

# From Uganda to the Congo and Beyond: Pursuing the Lord's Resistance Army

Ronald R. Atkinson

DECEMBER 2009



INTERNATIONAL PEACE INSTITUTE

**Cover Photo:** Men from the Ugandan government local defense forces ride in the back of a militarized vehicle in Gulu, Uganda. July 31, 2003. © AP Photo/Marcus Bleasdale.

The views expressed in this paper represent those of the author and not necessarily those of IPI. IPI welcomes consideration of a wide range of perspectives in the pursuit of a well-informed debate on critical policies and issues in international affairs.

**IPI Publications**

Adam Lupel, *Editor*  
Ellie B. Hearne, *Publications Officer*

**Suggested Citation**

Ronald R. Atkinson, "From Uganda to the Congo and Beyond: Pursuing the Lord's Resistance Army," New York: International Peace Institute, December 2009.

© by International Peace Institute, 2009  
All Rights Reserved

[www.ipinst.org](http://www.ipinst.org)

**ABOUT THE AUTHOR**

RONALD R. ATKINSON is Director of African Studies at the University of South Carolina. He has lived and worked in Kenya and Uganda in East Africa, Ghana in West Africa, and South Africa. His major focus of research and writing is the Acholi region and people in northern Uganda.

**ACKNOWLEDGEMENTS**

IPI owes a great debt of thanks to the generous contributors to its Africa program. Their support reflects a widespread demand for innovative thinking on practical solutions to continental challenges. In particular, IPI and the Africa program are grateful to the government of the Netherlands.

The author is grateful to Adam Branch, Ed Carr, Denise Duovant, Sverker Finnström, and Eric Green for their astute and helpful comments on the penultimate draft.

# CONTENTS

---

Executive Summary .....	1
Introduction .....	1
An Overview of the War in Northern Uganda .....	2
Background to the Northern Uganda War .....	4
The Northern Uganda War, 1986-2008 .....	6
THE JUBA PEACE PROCESS, 2006-2008	
THE UNRAVELING OF THE JUBA PEACE PROCESS, APRIL-NOVEMBER 2008	
Operation Lightning Thunder, December 2008-March 2009 .....	13
Conclusion: What Next? .....	16



## Executive Summary

This paper begins by providing the historical context for “Operation Lightning Thunder,” the Ugandan military’s December 2008 incursion into neighboring Democratic Republic of the Congo in pursuit of the northern Ugandan rebel group, the Lord’s Resistance Army (LRA). The paper first presents (1) a historical background to the northern Uganda war that produced the LRA; (2) an overview of that war, which began in 1986; and (3) an analysis of the Juba peace process initiated in 2005 and its unraveling over the course of 2008.

Next, the paper revisits the officially acknowledged three months (December 14, 2008–March 15, 2009) of Operation Lightning Thunder itself, focusing on (1) what the Ugandan military and government have stated about the operation; (2) what has appeared in the press and in published NGO reports; and (3) new information that first appeared in June 2009 in the weekly Ugandan newsmagazine, *The Independent*, that challenges the official Ugandan version of events.

Finally, the paper explores what might come next that could contribute to peace and stability in northern Uganda and the wider region of which it is a part. This section argues that (1) pursuing a military solution to the LRA problem has failed for two decades and is unlikely to be successful now; (2) the only feasible approach is to attempt to reestablish peaceful dialogue; (3) initiatives to pursue such dialogue will have to come from sources other than the Ugandan government, which rejects this approach; (4) one such source could, and should, be the United Nations; (5) this would require, among other things, the appointment of a new special envoy, whose most immediate and pressing task would be to work to protect civilians, while pursuing avenues for talks with LRA leaders; and (6) even if established, for such talks to be successful they will have to deal with the outstanding International Criminal Court warrants against the top LRA leadership in a manner that these leaders would find acceptable, as unpalatable as this might be.

## Introduction

In July 2006, peace talks mediated by the government of South Sudan began in Juba to end twenty years of war in northern Uganda. In February 2008,

after more than a year-and-a-half of difficult, protracted, and halting negotiations, delegations from the rebel Lord’s Resistance Army/Movement (LRA/M) and government of Uganda signed off on a comprehensive final peace agreement. The rebel leader Joseph Kony was scheduled to add his signature two months later, on April 10th. He failed to do so. A month after that he was to meet a delegation of religious, cultural, and political leaders whom he had invited to discuss issues that had led him to refuse to sign. He failed to appear.

Nearly six months passed without further progress. Then, in early November 2008, “stakeholders” involved in the Juba peace process that had begun more than two years earlier met in Kampala. Those present included Ugandan President Yoweri Museveni and government ministers; members of the two negotiating teams; representatives of parliament, civil society organizations, and donor governments; Dr. Riek Macher, vice president of the government of South Sudan and chief mediator in the Juba peace talks; and Joachim Chissano, former president of Mozambique and UN special envoy for LRA-affected areas. At the end of the meeting, Macher and Chissano co-signed a communiqué giving Kony a deadline of November 30th to sign the agreement. Kony signaled a willingness to do so, and a November 29th-30th meeting was set up for him to sign. Once again, Joseph Kony failed to show up.

Two weekends later, on Sunday, December 14, 2008, the Uganda Peoples’ Defence Forces (UPDF) began bombing LRA camps in Garamba National Park in northeastern Democratic Republic of the Congo (DRC). The rebels had first established a base in Garamba in 2005, and then largely relocated there during the course of the Juba talks. The air attacks were meant to be the surprise opening of a multipronged offensive against the LRA, codenamed Operation Lightning Thunder. The operation officially ended three months later on March 15, 2009, when the UPDF abruptly began what was announced as an eight-day process of withdrawal from the DRC.

Two UPDF commanders at the time offered assessments of the three-month operation. As part of the official handover ceremony to the Congolese army (*Forces Armées de la République Démocratique du Congo* or FARDC), Uganda’s Chief of Defence

Forces, Gen. Aronda Nyakairima, said that the UPDF was leaving at a time when the LRA was at “their weakest point we have ever seen.” Air Force Chief of Staff, Col. Moses Rwakitarate, added “UPDF’s victory is not capturing Kony but failing the enemy’s normal operations. Therefore, Operation Lightning Thunder was a success because we have managed to kill many of Kony’s fighters and rescue over 300 abductees.”<sup>1</sup>

Did Operation Lightning Thunder leave the LRA at their “weakest point”? Was the operation a success? How should success—or the lack thereof—be measured? How did this latest effort to end the more than twenty-year northern Uganda war fit within the historical context of that war? And, finally, what next—what might follow Operation Lightning Thunder that could contribute to peace and stability in northern Uganda and the wider region of which it is a part?

Trying to answer these and other questions represents a daunting challenge, most basically because attempting to establish what likely happened in “the fog of war” is always a difficult and inexact exercise. In her book on the war in Mozambique, Carolyn Nordstrom uses the term “factx” to refer to the contested, always incomplete, and often incorrect information presented as facts, especially those often spun out by the politico-military institutions involved in war, as well as by outside vested interests.<sup>2</sup> In the case of Operation Lightning Thunder almost all of the “factx” publicly available on the military aspects of the operation come from the UPDF itself or the Ugandan government, both with overwhelming incentives to present a partial version of events.

The following account of Operation Lightning Thunder will utilize (and assess) UPDF and Ugandan government sources, as well as press accounts and reports on the operation produced by international research and advocacy groups. But the story of Operation Lightning Thunder recounted here will also draw on information

obtained from both former UPDF soldiers who were in Garamba, and former rebels who have been in contact with LRA fighters who were also there. Although much of this information, at least in outline form, has circulated widely in northern Uganda, it was only whispered and was not publicly available before appearing in two recent articles in the Ugandan news weekly, *The Independent*, edited by internationally acclaimed journalist Andrew Mwenda.<sup>3</sup>

I would like to do three things in this paper: first, place Operation Lightning Thunder in historical context by presenting in detail important background to, and then an overview of, the northern Uganda war, before discussing the Juba peace process and its unraveling, a process that has been put to rest, for now, by Operation Lightning Thunder. This part of the paper may be familiar ground for many, but might be helpful for others. Second, revisit Operation Lightning Thunder, looking at what the UPDF and Ugandan government have acknowledged and argued, what has appeared in the press and in published reports, and adding the information that only recently appeared in *The Independent*. This new information often flies directly in the face of UPDF and Uganda government claims, and not in positive ways. Finally, I want to explore, as indicated above, what might follow Operation Lightning Thunder that could contribute to peace and stability in northern Uganda and the wider region of which it is a part.

