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A NEW PEACE STRATEGY FOR NORTHERN UGANDA AND THE LRA

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Lord's Resistance Army leader Joseph Kony's failure to sign a peace deal in April drove a nail into the coffin of the Juba peace process—a process that is grinding to an unsuccessful end.¹ The talks have certainly contributed to northern Uganda's current state of relative peace and created a mechanism to address tensions between the people in the North and the southern-dominated government in Kampala. But without real leverage and without a direct channel of negotiations to Kony himself, the LRA leader has exploited this last year of negotiations to stave off international pressure, collect food and money from the mediators and donors, and buy time to abduct, train, and equip new combatants. Another meeting with the LRA high command and the mediators set for May 10 looks like it will just be more of the same.

Over the past two years, Kony has successfully morphed from a rebel/predator in northern Uganda into a genuine regional warlord, with small but deadly units marauding throughout eastern Democratic Republic of Congo, southern Sudan, and the Central African Republic. The LRA abducted between 300 and 500 people in the region during the three-month lead up to the dramatic non-conclusion of the peace process.² These actions warrant investigation by the International Criminal Court and strong international censure. The LRA also established a new safe haven in southeastern Central African Republic (where it is abducting new recruits), complementing its established sanctuary in the Garamba National Park in eastern Democratic Republic of Congo.

The failure to reach a final deal with Kony last month sheds light on *the* critical issue that has plagued the Juba peace process from the outset. Negotiating a deal with the LRA diaspora delegation that purportedly represented Kony's interests

in the talks does not translate into a deal with Kony; his core interest in his personal security and livelihood is unrelated to the laundry list of grievances and negotiating positions of the diaspora delegation that negotiated.

With hopes of a peace agreement dashed by Kony's intransigence, it is time for a new approach. While the Juba peace process did have certain benefits, it no longer makes sense for the mediators to attempt to appease an LRA that is intent upon spreading its terror across the region, and no longer worth delaying justice for the 1.5 million Ugandans who remain in the displaced persons camps created out of Kony's horrors in northern Uganda. Some religious and cultural leaders from the North continue to reach out to Kony in the hopes of reenergizing the peace process. While their efforts are commendable, it has become clear that Kony is not interested in signing this agreement.³ Talks therefore must come to a close.

What is needed now is a two-track strategy that will both enable northern Uganda to consolidate its relative peace, and will address the regional threat that Kony now poses.

Track 1: Assist the people of the North with rebuilding their lives: In contrast to the remote chance of a deal with Kony, a huge opportunity exists in northern Uganda to facilitate the return of the long-suffering displaced people to their homes. While Kony and the LRA remain a looming regional threat, a serious attack in the North in the short term is unlikely. It is thus critical to use this time to promote reconstruction and development while providing maximal protection with Ugandan police and military forces so that civilians who choose to return home are not at undue risk. The Acholi

1 There were haunting similarities between the last phase of the Juba peace process and the international effort to broker peace in Darfur, the latest iteration of which was an elaborate meeting prepared in Libya which numerous external governments and institutions attended but the rebels boycotted. Both are examples of diplomatic strategies that misdiagnose rebel intentions and fail to develop significant leverage.

2 The report was withheld "in the interest of peace" during what was supposed to be the final legs of the Juba peace process. The decision to keep this report quiet added to the public delusion that Kony was meaningfully engaging in negotiations.

3 Numerous insiders have stated that Kony has no interest in this process. And they argue that his main reason for agreeing to a meeting on May 10 is to get more money and airtime. It is critical that the mediators do not fall into this trap.

communities—those in the North most affected by this war—should no longer be held hostage by the fits and starts in Juba.⁴

Track 2: Deal with Kony as a regional threat: The international community must demonstrate to Kony once and for all that his days of impunity are over. International leverage must be forged through the development of a credible regional military strategy to apprehend Kony and the other two LRA commanders indicted by the ICC.⁵ Military planning should be accompanied by efforts to reduce external support for the LRA from the Sudanese government and from small, radicalized elements of the Ugandan diaspora who want to undermine Ugandan President Museveni's rule. Specifically, the United States and the United Kingdom should sponsor a resolution through the United Nations Security Council to investigate diaspora members undermining peace efforts, and then provide information to the council to expedite further action by the Council. A list of spoilers should be made public and the Security Council should impose targeted sanctions against these individuals.

