierra Leone in 2000 suggests that a limited but well-targeted use of force over a short time can have a dramatic effect on the calculations of warlord groups similar to the LRA. Elite ground forces combined with air mobility could have a strong influence on Kony and other senior LRA commanders.

<sup>87</sup> The U.S. government has offered rewards to persons providing information regarding suspects wanted by the international tribunals responsible for atrocity crimes committed in Rwanda and the Balkans through its "Rewards for Justice" program. Since that program began in 1984, the U.S. has paid more than \$57 million to 43 persons who have provided credible information that contributed to capturing or killing terrorists and drug traffickers or preventing terrorist attacks. States News Service, 20 July 2005.

military in the last week of October 2005, which will need to be accompanied by transparent action to improve training and morale as well as strict discipline in terms of resource allocation and accountability.<sup>88</sup>

## 2. Civilian protection

In order to enlarge the areas in which it is safe to travel and farm, the Ugandan army needs to take a more active approach to defending the IDP camps next to which its own camps are located. This should include establishing and aggressively patrolling a perimeter and erecting observation posts and strong points at tactically sensitive areas that are manned by larger groups of soldiers armed with light machine guns. To counter the LRA's increasing use of ambushes, the army also needs to do a better job of protecting primary and secondary roads. It has been doing this recently on the Gulu-Kitgum road, where the presence of more troops has reduced the number of incidents significantly. However, less defended roads are still attacked with impunity. Troops are needed at regular intervals along such roads, depending on terrain and proximity to the camps.

## B. NON-MILITARY ASPECTS

Military measures alone, however, are unlikely to end the insurgency and prevent its recurrence in new forms. That requires a parallel, active approach involving political, diplomatic, judicial and humanitarian assistance elements.

### 1. Peace Proposal

The LRA is too brutal and criminal a movement to negotiate with as a potential participant in a new political dispensation in the North. The Ugandan government and its international partners, however, should develop a full set of incentives that can be

presented to it for the purpose of luring non-indicted leaders and troops out of the bush. Bigombe is restructuring the initiative she had been prepared to present in September 2005 but she needs a secretariat to back her up, an office from which to work, and an adviser to help her devise and implement strategy. For dialogue to succeed, the government and donors – particularly the Quartet – need to transform her initiative from a mostly individual effort with only tepid official support into one that is fully funded and assisted. The Security Council should give additional political backing. Drawing on these new resources and prestige, she should present a government-backed, comprehensive peace proposal that includes significant livelihood and security benefits for most LRA members and a framework in which to discuss exit options for Kony and his indicted commanders.

*Dealing with the non-indicted:* As previously detailed by Crisis Group,<sup>89</sup> non-indicted commanders need to be given concrete reasons for breaking with Kony. Defection is punishable by death within the LRA, and more than small financial incentives will be needed to lure these commanders out. Calculations in this regard are not entirely rational: part of Kony's grip on his officers is spiritual. Furthermore, efforts to contact these commanders risk severe retribution from the senior indicted leaders or others opposed to any dialogue.

The current offer of seeds, tools, and a little cash is insufficient to pull people away from Kony. The ICC indictments provide important new leverage, however, because they draw a clear line between the movement's senior leadership and its middle and lower-level commanders, who should be encouraged to defect with the fighters, including child soldiers, under their control. To reintegrate these into their home communities, programs should be prepared that include amnesty and physical security guarantees, housing, and significant livelihood opportunities, including help with starting businesses. Positions in the army should be considered for some.

Although Uganda's amnesty law gives all LRA members who turn themselves in immunity from prosecution in national courts, former commanders say that in the wake of the ICC indictments, their ex-colleagues are afraid they will be arrested.<sup>90</sup> The government should reaffirm the applicability of its amnesty to all those who have not been indicted by the ICC, and the ICC itself should publicise more widely that it does not foresee seeking further indictments in the absence of new atrocities.

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<sup>88</sup> On 24 October 2005, President Museveni announced a reorganisation of the Ugandan senior military command. This is believed to be the long-awaited restructuring following a 2003 study sponsored by the UK's Department for International Development (DFID) and a lengthy internal review. The objective of the reform is to build a smaller and more efficient force with improved command and control. The response has been mixed. While the military structures are different, the "new" personnel in key positions are familiar faces associated with past corruption and incompetence. The problems that hamper operations against the LRA include poor morale, insufficient training, and failure to break away from a model in which loyalty to President Museveni based on ethnic consideration far outweighs professional capabilities and loyalty to the nation. For more on problems of the Ugandan army and efforts to reform it, see Crisis Group Report, *Northern Uganda*, op. cit.

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<sup>89</sup> See Crisis Group Briefings, *Shock Therapy* and *Building a Comprehensive Peace Strategy*, both op. cit.

<sup>90</sup> Crisis Group interviews, October 2005.