## An Overview of the War in Northern Uganda<sup>4</sup>

The northern Uganda war began just months after the current president, Yoweri Museveni, and his National Resistance Army/Movement (NRA/M) captured Kampala in January 1986. Although a number of northern-based rebel groups emerged early in the war, since 1989 the two main protagonists have been the current government of Uganda and its army (originally the NRA, later the Uganda

1 Both are quoted in “UPDF Leaves DR Congo Operation,” *The Daily Monitor* (hereafter *Monitor*), March 16, 2009, available at [www.monitor.co.ug](http://www.monitor.co.ug).

2 See Carolyn Nordstrom, *A Different Kind of War Story* (Philadelphia: University of Pennsylvania Press, 1997), pp. 43–46. Sverker Finström in his book, *Living with Bad Surroundings: War, History, and Everyday Moments in Northern Uganda* (Durham, NC: Duke University Press, 2008), makes a similar point about the northern Uganda war in general: “The causes and consequences of the war in northern Uganda, the reasons for it, and facts about it—they all differ, depending on whom you are listening to. There is no one version that is fully agreed upon by all parties involved.”

3 See Ronald R. Atkinson, “Revisiting Operation Lightning Thunder,” *The Independent* (Kampala), June 9, 2009; Ronald R. Atkinson, “Revisiting Operation Lightning Thunder Part II,” *The Independent* (Kampala), June 16, 2009, both available at [www.independent.co.ug](http://www.independent.co.ug).

4 This and the following sections on the historical context of Operation Lightning Thunder are drawn primarily from Ronald R. Atkinson, “Afterword: A Perspective on the Last Thirty Years,” *The Origins of the Acholi of Uganda: The Roots of Ethnicity*, 2nd ed., (Kampala, Uganda: Fountain, 2009).



Peoples' Defense Forces, or UPDF) and the insurgent group that went through several iterations before becoming the Lord's Resistance Army.

From the very beginning, when the first northern Uganda rebel group to fight the new Uganda government and its army originally based itself in southern Sudan, the northern Uganda war has had international dimensions. This has been especially true since the mid-1990s, when the LRA began receiving support and sanctuary from the Sudanese government, in return aiding Khartoum in its civil war against South Sudanese rebels backed by Uganda. More recently, the northern Uganda war has extended into the Democratic Republic of the Congo (DRC) and the Central African Republic (CAR), becoming part of even more complex, intertwined regional and international politics and conflict.

As in all such wars in the late-twentieth and early twenty-first centuries, however, it is civilians who have borne the brunt of the conflict. Many tens of thousands of people—women, men, and children—from across the region have been abducted, mutilated, raped, tortured, wounded, and killed. The majority of these have come from a subregion of northern Uganda called Acholi, which has been the epicenter of the war. Indeed, virtually no one in Acholi remains untouched by the violence. Everyone has family members or other relatives who have suffered one or more of the abuses noted above. Tens, even hundreds, of thousands have experienced such things themselves.

And by mid-2005, some 1.8 million northern Ugandans had been driven from their homes and fields and relocated into squalid, disease-ridden internally displaced persons' (IDP) camps—almost the same number as in the much more widely known case of Darfur.<sup>5</sup> Again, the majority (and the earliest) of those displaced, numbering more than 1 million and making up more than 90 percent of the subregion, came from Acholi. Upon visiting northern Uganda during this period, and touring some of the camps, the then-UN chief humanitarian officer, Jan Egeland, referred to the situation

in northern Uganda as a “human tragedy,” “a moral outrage,” and “the biggest neglected humanitarian emergency in the world.”<sup>6</sup>

But “humanitarian emergency” conveys only partially the sense of the long northern Uganda war. It is also part of a deep political crisis in Uganda, a crisis based in substantial part on ethnic stereotyping and ethnicized politics.

## Background to the Northern Uganda War

Not much more than a generation removed from colonial rule, the roots of this crisis can be traced back to the colonial era. British colonial rulers—without much basis in history or culture—erroneously stereotyped northerners in general, and Acholi in particular, as militaristic and especially suited to be soldiers. Just as importantly, colonial policy favored development of the southern regions of the protectorate and neglect of the north, leading to an economic imbalance that helped push Acholi and other northerners into the military (and police). Thus an originally mythical colonial stereotype merged with colonial policy to produce a pervasive real-life pattern.

The colonial pattern of a northern-dominated army continued for nearly a quarter of a century after Uganda gained its political independence in 1962. This would change following the ascension to power of the current president, Yoweri Museveni, and current National Resistance Movement (NRM) government in January 1986, after a five-year “bush war” that defeated a predominantly northern army.<sup>7</sup>

The war began following a December 1980 election that was widely believed to have been rigged. Rigged or not, the election brought Milton Obote—Uganda's first head of state, overthrown by Idi Amin in 1971—back to power. Museveni's movement against the Obote II regime, as it was widely known, was based in an area of central Uganda known as the “Luwero triangle,” located fewer than forty miles north of Kampala. Luwero was an ethnically and occupationally heterogeneous area of immigrant herders and local peasant

5 See UN Relief Web, “Uganda: Afflicted Populations by District, Refugees and Internally Displaced,” June 2005.

6 Egeland's comments were widely reported. See, for example, Associated Press, “Northern Uganda ‘World's Biggest Neglected Crisis,’” October 22, 2004, available at [www.guardian.co.uk/world/2004/oct/22/2](http://www.guardian.co.uk/world/2004/oct/22/2).

7 For two partisan insider accounts of this war, see Yoweri K. Museveni, with Elizabeth Kanyogonya and Kevin Shillington, *Sowing the Mustard Seed: The Struggle for Freedom and Democracy in Uganda* (London: Macmillan, 1997); O. O. Amaza, *Museveni's Long March from Guerrilla to Statesman* (Kampala: Fountain, 1998).

farmers. The former were mainly Banyankore from western Uganda; the latter mostly Baganda, Uganda's largest ethnic group and what had been the largest and most powerful precolonial kingdom in the region.

Obote had attracted the undying enmity of many Baganda during his first administration by abolishing the kingdom in 1966. For this reason, Luwero was fertile ground for an insurgency against the Obote II regime. But like the immigrant herders, Museveni's army, and especially its leadership, was dominated by fellow Banyankore (along with many Tutsi refugees from neighboring Rwanda), although the number of fighters from Buganda grew over time.

Museveni and his movement used two basic strategies to gain local popular support, one that "de-ethnicized" local politics and another that stoked ethnic and regional differences nationally. First, he formulated and effectively implemented a hierarchy of Resistance Councils (RCs) in areas under NRA/M control. The most local-level RCs were made up of all adults in their respective areas (Baganda, Banyankore, and others), and were thus democratic and non- or multi-ethnic. Both of these characteristics contrasted with and undermined the political power of unelected and often autocratic and unpopular Baganda chiefs who had ruled the area previously, during both the colonial and postcolonial periods.

Along with this, the NRA/M leadership emphasized, both implicitly and explicitly, a common "Bantu" identity among those from western and central Uganda. This played down Baganda and Banyankore ethnic or "tribal" identities within the NRA/M and the areas that they controlled. At the same time, the enemy against whom the NRA/M was fighting was sharply differentiated as *not* Bantu.

This was facilitated by the way that the NRA/M identified its military opponents. They were not typically called the Uganda National Liberation Army (its official name), the UNLA, or even Obote's or the government army. Instead—in a

practice also adopted by the general population in the Luwero war zone—enemy soldiers were usually referred to as northerners in general, and as "Nilotes" (Lango and Acholi), or as "Bacholi" or "Abacholi" (the Bantuized forms of Acholi) specifically. This naming process was often applied to the government as well, thus interchanging and conflating regional, linguistic, and specifically ethnic labels. It also ignored the significant presence in the UNLA (and government) of non-northerners; indeed, Banyankore from western Uganda were second in number in the UNLA after only the Acholi. But whatever particular label, or combination of labels, was used, those to which such labels applied were generalized as alien and dangerous others, accused of abuse and misrule in both the past and the present.<sup>8</sup>

The policies and practices of the Obote II government fed into this NRM collective vilification of northerners, "Nilotes," and Acholi. As had been the case with his first period of rule, Obote II's UNLA drew heavily, but hardly exclusively, upon the northern Ugandan Acholi and Langi populations ("Nilotes")—with Acholi comprising the largest contingent (about 40 percent), and Langi the third largest. And one of the first major activities of some of these troops was based on the same flawed and perilous logic later employed by the NRA. Reportedly orchestrated by Obote outside regular army directives, some UNLA units took revenge against Amin's misrule by indiscriminately looting, attacking, killing, and displacing many thousands of civilians from the West Nile, despite the fact that apart from a few cronies and members of the security forces, the people of the West Nile in general benefited little from Amin's rule.<sup>9</sup>

Meanwhile, Museveni's NRA/M grew stronger both militarily and politically. In response, the predominantly northern UNLA army committed gross human rights violations in the Luwero area—killing tens of thousands of civilians; arresting, torturing, and raping thousands of others; and looting and destroying homes and government buildings (although the NRA also killed and

8 For an extended discussion of this two-pronged Museveni/NRM strategy see Adam Branch, "The Political Dilemmas of Global Justice: Anti-Civilian Violence and the Violence of Humanitarianism, the Case of Northern Uganda," PhD dissertation (Columbia University, 2007), pp. 130-143, for the first part of which he drew extensively on Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, NJ: Princeton University Press, 1996), pp. 200-217. The arguments and perspectives presented and summarized here are vigorously contested by NRM supporters.