Fundamental to the success of this strategy is also a focused effort to induce more defections by LRA commanders in order to isolate Kony and erode the LRA's core capacities. This, in turn, requires an effective disarmament, demobilization, and reintegration strategy and attendant funding. Once backed into a corner by the weight of the ICC indictments and a real threat of apprehension, Kony should be offered a take-it-or-leave-it third country exile option.⁶ The idea of Kony having the luxury of exile is repugnant, but given the speed with which he and his forces are infecting the region, the immediate imperative is to remove him from the scene.

By addressing the grievances in the North that gave rise to the LRA in the first place and by directly

dealing with Kony with both carrot and stick, the international community could seize the chance to end the LRA menace once and for all.

THE SIGNING MISHAP

After repeated delays called for by the LRA delegation to the Juba talks, the LRA and the Uganda government agreed that a final peace deal would be signed by Kony in Ri-Kwangba, a ghost town in southern Sudan near the Congo border on April 10. Within days, tents, latrines, and food had been flown into the remote bush area in preparation for a dignified peace ceremony. More than a hundred members of civil society, journalists, religious, and cultural leaders from the North, the LRA and Ugandan government delegations, and international observers were flown to the site to attend what would have been the momentous end to a 22-year long war. But Kony never showed.

What went wrong?

Kony's lack of seriousness: Since December of last year, communication with Kony has been erratic, primarily because of his self-isolation, the mobility of the LRA, and his general mistrust of the other parties involved in the peace process. Kony refused to speak to key leaders trying to broker peace, including chief mediator and Government of Southern Sudan Vice President Riek Machar and UN envoy Joaquim Chissano. That he was essentially incommunicado made it impossible for mediators to determine the rebel leader's position on a host of issues, the most important of which were his security and livelihood concerns. It also created serious disconnects between the LRA in the bush and its diaspora delegation in Juba, and between the LRA, Machar, and other invested parties. Furthermore, Kony's movement to and estab-

4 The U.S. government, and in particular senior advisor on conflict Tim Shortley, has been calling for the de-linking of the Juba peace process from returns and redevelopment in the North. Other international donors should join the call to press the Ugandan government to deliver on these promises now.

5 Two of the five original International Criminal Court indictees are now dead, so only three, including Kony, remain.

6 The ICC's indictments provide essential leverage while not preventing the signing of a peace deal. There are legitimate ways to deal with the warrants short of formal prosecution in The Hague if the LRA chooses—and the LRA is aware of these options. But instead it has chosen to stall and quibble rather than move forward.

ishment of a base in the Central African Republic, the numerous raids and abductions conducted by the LRA in southern Sudan during the negotiations, and his decision to execute his second-in-command Vincent Otti all indicated that Kony was less than serious about peace.

The LRA's internal divisions: Both the LRA delegation in Juba and main command in the bush are plagued by significant infighting that has undermined the peace process. LRA delegations to the peace talks have been hamstrung by suspicion and corruption. And within the LRA camp in the bush, a division between Kony and Otti loyalists persisted throughout the last round of negotiations and persists today. Meanwhile, recent reports indicate that internal battles in February and April have left several LRA combatants dead, although rumors that one of Kony's key commanders, Okot Odhiambo, was killed in these disputes have proven false.⁷ This divide could trigger a large number of defections, particularly in eastern Congo where MONUC is well placed to facilitate an exit strategy for those wanting to leave the bush.

The international community had no stick: Over the last 22 months or so, the LRA has incurred no costs, nor seen any meaningful pressure developed by the international community for repeated delays and significant violations of the cessation of hostilities agreement. Absent any repercussions, the LRA—and Kony specifically—felt little incentive to follow through on its commitments. Kony's failure to show up at the signing ceremony was only the latest in a long series of breaches by a deadly militia that has terrorized civilians across three countries and spurned the international community without any fear of repercussions.

The mediation—Kony disconnect: The mediation also suffered from a critical flaw because the mediators had no direct channel to Kony. Instead, they relied on third parties and a diaspora delegation that was a step removed from the LRA in the bush.