*Exit options for the indicted:* Having invited the ICC to exercise jurisdiction over its civil conflict, Uganda cannot offer amnesty to individuals whom the court has indicted. However, the government's priority is to end that conflict and restore peace in the North. If Kony and his fellow indictees continue to evade capture but indicate a willingness to give up the fight, perhaps by seeking asylum in a third country, the government is likely to regard that as an option worth considering. Looking toward that possibility, one diplomat suggested to Crisis Group: "We can't negotiate with indicted suspects, but we can engage them on their options".<sup>91</sup>

Insistence on faithful execution of the ICC warrants and a consequent trial would go far toward meeting the Rome Statute's objective to end impunity for crimes against humanity. It could also be expected to have a positive effect on other current conflicts such as those in Darfur and Côte d'Ivoire. However, the issue of amnesty for those clearly guilty of atrocity crimes – whether to trade away justice to make peace – becomes an acutely sensitive issue at the last stage of many conflicts, and it would require careful consideration of all the facts and circumstances then prevailing in the Ugandan case. All that can be said at this point is that the government should not narrow its existing amnesty law, since that could make dialogue with non-indicted LRA members impossible.<sup>92</sup> No matter what else transpires, a commission should be set up when peace comes to investigate and expose the history of abuses on all sides of the conflict as well as support indigenous reconciliation initiatives.

## 2. UN Security Council action

The Security Council has never considered the situation in northern Uganda as an agenda item, an anomaly that is increasingly inappropriate as the LRA endangers peace processes in both Sudan and the Congo. Without a formal request from the Ugandan Government, Security Council involvement would emphasise the failure of the Ugandan government to deal with the crisis. However, the Council is under pressure from some member states to place northern Uganda on its agenda even if Uganda resists.<sup>93</sup>

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<sup>91</sup> Crisis Group interview, October 2005. A party to the Rome Statute is obliged to respect the ICC's indictments and so cannot offer asylum. Only a country that has not ratified the Rome Statute could provide asylum legally.

<sup>92</sup> While it is important to hold open the prospect of amnesty in Uganda for most LRA members, Uganda, as noted above, cannot, consistent with its obligations to the ICC, give amnesty to Kony or others who have been indicted by the Court. The best course of action at the present time is to keep the amnesty law on the books while explaining when and if necessary that its provisions are only operational with respect to individuals against whom no international criminal proceeding is pending.

<sup>93</sup> The Canadian government is a vocal advocate for Security

The Security Council should take up the subject for a number of reasons:

- ❑ the LRA's move into the Congo has increased the threat to international peace and security, and its continued presence in southern Sudan endangers implementation of the CPA;
- ❑ the protracted humanitarian crisis will continue until the LRA is neutralised;
- ❑ under the responsibility to protect principle enshrined at the UN summit in September 2005, Kampala's failure to protect its citizens in northern Uganda justifies a Security Council-led response; and
- ❑ appointment of a UN envoy would significantly enhance the peace process.

Getting AU buy-in on UN Security Council involvement is critical but the transnational nature of the conflict and the need to prevent further escalation should be a trigger for action by both bodies.

The Security Council should mandate the missions in Sudan (UNMIS) and the Congo (MONUC) to pursue the demobilisation, disarmament and reintegration of LRA units located in those countries. They should cooperate with national forces to bring credible military pressure to bear on LRA elements that resist voluntary disarmament.

The Security Council should encourage member countries to cooperate with Uganda and the ICC in executing the warrants. And it should also act immediately to put pressure on the LRA's patrons. As discussed above, there are indications that some Sudanese security officials still give sanctuary and other direct support. This is the lifeline that has kept the LRA afloat over the last decade. More recently, the Congolese transitional government has done little to contest the operation of a part of the LRA in the Congo, and there are suggestions that officials there are helping it. The U.S., EU, AU and UN need to engage more intensely with the Sudanese and Congolese governments to put an end to these situations. The ICC should also urgently devote more resources to investigating the sources of external support for the LRA, whether in Sudan, the Congo, or the Ugandan diaspora, and consider issuing indictments where there is sufficient evidence.

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Council action on the LRA. A recent letter from the Canadian Mission to the Security Council requested that the Council take up the matter both because of the threat to regional peace and security and the need to protect civilians. Letter from Allan Rock, Canadian Ambassador and Permanent Representative to the UN, to H.E. Sir Emyr Jones Parry, Ambassador and Permanent Representative of the UK, 16 December 2005.

Resolution 1493 (28 July 2003), which imposes an obligation on UN member states to prevent supply of arms, training, and other military assistance to armed groups in the eastern Congo,<sup>94</sup> clearly applies to the LRA as long as it operates there. That means the DRC Sanctions Committee, with assistance from the Group of Experts, should monitor violations that relate to the LRA and identify those responsible. To that end, when the Security Council renews the mandate of the Group of Experts, currently expiring on 31 January 2006, it should encourage the Group to devote adequate attention to the LRA. However, if the LRA leaves or is forced out of the Congo, it will no longer be subject to any existing UN sanctions regime. To remedy this problem, the Security Council, when discussing the situation in northern Uganda, should adopt a resolution that imposes targeted sanctions on individuals and governments providing sanctuary or sustenance to the LRA and establish a body – a Uganda Sanctions Committee, ideally assisted by another group of experts – to identify those patrons. The Security Council should also instruct this Uganda Sanctions Committee to work in close cooperation with the Council's Congo and Sudan Sanctions Committees, also encouraging exchange of information by the three expert groups.