9 This last point is emphasized in Mark Leopold's study of West Nile, *Inside West Nile: Violence, History, and Representation on an African Frontier* (Oxford: James Currey, 2005).

otherwise abused civilians, sometimes allegedly masquerading as UNLA). It was in this context that the NRA/M and war-afflicted Luwero population increasingly disparaged the UNLA—and its government—using regional, linguistic, and (especially with the army) specific ethnic, “Bacholi,” labels. At the same time, the negative characterizations applied to the UNLA and government were often extended and generalized to entire populations of northerners in general and Acholi in particular.

By 1985, with the war going badly for the UNLA, resentment built up among both Acholi foot soldiers and officers. For they not only bore much of the brunt of the most difficult fighting, including on the new western Uganda front, but were also being singled out for blame by the other side, despite not usually being in charge of policy or strategy. In frustration, a group of Acholi officers in the UNLA overthrew Obote in July 1985, after which one of the leaders of the coup, Tito Okello, assumed the presidency. The new military rulers were unprepared and unqualified to run the government, and were rebuffed in their attempts to make peace with the NRA and bring them into a governing coalition (despite Museveni’s seeming acceptance of their overtures by signing on to accords brokered in neighboring Kenya). They lasted less than six months, abandoning Kampala to the NRA in January 1986. The “bush war” was over. Museveni was the new president and the NRM the new government.<sup>10</sup>

As Sverker Finnström points out, however, the end of the bush war was not an end to war in Uganda. Instead,

the 1986 capture of Kampala marked the starting

point of several new conflicts in Uganda. Within two years of Museveni’s takeover, some twenty-seven different rebel groups were reported to be resisting the new government . . . In effect, the battle zone simply shifted location, from central Uganda toward the north and the country’s other peripheries.<sup>11</sup>

The most protracted, vicious, and debilitating of these conflicts has been in northern Uganda.<sup>12</sup>

## The Northern Uganda War, 1986-2008

After capturing the capital in January 1986, Museveni’s army pursued fleeing former-government soldiers North, and soon began committing human rights violations of its own: abducting, detaining, beating, raping, and killing civilians and former soldiers alike. They also stole or destroyed Acholi property, including hundreds of thousands of cattle (and allowed cattle-keeping people from the east of Acholi to steal even more), effectively wiping out much of the convertible wealth of the population. And, thus, just after one war ended, another began.

The northern Uganda war played out in a series of five discernable phases up to December 2008, each with a different duration and with different dynamics, but all with a similar overall rhythm, a strong recurring pattern. Each begins with a period of acute insecurity and violence, followed by an interval during which these gradually decline—but, until the recent peace talks, never to the point of real (even if still tentative and fragile) peace. Each new phase, with its spikes of violence, followed flawed or failed efforts at peaceful solutions to end the conflict.<sup>13</sup>

10 In addition to the two sources in note 7 above, see also Pecos Kutesa, *Uganda’s Revolution 1979-1986: How I Saw It* (Kampala: Fountain, 2006); A. G. G. Ginyera-Pinyawa, *Northern Uganda in National Politics* (Kampala: Fountain, 1992); A. B. K. Kasozi, *Social Origins of Violence in Uganda: 1964-1985* (Kingston, ON: McGill-Queens University Press, 1999); Mahmood Mamdani, *And Fire Does Not Always Beget Ash: Critical Reflections on the NRM* (Kampala: Monitor, 1995); Dan Mudoola, *Religion, Ethnicity and Politics in Uganda* (Kampala: Fountain, 1996); Phares Mutibwa, *Uganda Since Independence: A Story of Unfulfilled Hopes* (London: Africa World, 1992); Amii Omara-Otunnu, *Politics and the Military in Uganda, 1890-1985* (Basingstoke, UK: Palgrave Macmillan, 1987); and Jeremy Weinstein, *Inside Rebellion: The Politics of Insurgent Violence* (Cambridge, UK: Cambridge University Press, 2008).

11 Finnström, *Bad Surroundings*, p. 69.

12 Another extended, but now almost forgotten, war devastated Teso in eastern Uganda from 1986-1992, the subject of a recent book by Justine Epelu-Opio, *Teso War 1986-1992: Causes and Consequences* (Kampala: Fountain, 2008).

13 This overall pattern of the war was first proposed by Chris Dolan, “What Do You Remember? A Rough Guide to the War in Northern Uganda, 1986-2000,” Cope Working Paper No. 33 (London: Acord, 2000), and further developed in his “Understanding War and Its Continuation: The Case of Northern Uganda,” PhD dissertation (University of London, 2005), a revised version of which was published as *Social Torture: The Case of Northern Uganda, 1986-2006* (Oxford: Berghahn Books, 2009). Earlier, Robert Gersony, “The Anguish of Northern Uganda: Results of a Field-Based Assessment of the Civil Conflict in Northern Uganda,” a report submitted to the United States Embassy and the USAID Mission (Kampala, 1997), divided the war into quite different periods that he also called phases. Dolan’s dissertation and book need to be added to the already cited Branch, “Political Dilemmas,” and Finnström, *Bad Surroundings* as the best and most comprehensive sources available on the northern Uganda war overall. See also Ruddy Doom and Koen Vlassenroot, “Kony’s Message: A New Koine? The Lord’s Resistance Army in Northern Uganda,” *African Affairs* 98 (1999), p. 390; Okello Lucima, ed., *Protracted Conflict, Elusive Peace: Initiatives to End the Violence in Northern Uganda* (special edition of *Accord*, No. 11, London, 2002); and Frank van Acker, “Uganda and the Lord’s Resistance Army: The New Order That No One Ordered,” *African Affairs*, 103 (2004), p. 402.

This general pattern can be illustrated by looking in some detail at the last of the five phases (2002-2008). The phase began following an agreement in January 2002 between the governments of Uganda and Sudan, which had each long aided rebels fighting against the other: Kampala supporting the main southern Sudan rebel group, the Sudanese People's Liberation Army/Movement (SPLA/M); Khartoum, the LRA/M. Uganda was given permission to enter southern Sudan to rescue abducted children and pursue the LRA and its leaders.<sup>14</sup>

Two months later, in early March, UPDF troops began pouring into southern Sudan as part of an offensive codenamed "Operation Iron Fist." After a relative lull over the previous two years, a new period of intense violence and insecurity ensued that initiated phase five of the long northern Uganda war.

Operation Iron Fist was intended to deliver a final blow to the rebels by pursuing them, with more than 10,000 troops, to their bases in southern Sudan. As had happened before, during the periodic military offensives that punctuated the war (and would afterward as well), the government and army made many, early, and unsubstantiated claims of success and imminent victory. For example, the army claimed by the end of March that they had "captured" all four main rebel camps (along with Kony's Kaunda suit). But as Chris Dolan points out, "this was at the cost of many UPDF soldiers' lives and an escalation of civilian suffering to new levels—seen from northern Uganda the only [early] signs of military activity were trucks carrying live soldiers northwards and corpses southwards." He goes on to quote two UN IRIN reports, dated May 25, 2002, and June 6, 2002:

in late May, the army spokesman reportedly said that "this was 'definitely the last phase' of the Ugandan army operation" and that 'Kony will either be killed or die of hunger, or surrender, within the next 45 days.' There was, however, nothing to back up these claims, and by early June UNICEF pointed out that "Only two infants—of some 3,000 LRA abductees whose return had been included in contingency plans prepared by

humanitarian organisations—had been rescued by the UPDF."<sup>15</sup>

Operation Iron Fist undoubtedly produced heavy LRA casualties, although army claims of crippling the rebel organization were wildly exaggerated. But rather than delivering a "final blow" to the LRA, rebel activity—and violence against civilians—spiked to levels not seen in northern Uganda for many years. This was despite the additional deployment to the region, on top of those operating in southern Sudan, of an estimated 30,000 troops, along with thousands of newly created "home guard" units. The high levels of violence unleashed by Operation Iron Fist continued for more than two years, extending in 2003 and early 2004 deep into neighboring Teso and Lango subregions, far beyond Acholi.<sup>16</sup>

The UPDF's entry into southern Sudan established a Ugandan military presence there that has continued into the present, with numbers in 2007 reportedly in the 10,000-to-15,000 range. Despite this UPDF presence, and despite as well the LRA's increased activities in northern Uganda in response to Operation Iron Fist, the rebels remained a potent and destabilizing force in southern Sudan. And as long as the Sudan civil war lasted, the LRA also remained a useful ally for Khartoum, which continued to provide the LRA with direct or indirect support.