The absence of a direct channel not only meant that the mediators could not access and therefore more effectively persuade, cajole, and pressure Kony, but also that they were at the mercy of second- and third-hand accounts of his positions—accounts that, according to numerous international officials engaged in the talks, were often exaggerated. At the very least, the mediators have brought the talks to their conclusion. Thus the delivery to the LRA of money, medicine, cell phone minutes, and, most critically, time can now come to an end.

FROM UGANDAN REBEL TO REGIONAL WARLORD

The LRA will continue to terrorize the region until Kony comes out of the bush of his own volition, by force of arrest, or military defeat. With a new and largely impenetrable base in the Central African Republic, Kony and his forces pose an immediate threat to neighboring southern Sudan, northeastern Democratic Republic of Congo, and southeastern Central African Republic. Northern Uganda is the most difficult of Kony's potential targets; it is far from his current operational base and better defended than other targets in the sub-region. It could, therefore, be spared from any attacks in the short term. However, civilians in neighboring countries are vulnerable, and if the LRA is not neutralized well in advance of the 2009 elections in Sudan, there is a real danger that the Sudanese government will, as it has done in the past, use the LRA as a proxy force to destabilize parts of southern Sudan in the run-up to the polls.

URGENT AND IMMEDIATE PRIORITIES

Two critical problems must be addressed now to salvage peace efforts in northern Uganda. First, the current peace effort lacks a channel to negotiate directly with Kony on the make-or-break issue of this deal: his security. On the remote chance

⁷ ENOUGH interviews, Kampala and Washington D.C., April 2008.

that he will ever come out of the bush of his own accord, it will be conditioned on a credible guarantee that he will not be killed. Second, the peace process lacks leverage, which only the combination of the ICC indictments, a credible regional military threat, and a diminution of external support to the LRA, can provide.

There are now two main tracks that must be pursued simultaneously to secure peace in Uganda and the region: The first is to consolidate the fragile peace that does exist and enable the people of the North to return home and rebuild their communities, and the second is to address Kony and the regional threat he poses.

TRACK 1: ASSIST THE PEOPLE OF THE NORTH WITH REBUILDING THEIR LIVES

ACTION ONE: The Ugandan government, backed by international donors, must rapidly begin implementing its reconstruction and development plan for the North.

Given the relatively low risk of renewed LRA attacks in the North, the people there should not be held hostage by Joseph Kony's refusal to sign a peace agreement. Moreover, the people in the Acholi sub-region of the North need to see evidence of a real commitment from the government of Uganda and international donors to build on the improvements in security that have been achieved in the past year so that they can begin the long process of rebuilding their lives—even before a final peace deal is signed.

Last October, the government of Uganda launched a three-year, \$600 million Peace, Reconstruction and Development Plan for the North, but due to funding, bureaucratic, and political obstacles, implementation has yet to begin. Getting devel-

opment and reconstruction projects started is a critical step toward restoring the confidence of the people in the North and encouraging people to return home.

Immediate needs are immense. Take, for example, the district of Pader. An estimated 189,117 of those displaced—roughly half of the district's population—have already moved to more than 130 transit sites as an intermediary step, and another 39,196 people have moved home.⁸ These people need clean water, education and health facilities, access to roads, food security, and employment, as well as support for the reconciliation and psychosocial programs. According to a United Nations humanitarian situation report in February, the current pupil-to-classroom ratio is 1-to-80, compared to the national average of 1-to-54. Classes in 63 schools take place under trees due to a lack of classroom facilities.⁹ Robust engagement by international donors, including the United States, could help to kick-start the government's plan.

It is critical that the Ugandan government work to restore its relationship with those living in the North in order to tackle one of the root causes of this longstanding conflict. While the LRA is partially responsible for the displacement of nearly two million people in the North, the Ugandan government holds the majority of blame for herding people into camps, a move they undertook because of their inability to provide sufficient protection to them in their home villages. The government thus bears responsibility to help them return home. Development and reconstruction efforts must also be accompanied by the pursuit of accountability and promotion of reconciliation. Because no specific mechanism for dealing with Ugandan military atrocities is proposed out in the Final Peace Agreement, these crimes will need to be addressed by other means, whether through traditional truth-telling and/or transitional justice mechanisms, in

8 Inter Agency Standing Committee Update on IDP movement, April 2008. Note that the statistics provided in this update refer to total movements as of February, not April.