### 3. Disarmament, Demobilisation and Reintegration (DDR)

Most returning LRA personnel are destitute and get relatively little assistance from the government or donors. Even inadequate reintegration packages have only begun to arrive recently, after two years of promises. This has created a disincentive for further defections and so harms peace prospects. As discussed above, better incentives are needed to lure non-indicted LRA commanders and fighters out of the bush, with additional rewards for officers who defect with the child soldiers under their control. While cash and physical items such as mattresses, blankets, cooking equipment, seeds and farming tools are key elements of a good reintegration package, former combatants should be offered further help that involves immediate benefit. For example, reintegration could

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<sup>94</sup> “Decides that all States, including the Democratic Republic of the Congo, shall, for an initial period of twelve months from the adoption of this resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-inclusive Agreement, in the Democratic Republic of the Congo”. The Security Council renewed its demands in Resolution 1493 on 27 July 2004 and again on 29 July 2005 in Resolutions 1552 and 1616.

include training in business management and grants of start-up capital; the government and donors might offer former LRA fighters free education through to university level.<sup>95</sup>

### 4. Reconciliation

If a new cycle of conflict is not to recur sooner or later in northern Uganda, it will not be enough to end the LRA's depredations. A robust, expansive approach to justice and reconciliation involving much more than punishment of specific individuals or reconciliation of perpetrators and victims, is also necessary. The North and the Acholi people in particular need to be shown that the government cares for their region and is prepared to work with local civil society groups and dedicate more resources to immediate humanitarian needs and to the eventual post-conflict reconstruction and development of the region. Likewise, a just and lasting peace requires that a mechanism be created that extends peace-building beyond the elite to the local level and covers a wide range of actors including women.<sup>96</sup> In the context of increasing government repression of opposition groups in Uganda – notably the arrest and detention of Dr Kizza Besigye<sup>97</sup> – donors and the Security Council must put more pressure on the government to respect the rule of law and act responsibly towards its citizens, with special attention to northern Ugandans.

The ICC has jurisdiction only to investigate crimes committed subsequent to the entry into force of the Rome Statute on 1 July 2002; a complementary institution with a longer timeline is needed that recognises much of the challenge is one of juvenile justice. Many of those who have committed crimes are children or were children when they were abducted. They have limited accountability for their crimes but a Truth and Reconciliation Commission should be put in place to examine and attempt to understand what they did. Similarly, because of the complex and interwoven nature of the grievances of the population of northern Uganda, greater support should be given to traditional reconciliation initiatives that can further the resolution of personal grievances. These will need to be inclusive, bringing in all stakeholders including victims, perpetrators, and bystanders.<sup>98</sup>

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<sup>95</sup> For more on DDR strategies for northern Uganda, see Crisis Group Briefing, *Building a Comprehensive Peace Strategy*, op. cit.

<sup>96</sup> For more on the problem the government faces in winning hearts and minds in the North, see *ibid* and Crisis Group Report, *Northern Uganda*, op. cit.

<sup>97</sup> Dr Besigye, the opposition leader, was arrested on 14 November 2005 and charged with treason, rape, firearms and terrorism. He was released on bail on 2 January 2006. “Museveni Election Rival Released”, BBC News, 3 January 2006.

<sup>98</sup> According to a recent study, 58 per cent of those interviewed had witnessed abduction of a child; 45 per cent

One critical measure would be to involve the high ranking former LRA commanders who have come out of the bush in the recent past closely in active community reconciliation efforts. While former commanders such as Brigadier Sam Kolo, Brigadier Kenneth Banya and others have gone through a single reconciliation ceremony in Gulu town, very few have had meaningful dialogue and interaction with their home communities since leaving the LRA. A much closer, more significant reconciliation process between the grassroots communities and such commanders, involving Acholi traditional and religious leaders as mediators, would influence LRA commanders

still in the bush who are thinking of returning home but are not yet sure of community acceptance.

The transitional justice strategy must serve multiple purposes – not just punishment but also truth telling about what really took place in order to rebuild communities, recognise victims and their sufferings and lay the basis for some form of reparations. An overwhelming majority in northern Uganda, some 85 per cent, support such a program and want to speak publicly about what happened.<sup>99</sup>

**Kampala/Brussels, 11 January 2006**

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the killing of a family member; and 48 per cent the killing of a friend or neighbour; 49 per cent had felt mortally threatened. While these figures may be exaggerated, trauma clearly is widespread, and personal reconciliation is needed on a sweeping scale. “Forgotten Voices”, op. cit. For more on traditional reconciliation procedures in northern Uganda and among the Acholi, see Crisis Group Briefing, *Building a Comprehensive Peace Strategy*, op. cit., and Crisis Group Report, *Northern Uganda*, op. cit.

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<sup>99</sup> “Forgotten Voices”, op. cit.





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