In January 2005, however, Khartoum and the SPLA/M signed a Comprehensive Peace Agreement (CPA) that formally ended the North-South Sudan civil war. This also ended the direct military contribution that LRA fighters had made to the Sudanese government, leading to a reduction in even covert Khartoum support for the rebels, especially after early 2006.

Even after the signing of the CPA, however, the LRA's presence in the still fragmented and fragile southern Sudan not only continued, but spread. In August 2005, substantial numbers of LRA began moving west from their main bases in Eastern Equatoria State, across the border from north-central Uganda, into Central and Western

14 See Ronald R. Atkinson, "'The Realists in Juba?': An Analysis of the Juba Peace Talks," to appear in T. Allen and K. Vlassenroot, eds., *Understanding the Lord's Resistance Army: Perspectives on Uganda's War in the North* (London: Zed, forthcoming 2010); Dolan, "Understanding War," pp. 88-89; International Crisis Group (ICG), "Northern Uganda: Understanding and Solving the Conflict," Africa Report No. 77 (Nairobi: ICG, 2004); ICG, "Building a Comprehensive Peace Strategy for Northern Uganda," Africa Briefing No. 27 (Kampala: ICG, 2005).

15 Dolan, *Social Torture*, p. 54.

16 Again, see Atkinson, "Realists"; Dolan, *Social Torture*, pp. 54-55.

Equatoria. In the process, the LRA were accused of numerous attacks against civilians, but they also established relations with a number of militias and other local leaders. Also during this period the LRA founded a base in Garamba National Park in northeastern Democratic Republic of the Congo (DRC). Neither the SPLA nor the large UPDF contingent inside southern Sudan presented an effective counterweight to these LRA activities.<sup>17</sup>

Meanwhile, in northern Uganda the sharp rise in violence following the rebel re-entry into the region as result of Operation Iron Fist was accompanied by a new explosion of forced displacement. On Friday, October 4, 2002, a headline that took up more than a quarter of the front page of *The Daily Monitor* screamed “Army Gives Acholi 48 Hours to Quit Homes.” The story below the headline reads:

UPDF has ordered people living in the three districts of Pader, Gulu and Kitgum to vacate their homes.

According to a letter by the commander of “Operation Iron Fist”, Brig. Aronda Nyakairima, the villages must move to or near designated camps for Internally Displaced People within 48 hours.

Nyakairima said the people should vacate with immediate effect from 7:00am of Oct. 2.

“This announcement goes to all law-abiding citizens in the abandoned villages of Gulu, Pader and Kitgum districts to vacate with immediate effect,” the letter reads in part. . . .<sup>18</sup>

Forced displacement had now come to all of Acholi. Earlier forced displacement dating from 1996 had only affected Gulu district, which was divided into Gulu and Amuru districts in 2006. After LRA attacks extended in 2003-2004 into the Lango and Teso subregions, nearly a million more were displaced (although without government fiat), creating the conditions that in 2005 Egeland described as “the biggest neglected humanitarian emergency in the world.”

Nearly 2 million northern Ugandans now lived in camps, more than a million of whom in Acholi (over 90 percent of the subregion) were forced to do so by government policy. But not only was this displacement in Acholi forced, it also left most of

the encamped people with little or no protection from the rebels. Indeed, the camps were no longer even euphemistically called “protected villages,” as they were initially in 1996, but IDP camps.

In addition, despite promises to the contrary, government provision of basic services—water, sanitation, health care, education—to the camps was inadequate, often woefully so. UPDF violence and abuse were rampant, and government repression common. It was impossible for most households to grow food or make a living in other ways. Huts could be so close together their thatched roofs touched. Poverty and congestion led to high levels of alcoholism, domestic and sexual violence, and crime.

Forced encampment in these conditions meant forced dependency, forced vulnerability, forced humiliation, forced congestion within camps, and forced isolation from outside. The physical, psychological, economic, social, and cultural damage caused by forced encampment is almost unimaginable—although so too are the instances of human resilience and strength of will that helped many people to cope creatively and positively with the extreme circumstances forced upon them.

One 2005 study provides an indication of the extreme exposure to violence among the forcibly displaced people in Acholi, a direct reflection of just how little protection there was for camp dwellers. Of adults surveyed in camps in Gulu and Kitgum districts (the third Acholi district, Pader, was omitted because security concerns made research there too dangerous), over 50 percent had been abducted at some point during the war; nearly 40 percent had had their own child abducted; over two-thirds had witnessed a child being abducted; nearly half had witnessed a family member being killed; over half had been threatened with death; and nearly 20 percent had been physically mutilated, maimed, or injured.<sup>19</sup>

These figures are staggering. By focusing mainly on abductions and other violence perpetrated by the rebels, however, they actually significantly underrepresent the overall violence faced by camp

17 The paragraphs on the LRA in southern Sudan, and their initial move into the DRC, are from Atkinson, “Realists.”

18 “Army Gives Acholi 48 Hours to Quit Homes,” *Monitor*, October 4, 2002.

19 See International Center for Transitional Justice (ICTJ) and Human Rights Center (HRC) at the University of California, Berkeley, and the Makerere University Institute of Public Health, *Forgotten Voices: A Population-Based Survey on Attitudes about Peace and Justice in Northern Uganda* (Berkeley, CA: July 2005), available at [www.ictj.org](http://www.ictj.org).

inhabitants (although assessing overall violence, it must be emphasized, was not the purpose of the research). The statistics above do not incorporate, for example, much of the domestic violence endemic in the camps, nor do they include evidence of most UPDF violence. But most of all, these statistics leave out the most pervasive, and ultimately most deadly, violence of all: the structural violence resulting from the government policy of enforced encampment.

Structural violence is at the center of another 2005 study, by the World Health Organization and the Ugandan Ministry of Health, which estimated that conditions in the camps were resulting in 1,000 excess deaths a week. Thus the structural violence of camp life produced a far greater number of deaths than those caused by the LRA, just more quietly and unobtrusively. Moreover, a 2008 study by the London School of Tropical Medicine reports rates of trauma (although the term is not well defined) in northern Uganda higher than in either Darfur or Iraq, with the two most common causes of this trauma being (1) lack of food and water, and (2) lack of shelter and housing. Both were direct consequences of the extremely harsh conditions—the structural violence—of camp life.<sup>20</sup>

But structural violence is typically not dramatic, nor even easy to recognize as violence. Moreover, if those in power have an incentive to do so, structural violence is relatively easy to ignore, mask, or deny. And this is what has happened in what has become the dominant narrative, or what Sverker Finnström calls “the official discourse,” of the northern Uganda war.<sup>21</sup>

This dominant narrative/official discourse, argues Finnström, has been essentially defined by a “number of influential stakeholders, notably media,

international human rights organizations, and the Uganda government,” and consists of two main themes. The first and most prominent of these is the brutal violence and mass abduction of minors perpetrated by the LRA; second is the notion that the group (and its leader, Joseph Kony) is guided by an incomprehensible and essentially primitive world view that excludes any meaningful political agenda.

Domestically, President Museveni, for example, has used this dominant narrative/official discourse of the war to sow fear and cultivate political support from areas outside northern Uganda. Internationally, he has used the war, and the official discourse of it, to help obtain diplomatic and budgetary support from the World Bank, the US, and other donors, both in general and for the military in particular.<sup>22</sup> This official discourse—especially concerning LRA abductions and brutality—also influenced the US decision to include the LRA in its list of international terrorist organizations, and helped ensure that the group was among the first investigated by the International Criminal Court (ICC), leading in 2005 to the Court’s first public arrest warrants, issued for Kony and his top lieutenants.

There can be no doubt that the LRA, like almost all rebel movements in the late-twentieth and early twenty-first centuries, has used horrific tactics to terrify local populations and demonstrate that the government supposed to protect them cannot, or will not, do so. Such tactics—murder, mutilations, looting, burning, and, most notably with the LRA, their abduction of many thousands of children and youth—are indefensible. The LRA has done horrible, almost unspeakable things.<sup>23</sup>

But a dominant narrative of the war that focuses

20 World Health Organization, with the Ugandan Ministry of Health, *Health and Mortality Survey Among Internally Displaced Persons in Gulu, Kitgum and Pader Districts, Northern Uganda* (Kampala, July 2005); London School of Tropical Medicine and Faculty of Medicine, Makerere University, Study of Incidence of Trauma in Northern Uganda, reported in “Northern Uganda has Most Depressed in the World,” *Saturday Vision*, August 16, 2008.