9 U.N. Office for the Coordination of Humanitarian Affairs, Uganda humanitarian situation report, February 1-29, 2008.

order for peace to take hold. As stated by Uganda analyst Adam O'Brien, "If meaningful implementation does not begin soon, the PRDP will join the large graveyard of previous initiatives that aimed to help develop and reconstruct the North, and Acholi distrust of Museveni will be reinforced."¹⁰

ACTION TWO: Ugandan security forces must provide protection in the North.

While the LRA is unable to mount the number or style of attacks today that it launched in the past, small LRA remnants could still attack Ugandan civilians from across the Sudan border. Thus northern Ugandans have ample reasons to fear returning home and will need to see some measure of government protection in order to return to their home areas with confidence. As well, there is a need to protect returnees from a few small "sleeper cells" of LRA elements in the North and the few combatants that remain in areas not far from the border between southern Sudan and Uganda.

Ugandan security forces—both the army and the police—must deploy in ways that maximize the protection of potentially vulnerable areas in order to provide a deterrent to LRA attacks and a psychological comfort to returning Acholi civilians who have been traumatized by more than two decades of violence. Historically, the Ugandan military has not had clean hands either; as one Acholi leader told ENOUGH: "Our people have two enemies—the LRA and the Ugandan government—and no friends," largely because of abuses committed by the government's military in the North over the years. Overcoming this prevalent attitude is a huge barrier to lasting peace, and a failure to do so quickly could spawn yet another insurgency.¹¹

TRACK 2: DEAL WITH KONY AS A REGIONAL THREAT

The push-and-pull strategy that has been missing from the peace process thus far now must be applied.

The Push: Plan for military action and cut lines of support

ACTION ONE: The international community—regional states, U.N. missions, and key donors—must prepare to implement a regional military strategy.

It is time to send the signal that if Kony will not come in from the cold, then the international community will come after him. Drawing on their combined influence and distinct capabilities, the peacekeeping missions in the region¹² and the governments of Uganda, southern Sudan, the Democratic Republic of Congo, Central African Republic, the United Kingdom, France, and the United States, as well as other interested countries, should commence planning for operations to contain and ultimately apprehend Kony and other LRA leaders indicted by the ICC.¹³

This is not only a matter of international justice and the rule of law; if Kony and his LRA remnants are allowed to roam free, they can and will destabilize the region and rebuild their forces. All of the regional stakeholders, and their international partners, should collectively craft and be prepared to implement a military strategy to apprehend Kony and disband the rest of the LRA. This should be done under the auspices of the African Union or the Great Lakes contact group, but it will need the backing of strong international players with leverage and influence over the key regional actors.

10 Email correspondence, Adam O'Brien, May 1, 2008.

11 Kony's LRA emerged in 1989, in the immediate aftermath of another northern-based insurgency, led by Alice Auma "Lakwena," in 1986 and 1987.

12 There are three main peacekeeping operations in the region: MONUC in Congo, UNMIS in South Sudan, and EUFOR in the Central African Republic (and Chad). While these three missions have a mutual problem in the LRA, little has been done to coordinate efforts on intelligence sharing or strategizing to deal with the threat from a regional perspective.

13 There are positive developments in the U.S.-sponsored Tripartite Plus Commission—a regular meeting of senior officials in the Great Lakes region to discuss mutual security concerns—but this group does not include Sudan or the Central African Republic. The United States is now backing cooperation between the Great Lakes pact, which includes the relevant states, but this grouping is relatively new and needs to be strengthened. Such cooperation would not only help in dealing with the LRA but also with other threats in the region.

Some rightly fear the serious risks that go hand-in-hand with military action. But the LRA cannot be allowed to burrow into the vacuum of southeastern CAR, where there is little government presence, even less international support, and thus few actors able to stop the LRA from resurrecting their supply lines to Khartoum. The potential cost of allowing the LRA to build its forces in the region unchecked would be disastrous for civilians in Uganda and its neighbors. The LRA push into the Central African Republic could also potentially pull French forces—based in Central African Republic and supporting its fragile government—and European Union peacekeepers into direct confrontation with the LRA. These concerns highlight the importance of both constructing a well-coordinated and well-planned regional military plan.