21 This is despite abundant evidence to the contrary, as indicated in many of the sources used and cited above. In this regard, I want to single out especially the invaluable contributions made by the three scholars featured most prominently here: Finnström, Branch, and Dolan. Each of these elaborates in extensive and creative ways the structural violence of the camps (Dolan introduces the concept “social torture” in his dissertation and elevates it to the main title of his 2009 book), as well as the complex of local, national, and international interests and organizations that contributed to making the continued existence of the camps possible for so many years, particularly the double-edged sword of humanitarian aid. Finnström’s discussion of “official discourse” and his responses to that discourse make up much of his chapter 3, pp. 99-130.

22 See Andrew Mwenda, “Uganda’s Politics of Foreign Aid and Violent Conflict: The Political Uses of the LRA Rebellion,” to appear in Allen and Vlassenroot, eds., *Understanding the Lord’s Resistance Army*.

23 Scores of organizations have worked with returned abductees, in myriad, and sometimes questionable, ways. Three NGOs that did yeoman work by running reception centers for returnees, through which thousands of formerly abducted children and youth passed, are Gulu Support the Children Organisation (GUSCO), World Vision, and Caritas Gulu Archdiocese. There have also been scores of reports on the formerly abducted. To again highlight a small sample, Amnesty International, “Breaking God’s Commands: The Destruction of Childhood by the Lord’s Resistance Army,” (London, 1997); Human Rights Watch, *The Scars of Death: Children Abducted by the Lord’s Resistance Army in Uganda* (New York, 1997); and Human Rights Watch, “Stolen Children: Abduction and Recruitment in Northern Uganda,” 15, no. 7A (March 2003); and the absolutely first-rate work, often challenging the dominant narrative, included in a series of reports in the

so overwhelmingly on this single aspect promotes a simplistic, black-and-white view of the war as essentially “good” (the Ugandan government and army, the US, the ICC) versus “evil” (the LRA). As the above narrative makes clear, this ignores the fundamental complexity of the war and distorts the reality of those caught up in it. Indeed, for many of the people of northern Uganda, and Acholi in particular, there has been no black-and-white, no good choice from among the often gruesome violence of the LRA, the often equally extensive and brutal violence of government troops, or the typically slower, quieter, but at least equally destructive structural violence of the camps.

Camp life in Acholi went on so long, conditions were so poor, and the inadequacy of government protection and services so glaring that an eventual flood of nongovernmental organizations and other humanitarian aid agencies tried to fill the void. But because these humanitarian organizations necessarily had to work with the government to provide assistance, they became increasingly suspect in the eyes of many. For at a very fundamental level, their activities supported, even made possible, the continuation of the camps.<sup>24</sup>

Moreover, the war and especially the camps have continued, and even exacerbated, the old colonial pattern of inequality between the north and south of Uganda. Indeed, Uganda became during the war, as many have noted, essentially two separate countries: one included the peaceful and relatively prosperous western, southern, and central parts of Uganda, with a growing economy that has won Museveni much praise from the World Bank, IMF, and other donors (including the US); the other was a war-torn, impoverished, isolated North.

### THE JUBA PEACE PROCESS, 2006-2008<sup>25</sup>

On July 14, 2006, peace talks began between the government of Uganda (GoU) and the rebel LRA/M to end the northern Uganda war. The talks were mediated by the recently instituted, semi-autonomous government of South Sudan (GoSS)

and held in the GoSS capital, Juba. For the first time, direct talks between the GoU and an official LRA/M delegation were being held outside Uganda, with an outside mediator that had its own vested interest in successfully helping negotiate an end to the conflict. This led many, in and outside Uganda, to see the Juba talks as the best hope to end the war since it began.

After being established as part of the Comprehensive Peace Agreement (CPA) that formally ended the long North-South civil war in Sudan in January 2005, the new semiautonomous GoSS faced huge problems. Security concerns of many sorts were among the most pressing, including the presence of 4,000-5,000 LRA fighters in South Sudan and at least twice that number of UPDF. Hence the GoSS interest in trying to resolve the northern Uganda war. The LRA/M for their part had been exploring avenues to talk peace since late 2004, after the winding down of the intense activity following the launch of Operation Iron Fist.

Preliminary discussions between the GoSS and LRA resulted in a formal (if not yet public) accord by February 2006, with three main provisions: the GoSS would serve as mediators in peace talks between the LRA/M and the GoU; the LRA would cease hostile activities inside South Sudan; and if the LRA could not accept these provisions, then the GoSS would be forced to make them leave.

Given the post-CPA circumstances in South Sudan, it seems as if the LRA/M decided that acceding to the GoSS proposal was the best option they had. The role of the GoSS therefore in getting the LRA/M into peace talks seems crucial, more so than an oft-proposed alternative: that the top rebel leaders feared ICC warrants issued against them in October 2005, and saw peace talks as a possible means to postpone or avoid arrest. This has been put forth by the court itself, and seems to have become part of accepted wisdom, repeated over and over again in the media, numerous reports, and public comments from a wide range of people in and outside Uganda. Although the ICC warrants

Survey of War-Affected Youth Project (SWAY) conducted by principal researchers Jeannie Annan, Chris Blattman, Khristopher Carlson, and Dyan Mazurana, available at [www.sway-uganda.org](http://www.sway-uganda.org).

24 Again, see especially Finnström, *Bad Surroundings*; Branch, “Political Dilemmas,”; and Dolan, *Social Torture*.

25 This section, up to June 2008, is taken from Atkinson, “Realists”; Atkinson and Finnström, “Exclusive Two-Part Analysis of the Juba Peace Process,” *Uganda Crisis Action Network* (Washington, DC, January 22-23, 2008), available at [www.resolveuganda.org](http://www.resolveuganda.org); the remainder is pieced together from interviews and newspaper accounts.

surfaced as an issue for the LRA/M during the talks—and towards the end, ICC concerns took center stage—there is little evidence that they were a major factor in the rebels' decision to enter talks.<sup>26</sup>

Once the GoSS and LRA/M agreed to pursue peace talks, they were unwavering in their commitment to the process in the face of often expressed GoU and international skepticism. With the talks' formal opening in July, reactions in and outside Uganda ranged from high hopes to dismissive doubt. Hopes were reinforced when the talks produced relatively quickly a *Cessation of Hostilities (CoH) Agreement* on August 26, 2006, the first formal bilateral accord of any sort signed by the LRA/M and GoU.

Despite many halts and stumbles over the following months, the talks moved forward. On January 11, 2007, however, the rebel delegation announced that they were “not going back to Juba.” Concern was widespread. Many blamed the LRA/M, resurrecting earlier charges that they were never serious about the talks, and that their delegation of long-term exiles was cut off from both Uganda and the “real” (read: military) rebel leadership. For the delegation, however, the issues centered on the GoSS role as mediators whom the LRA/M believed had become increasingly biased and otherwise problematic. On February 5th the LRA/M released a statement outlining a number of specific concerns.<sup>27</sup>

Acholi cultural and political leaders, local and international NGOs, donors, and the UN all worked—publicly and privately—to get the talks back on track. New UN Special Envoy for LRA-Affected Areas, former President Joaquim Chissano of Mozambique, was crucial in helping keep lines of communication open. Local and international pundits, meanwhile, expressed opinions that ranged from (mostly cautious) optimism to more frequent expressions of resignation, despair, or assertions that they had never

believed in the talks in the first place.<sup>28</sup>

After months of stagnation, a GoU team led by President Museveni's brother, Salim Saleh, held a series of unannounced meetings with a partial LRA/M delegation in Mombasa (from March 31st-April 6th). What took place in these meetings is disputed, and reactions to what happened there divided both the broader rebel delegation and the military leadership. Clearly, though, issues that had stalled the peace talks for months were discussed, especially bringing others into the mediation process and addressing broader issues surrounding the war.

The week after the Mombasa meetings, UN Special Envoy Chissano met with the LRA/M leadership and announced that talks in Juba would soon resume. Kenya, Tanzania, Mozambique, and South Africa all sent representatives and would subsequently act as observers of the talks, as well as provide military delegations to assist the CoH monitoring team. It was also announced that Chissano would co-mediate with Machar, that the LRA/M and GoU had extended the *Cessation of Hostilities* agreement, and that Ri-Kwangba in Western Equatoria would serve as the sole LRA assembly point, abandoning the insecure Owinyki-Bul site in the East—all called for by the rebels as necessary for returning to the talks.

Shortly after the talks resumed on May 2nd, the parties signed agenda item two on “comprehensive solutions” to ending the war. This addressed issues ranging from broad principles of inclusive and democratic governance to such specific rebel concerns as integrating the LRA into the army; assessing and remedying regional disparities in government institutions; assisting peoples' voluntary and secure return from the camps; and implementing—even “fast tracking”—recovery programs for northern Uganda.

On June 29th, the two sides signed the even more

26 The role of the ICC in northern Uganda has been a highly contested one, promoting strong reactions and arguments for and against that have generated a vast academic and legal literature about the court and more broadly about transitional justice. To note just two sources by scholars deeply versed in northern Uganda, on opposite sides of the debate, see Tim Allen's supporting case for the court in *Trial Justice: The International Criminal Court and the Lord's Resistance Army* (London: Zed, 2006); Adam Branch's case against in “Uganda's Civil War and the Politics of ICC Intervention,” *Ethics and International Affairs* 21, no. 2 (2007); and “Political Dilemmas,” pp. 477-509. For ICC statements and other information, see [www.icc-cpi.int](http://www.icc-cpi.int). In contrast, the eleven-page, thirty-two-point statement by the LRA/M peace delegation February 5, 2007 explaining why they were not (then) returning to the Juba talks, the issue of the ICC warrants only comes in on p. 7, as item 22. See Martin Ojul, “A Synopsis of Ugandan Peace Talks,” Lord's Resistance Army/Movement Peace Delegation, February 5, 2007 (on file with author).

27 Ojul, “A Synopsis of Ugandan Peace Talks.”

28 Among those who frequently expressed disbelief in the talks was President Museveni, as he is quoted as saying, point blank, to the UN's Jan Egeland in a November 2006 conversation: “No, those talks were not to our benefit. Let me be categorical—there will be no military solution to this problem.” See Jan Egeland, *A Billion Lives: An Eyewitness Report from the Frontlines of Humanity* (New York: Simon and Shuster, 2008), p. 211.

wide-ranging agenda item three on accountability and reconciliation. This identified in principle a combination of local and national justice mechanisms—already in place or to be instituted—to promote reconciliation and address issues of accountability for wrongs committed by both rebel and state actors, with hints that this combination of mechanisms might satisfy the ICC.

After that, unfortunately, progress became even more halting than before, with formal talks rarely in session and internal divisions within the LRA/M increasingly evident. Rumors abound that these divisions were created, or at least exacerbated, by GoU manipulations, including secret cash payments to certain LRA/M members that both divided the rebels and undermined the peace process. The LRA's long-time second-in-command, Vincent Otti, was caught up in the intrigue and executed on Kony's orders in October 2007. Kony only confirmed this in January 2008, when he reshuffled the rebel's Juba delegation, asserting that a number of them had taken GoU money.

The new head of the rebel delegation was David Matsanga, whose veracity and integrity were widely questioned both in and outside the LRA/M. Still, under Matsanga the Juba talks resumed in January 2008, after a six-month hiatus. Within weeks, in early February, addendums to the major agenda items two and three were negotiated, as was a permanent ceasefire and the talks' final agenda item, an agreement on disarmament, demobilization, and reintegration (DDR) of the rebel fighters. Suddenly, a final peace agreement looked imminent.

In northern Uganda, meanwhile, even with the uncertainty caused by the often halting nature of the Juba talks, a transition on the ground from war to peace was underway. In Acholi, people were no longer being forcibly kept in camps and were leaving in ever growing numbers (although in early 2008, a majority, disappointed so many times before over the long course of the war, remained, or moved to smaller satellite "decongestion" camps). But even many of those who had not yet gone home had begun to go out to farm once again. The roads were busy as people traveled freely without fear. The relative peace that had come to northern Uganda since the GoSS and LRA/M began negotiations in late 2005 that led to the Juba peace talks was still fragile, but it was real and palpable. Peace

was returning to northern Uganda.

### THE UNRAVELING OF THE JUBA PEACE PROCESS, APRIL-NOVEMBER 2008

As noted above, on April 10th, after a number of delays, Kony was scheduled to add his signature, with President Museveni to sign four days later. In confused circumstances that reflected continuing divisions between and within the rebel delegation and fighters, Kony did not sign, ostensibly because he wanted further clarification about DDR and the mix of "traditional" and formal legal proceedings that he and his fighters faced, including the role of the ICC.

Kony did invite leaders and elders from northern Uganda for a meeting the next month to discuss the contested issues of restorative and retributive justice. On May 13th, however, after four days of waiting, the assembled leaders who had come to meet Kony issued a communiqué that lamented his failure to show up; commended the patience and efforts of chief mediator, Riek Machar (who had waited with the group); urged Kony to sign the final peace agreement; and urged continued commitment to peace on the part of all concerned.

Then, on May 25th it was reported that Kony had rejected signing any peace agreement with the GoU, saying that he would rather die in the bush than turn himself in to the GoU or ICC and "be hanged." The Juba peace process, after nearly two years of talks that had produced landmark agreements, was sent reeling.

Still, efforts to keep the process alive continued. Chissano publicly continued to hold out hope. The GoSS worked to set up a meeting between Machar and Kony in late July (although it failed to take place due to "logistical problems").

In October, however, after two more months had passed with no apparent progress, GoSS President Salva Kiir signaled an end to South Sudan's open-ended commitment to the Juba talks. In a message to the GoSS National Assembly, he stated that Kony should no longer have an indefinite time frame to sign the peace deal and insisted on setting a final deadline for signing.

Meanwhile, the situation for the rebels in Garamba was changing. For more than two years, as the LRA/M established and built up their base in the expansive Garamba forest, rebel attacks and

abductions were relatively rare, although certainly not absent.<sup>29</sup> This was accompanied by a de facto arrangement between the DRC government and the rebels to leave each other alone. But in July and August 2008, the DRC army (the FARDC) began deploying along two sides of the forest. The rebels, according to various reports, took this as provocation. In September they retaliated by beginning to attack both Congolese and nearby South Sudanese civilians, while sometimes engaging FARDC and SPLA troops as well.

As all this was happening in the DRC, the two-day meeting of “stakeholders” in the “Juba dialogue” was held in Kampala in early November, which ended with the joint communiqué from Machar and Chissano giving Kony a November 30th deadline to sign the final peace agreement. After Kony signaled a willingness to do so a meeting was set up for November 29th-30th.

In the intervening weeks, the DRC announced that it would cease military operations against the LRA to enable Kony to sign. Museveni and other GoU spokespersons reiterated several times that once Kony did sign, they would request the ICC to defer or “lift” their warrants. Meanwhile, the spokesperson for the UPDF denied that there were “active plans” to attack the LRA inside the DRC, even as newspaper reports cited credible information that plans for such an attack had already been drawn up and been agreed to by the GoU, GoSS, and DRC. The US government and army were also on board, apparently actively so.

On November 29th-30th, a large contingent of Ugandan and international delegates gathered and waited at the designated LRA assembly point in Ri-Kwangba. Kony once more failed to show up. For almost all concerned the Juba peace process was dead. There were a few feints suggesting otherwise over the next ten days (including Museveni saying that he would agree to talk directly by phone with Kony). But immediately after the November 30th deadline passed, Uganda began actively implementing plans to send the UPDF into the Congo on a military mission to destroy the LRA, while continuing to deny numerous media reports

that such plans were underway. Reports from the rebel camp indicate that they too were preparing for war.

Operation Lightning Thunder was about to begin.

## Operation Lightning Thunder, December 2008-March 2009

On Sunday, December 14th, the UPDF began bombing LRA camps in Garamba. From the beginning, the GoU and UPDF have called this a joint operation with the armies of the DRC and GoSS, and it has almost always been reported this way in both the local and international media. But it has been an overwhelmingly UPDF affair in fact, with the two other forces (and their governments) not even notified until the attack had begun, and then playing a minimal support role at most. An April 2009 report by Conciliation Resources notes that, from the perspective of the South Sudan’s SPLA “although official cooperation between the three armies was announced in mid-2008, SPLA mid-level commanders claim that they were sidelined in the operational planning [they were] and were thus unwilling to support it from the Sudanese side.” This marginalization, along with UPDF arrogance, led to a situation where, one SPLA officer revealed “the SPLA just said to some forces, just go and sit there, let the Ugandans see if they really are the best.”<sup>30</sup>

The overall plan of assault—a plan evidently cleared, if not assisted, by the US military—seems clear. Intelligence amassed over the several preceding months, including the use of sophisticated electronic monitoring devices and other high-tech equipment provided by the US, set the stage. The offensive was to begin with surprise air attacks by jets and helicopter gunships on the camps, with Kony’s personal hut supposedly identified and targeted specifically. Commandos delivered to the bombed camps by the helicopter gunships were then to secure the camps and carry out search and destroy operations against LRA

29 See Mareike Schomerus, “Perilous Border: Sudanese Communities Affected by Conflict on the Sudan-Uganda Border,” (London: Conciliation Resources, November 2008).