The United States, United Kingdom, and France should work quietly with African countries in the region to develop a special forces capability focused on apprehending the remaining ICC suspects, starting with Joseph Kony. This could either be embedded in existing UN missions in the region or parallel to it. The three peacekeeping missions in the LRA's orbit—MONUC in the Democratic Republic of Congo, UNMIS in southern Sudan, and EUFOR¹⁴ in the Central African Republic—should create a joint-intelligence cell now that can report to the group of actors that are planning. Other countries with strong intelligence capabilities should also be involved to coordinate communication and the formation of strategies.¹⁵

ACTION TWO: The international community must sever support to the LRA by a small number of individuals in the Ugandan Diaspora.

LRA supporters in the diaspora who are bitterly opposed to this process will do everything they can

to ensure there is no deal. These individuals are few in number but staunchly opposed to the Museveni regime—largely due to over two decades of marginalization of the North—and eager to see a continuation of this war. They are thus likely to support LRA fragments or, in the unlikely event that Kony accepts a deal that does not satisfy either their political demands, a new rebel group.

The United States, the United Kingdom, and other government with intelligence capabilities in the region should work to name, shame, and sanction those diaspora members who are providing support to the LRA. All efforts should be made to try to move these sanctions through the U.N. Security Council as well. A U.N. panel of experts should also be appointed to investigate LRA sources of supply. At the very least, this will put Kony, Khartoum, and diaspora spoilers on notice.

ACTION THREE: Working in conjunction with their respective host country governments, international peacekeepers in the Democratic Republic of Congo, southern Sudan, and Central African Republic—MONUC, UNMIS, and EUFOR respectively—must deploy forces to the areas where the LRA is likely to attack.

While Uganda is experiencing relative peace, civilians throughout the broader region are at risk and have increasingly fallen victim to LRA attacks. In southeastern Central African Republic, people have already asked the government to arm them, but the government has refused.¹⁶ Civilians in eastern Democratic Republic of Congo are also extremely vulnerable. As one international official said to ENOUGH, “If the people resist, as they did in Uganda, you can be sure the LRA will massacre them just as they did in Uganda.”¹⁷ And if increasing numbers of civilians resist, the numbers of

14 EUFOR is part of a multi-dimensional operation that includes the UN mission in Central African Republic and Chad (MINURCAT).

15 The LRA is now affecting four states with seven authorized military forces operating in those territories. The LRA move with ease between three of those countries (less so in Uganda), so building cooperation on information sharing and strategies is critical.

16 ENOUGH interview, international official, April 2008.

17 Email correspondence with ENOUGH, April 2008.

casualties will grow. It is thus critical that efforts are made now to ensure the protection of civilians from this emerging and increasingly dangerous regional threat.

The Pull: Force Kony to make a choice

ACTION: Backed by the dual leverage of a military planning process and continuing investigations by the ICC, the United States and other key actors should quietly construct a channel to Kony that creates an exile option for him and the other indictees to an ICC non-signatory country.

Kony has been able to gain time, money, and medicine out of these peace efforts without making any real commitments. Now he must be forced to make a choice by a certain deadline—determined by the government of Uganda and backed by the international community—so this deliberation process does not last indefinitely. This strategy requires an effective communication channel to be made between the government, the international community, and Kony himself, with a credible proposal that deals with Kony’s personal security and livelihood concerns.

A concerted effort must be made by the Ugandan government and key international players to press Kony to make a choice about his future. Kony has three choices. First, he can sign the peace deal and begin assembling his LRA forces in Ri-Kwangba.

Second, he can agree to a third-country asylum arrangement representing exile or banishment from northern Uganda as a consequence for his crimes, thus removing himself from the battlefield and giving peace a real chance. Or third, he can walk away from the agreement and formalize his status as a regional warlord, which will almost certainly trigger a manhunt that could leave him on the run for the rest of his life.

The Ugandan government has voiced an interest in working with religious and cultural leaders to create a direct channel of communication with the rebel leader. Based on the failed peace signing attempt, it has become clear that the “if we build it, he will come” model will not work.

CONCLUSION

To bring an end to the LRA threat in northern Uganda and the surrounding region, the peace strategy must shift from one that relies solely on negotiations to one that develops leverage through military planning, presses Kony to make a choice about his future, and pushes forward a development and security strategy for northern Ugandans to return voluntarily, even in the absence of a peace deal. Otherwise, absent a concerted effort to address the regional threat that Kony now poses, no civilian within a four-country radius can rest assured that they will not fall victim to the next LRA attack.



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