30 Mareike Schomerus and Kennedy Tumutegereize, “After Operation Lightning Thunder: Protecting Communities and Building Peace,” (London: Conciliation Resources, April 2009), pp. 4, 8.

members who survived the bombings. Finally, a much larger ground offensive, of more than 4,000 troops (and perhaps many more—the number has never been made clear), was to follow the air and commando attacks to continue any remaining operations against a rebel force that was already to have been hit hard.

What happened was something different. There was no surprise. Reports from Garamba—from both LRA fighters and former abductees—indicate that Kony ordered the evacuation of the camps the day before the air strikes began. It was not just minutes or hours before, as UPDF sources have claimed, and not, as President Museveni tried to argue, because he “may have escaped because he acquired a gadget that he used to monitor the radio conversations of the pilots manning the helicopter gunships.”<sup>31</sup> Thus, the camps were empty or nearly so.

No commandos or other UPDF troops were dropped off by helicopter gunships immediately after the bombings. Instead, UPDF boots were not on the ground near and in the bombed camps until at least three days later. Operationally, this is almost inconceivable. The UPDF explanation, or excuse, was that the terrain was difficult—surely something that the UPDF would have known in advance. And this gave the rebels days to divide into small groups and scatter widely, with command and control structures intact (if made more difficult by the need to limit or eliminate satellite phone communication because of the danger of being electronically tracked).<sup>32</sup>

Although, as noted above, stated military objectives shifted over the three months of the operation, there can be little doubt that the initial list included the intention to kill or capture Kony and his top commanders and cripple or destroy the LRA. This was explicitly stated by UPDF spokesman, Capt. Chris Magezi, a day after the initial air attacks began: “The operation is on until

we achieve our objective to destroy LRA and eliminate or capture rebel leader Joseph Kony. . . We are sending troops for a ground assault.”<sup>33</sup>

But Kony was not captured or killed, nor were any of his highest-level commanders. One relatively senior commander was killed, a Major named Okello Lupore; another, a Col. Kwoyelo was wounded and captured (a photograph of him being escorted off the UPDF helicopter made the front page of the government’s *New Vision* newspaper). Kwoyelo, however, had been under arrest for over a year by the LRA itself, so he was not a factor in LRA responses to Operation Lightning Thunder. Another LRA fighter killed and claimed by the UPDF as a senior commander and identified as Yaapeke, was dismissed by a former LRA member I talked with as actually “a very young guy,” and “not even a lance corporal.”

The army has also from early on in the operation emphasized the goal of rescuing rebel abductees, although the number actually rescued was relatively small (300 is the usual figure given by the UPDF). And, as the Conciliation Resources report cited above notes, that “while the goal of the military operation was [supposedly] to rescue as many people as possible from the LRA, few provisions have been made to cater for those that return.”<sup>34</sup>

But such rescues were at least in the UPDF’s objectives and planning. Something almost entirely omitted was the objective of protecting local civilians in the aftermath of the attack. Anyone familiar with the LRA would have known that if pushed, let alone attacked, it would retaliate against soft targets that the rebels believe are associated with their enemies. In this case, those targets were DRC and South Sudanese civilians whose governments assisted or at least condoned the UPDF operation against the LRA. And if the LRA escaped a harsh blow by the UPDF, local civilians were not so fortunate; they were hit very hard indeed by the LRA, with a thousand or more killed in the

31 “Kony Tapped UPDF Radio—Museveni,” *Monitor*, December 23, 2008.

32 The most detailed (and independent) early reporting on the UPDF military operation, based on extensive inside intelligence, was Andrew Mwenda’s lead story in his weekly news magazine, *The Independent*, January 2-8, 2009. His report included information that in its essentials was widely circulating: “Even UPDF was beginning to crack under the weight of ethnic tensions as some claimed that only officers from Rushere, the president’s home village were given command of the operation—in order to keep the glory in the president’s village.” These included the Chief of Military Intelligence who planned the attack, the commander of the operation, and the commando leader, President Museveni’s son, Lt. Col. Muhoozi Kainerugaba. Unfortunately for those involved, at least in the initial ten weeks of the operation, there was no glory.

33 “UPDF Squeeze Kony Harder,” *New Vision*, December 16, 2008.

34 Schomerus and Tumutegyereize, “After Operation Lightning Thunder,” p. 4.

aftermath, hundreds abducted, and up to 200,000 displaced.<sup>35</sup>

The limited public information available after the announced ending of the operation on March 15th is telling. Even government spokespersons and supporters trying to paint the most positive picture possible have had a difficult time doing so. The pages of the government newspaper, *New Vision*, make clear, sometimes despite claims to the contrary, that the UPDF failed to kill or capture top rebel leaders, inflict serious losses on rebel fighters in general, rescue more than limited numbers of LRA abductees, or—crucially—provide or even plan for the protection of local civilians.

Based on UPDF sources, the *New Vision* periodically provided basic statistics. After five weeks, on January 20th, the paper reported that forty-eight rebels had been killed, ten captured, twenty-one surrendered, and eleven captives rescued.<sup>36</sup> During the ninth week of the operation, on February 11th, considerably higher figures for rescued abductees were given: 280 in total, 120 “reporting” to the UPDF, and 165 to the FARDC. Four days later, the number of rebels reported killed was upped to 146, although 100 of these were identified only as “dead bodies our troops have come across in the bombarded forests.”<sup>37</sup>

There were no updated figures over the rest of February, and just days before the official end of the operation in mid-March, a *New Vision* special report gave the following summary numbers: six UPDF members killed (the official UPDF number released shortly afterwards was twelve); one jet down; 150 rebels killed (virtually no change from two weeks earlier); five LRA commanders captured (the highest ranking of whom was only a Colonel, however); and 300 abductees rescued (only twenty more than at the end of February).<sup>38</sup> No Kony. No more of his highest-level commanders. And one hundred of the 150 rebels claimed dead were bodies

found in the forest, not killed in direct ground engagements.

Whether these figures represent a modicum of success or not—although, it seems difficult to portray them as representing the former—the failure to protect civilians from a wave of horrific attacks after the UPDF operation has been widely acknowledged to be an unmitigated disaster. These attacks, affecting much of northeastern DRC and nearby areas of South Sudan and CAR, have been unprecedented in scope and scale since the LRA established a base in Garamba in 2005. As noted, upwards of 1000 were killed, hundreds abducted (the figures range widely from 250 to 870), and up to 200,000 displaced during the three months after Operation Lightning Thunder began.

The UPDF disclaimed responsibility for protecting civilians from LRA reprisals, and instead blamed its faux partners, the FARDC in Congo and SPLA in South Sudan, as well as UN forces in the Congo, for failing to do so. Widespread criticism on this issue stands in stark contrast to the equally, if not more, widespread support for the operation in its early stages.

Such criticism can be seen in five major reports from international organizations that have assessed Operation Lightning Thunder. All of these reports include important research on the ground in the DRC and South Sudan, and all are critical of the failure of the UPDF to provide protection, or even plan for such protection, for civilians. Three of the five—from Tufts University’s Feinstein International Center in the US; IKU Pax Christi in the Netherlands; and Conciliation Resources report from the UK—criticize the operation in numerous and varied ways.<sup>39</sup> The initial Human Rights Watch report cited above was not all that critical generally, but was harshly so on the issue of the UPDF failure to protect civilians.<sup>40</sup> And even the hard-line report released in May by the US-based advocacy group,

35 Human Rights Watch has published a detailed, well-researched report on the attacks, “The Christmas Massacres: LRA Attacks on Civilians in Northern Congo,” (New York: Human Rights Watch, February 2009). See also Schomerus and Tumutegereize, “After Operation Lightning Thunder,” p. 10; Julia Spiegel and Noel Atama, “Finishing the Fight Against the LRA,” (Washington, DC: ENOUGH Project, May 2009), p. 2.

36 See “UPDF Kills More Kony Rebels,” *New Vision*, January 20, 2009, p. 1.

37 See “Odhiambo Won’t Face World Court,” *New Vision*, February 11, 2009, p. 1; “146 LRA Rebels Killed,” *New Vision*, February 15, 2009, p. 1.

38 See “Ninety Days of War in Garamba Forest,” special report, *New Vision*, March 14, 2009.

39 See Clement Ochan, “Assessing Uganda’s Cross-Border Pursuit of the Lord’s Resistance Army,” (Boston: Tufts University Feinstein International Center, February 2009); Joost van Puijenbrock and Nico Plooijer, “How EnLightning Is the Thunder?: Study on the Lord’s Resistance Army in the Border Region of DR Congo, Sudan, and Uganda,” (Utrecht, Netherlands: IKU Pax Christi, February 2009); and the already cited Schomerus and Tumutegereize, “After Operation Lightning Thunder.”

40 Human Rights Watch, “The Christmas Massacres.”

the ENOUGH Project—whose basic position is that another, albeit better planned and executed, military operation is needed—is critical on the issue of the failure to protect civilians after the launch of the original Operation Lightning Thunder.<sup>41</sup>

But none rely on anything other than UPDF information for the military aspects of the operation. This information, as already shown, is not especially positive. Nor does it always reflect what seems likely to have actually happened, as indicated by both former UPDF soldiers involved in Operation Lightning Thunder and former LRA members who have been in touch with rebels who were there. Here, briefly, is what I have been told by those sources. As noted above, much of this information circulated widely in outline form in northern Uganda, but was only whispered and was not publicly available before it appeared in two recent articles in *The Independent*.<sup>42</sup>

First, both UPDF and LRA sources indicate that many more UPDF soldiers were killed than the twelve officially acknowledged, including several hundred in one large rebel ambush. When one former UPDF soldier who had been in a unit where wounded and dead soldiers were taken had finished his account, I added up the number of dead he had noted. It was between 600 and 700. He nodded and said that the final figure could easily reach 800, as not all the bodies could be recovered from the swamps in Garamba and some were still dying of their wounds.

Second, both UPDF and LRA sources said that some UPDF soldiers were captured.

Third, two LRA sources provided a detailed account indicating that the LRA acquired several hundred high-powered assault rifles with US markings, along with ammunition, during UPDF operations against them.

Fourth, the UPDF and Ugandan government have claimed that when the operation began, the LRA fighting force was between 600 and 800, with one estimate as high as 1,000. Both LRA sources and those outside in touch with the rebels indicate that the total number of LRA fighters was substan-

tially higher, about 2,000 to 2,500. The latter figure is much more in line with what I learned from reliable LRA and GoSS sources in 2006, when LRA fighting strength was at least 4000 in South Sudan and another 800 to 1000 in the recently established LRA base in Garamba.<sup>43</sup>

Fifth, reliable information from both former abductees from South Sudan and LRA sources indicates clearly that since at least the last year-and-a-half to two years, and possibly longer, the LRA before Operation Lightning Thunder was training virtually no new abductees from the DRC or Western Equatoria in South Sudan as fighters. Thus, arguments by the ICC, Ugandan government, and others that the LRA was using the peace talks to buy time to build up its fighting force are almost surely inaccurate.

Sixth, the same sources say that the LRA has not been receiving arms or other supplies from Khartoum over the same period (although there are some reports that such shipments from Khartoum may have resumed recently). Even so, this strongly suggests that the LRA was not using the peace talks to rearm, either.

Seventh, despite the proclaimed pullout of all but a small number of UPDF intelligence-unit soldiers, a number of sources assert that there are probably at least 2,000 UPDF still in DRC, along with others in South Sudan and CAR.

## Conclusion: What Next?

The ultimate outcomes and consequences of Uganda's incursion into the Congo cannot yet be known. It is actually, albeit unofficially, still ongoing. Scant information continues to be publicly available, and what little there is continues to come primarily from the UPDF and Ugandan government, and cannot be automatically accepted as reliable. But successes for the UPDF have been few. The high cost to civilians has been indisputably great.

In the aftermath of Operation Lightning Thunder, a peaceful way forward to end the northern Uganda war—already difficult to see after Kony's repeated failures to sign the final peace

41 Julia Spiegel and Noel Atama, "Finishing the Fight Against the LRA," (Washington, DC: ENOUGH Project, May 2009).

42 See Atkinson, "Revisiting Operation Lightning Thunder," and Atkinson, "Revisiting Operation Lightning Thunder Part II."

43 Atkinson, "Realists," note 17.

agreement—now seems almost impossibly unclear.

But one thing that the history of the conflict does make clear is that after nearly twenty-four years the search for a military solution to the problem has not succeeded. Indeed, Ugandan military attacks launched over the long course of the war have not only failed to defeat the rebels, but have typically made things worse for vulnerable citizens left unprotected in the aftermath of such operations.

This long history makes US support for this last UPDF military mission—in the form of diplomatic support and assistance with military intelligence, hardware, training, and advice—difficult to comprehend.<sup>44</sup> US experiences in Afghanistan and Iraq should have made it painfully obvious that great damage can result if a foreign military operation is not based on good intelligence, a well-conceived plan (including an exit strategy) that includes clear and concrete objectives and has an overwhelming likelihood of success, and is then conducted in a way that those objectives are effectively carried out and followed up on. It is hard to imagine that Operation Lightning Thunder met those tests.

Nor was it ever likely to have, given the Ugandan government's spectacular record of failure over twenty years to end the northern Uganda war through military means. And it is unlikely to do so in any future military venture against the LRA, such as the ENOUGH Project and others are calling for, whether again into the DRC or next time into the Central African Republic, where LRA members have mostly begun to regroup.

Thus, the current UPDF incursion into foreign territory in pursuit of the LRA was—and any future incursion will almost certainly remain—a poor risk

and poor option, better left undone. The US government should have been a prime candidate to advise Uganda that this was so. It is unfortunate that it did not.

Operation Lightning Thunder has begun a new phase in the northern Uganda war. Although the war has had an international dimension from the beginning, it has now virtually become a displaced conflict, with the LRA no longer active in northern Uganda but dispersed throughout the adjoining border areas of northeastern DRC, southern CAR, and southwestern South Sudan. This makes a Ugandan military solution to end the conflict by defeating the LRA even more problematic than before (which is saying a great deal given the repeated failures of a military solution for more than twenty years). Still, evidence from northern Uganda indicates that the UPDF is preparing, and pushing, for renewed military activity into the DRC, which includes pressure on former LRA to assist this effort.<sup>45</sup> And recently, both the UN's Central African Republic News Bulletin and sources in northern Uganda report a UPDF presence in the CAR and operations there against the LRA.<sup>46</sup>

Nor does *any* military solution to dealing with the LRA appear realistic at this time, politically or otherwise. This seems true whether we are talking about the armies of Uganda, the DRC, CAR, or South Sudan (either singly or in combination), or any other multilateral force, such as troops from the African Union or UN (although all of these forces could, however, play a role in protecting civilians, and should be deployed to do so as their main focus).<sup>47</sup>

If a military solution is thus untenable, that leaves

44 The *New York Times* was one of the first sources to reveal extensive US diplomatic and military involvement in Operation Lightning Thunder. See Jeffrey Gettleman and Eric Schmitt, "US Aided a Failed Plan to Rout Ugandan Rebels," *New York Times*, February 7, 2009. An even more detailed account of this US involvement appeared in the US news magazine, *Newsweek*. See Scott Johnson, "Hard Target: The Hunt for Africa's Last Warlord," *Newsweek*, May 25, 2009. One factor in the US military support is the recent creation of a new command structure in the US army focused on Africa, AFRICOM. For a critical assessment of AFRICOM in general, see Jeremy Keenan, "US Militarization in Africa: What Anthropologists Should Know About AFRICOM," *Anthropology Today* 24, no. 5 (October 2008); for a brief critique of AFRICOM's role in Operation Lightning Thunder, see Beth Tucky, "AFRICOM's Ugandan Blunder," (Washington, DC: Foreign Policy in Focus, April 20, 2009).

45 This is widely known and discussed privately in the region.

46 See Humanitarian and Development Partnership Team CAR, "Central African Republic," News Bulletin No. 117, July 13-20, 2009, available at <http://hdptcar.net/blog/2009/07/25/news-bulletin-117-13-%E2%80%9320-july-2009/>. One report that I received from northern Uganda indicated that a CAR rebel group helped thwart UPDF pursuit of the LRA.

47 The available evidence on Operation Lightning Thunder and its aftermath belies the sanguine assessment that came out of the June 2009 monthly coordination meeting of the military chiefs of the UPDF, Congo's FARDC, and for the first time, the Armed Forces of the Central African Republic (FACA), as reported by the UN mission in the Democratic Republic of the Congo, MONUC. The joint communiqué issued by the three military forces claims that "the current operations against the LRA are remarkably successful as LRA has disbanded, their strength has decreased drastically and Command and Control disorganized." See Relief Web, "DR Congo: MONUC's Support in Fight Against LRA Seen As 'Very Important and Decisive,'" June 11, 2009, available at [www.reliefweb.int/rw/rwb.nsf/db900sid/EGUA-7SXSX6?OpenDocument](http://www.reliefweb.int/rw/rwb.nsf/db900sid/EGUA-7SXSX6?OpenDocument). The communiqué also claims, although earlier failures in this regard would seem to warrant some skepticism, that the "protection of civilian populations is absolute priority and measures are being put in place."

only peaceful solutions. And peaceful solutions can only come about through dialogue. Such dialogue would necessarily include not only the resumption of talks with the LRA/M, but broader discussions and a more rigorous exchange of ideas with and among the many communities in the region affected by LRA-related conflict as well as the four governments directly involved.

This is what cultural, civil society, and religious leaders with whom I have talked strongly support, including the head of the Acholi cultural leaders, Rwot Achana; the Executive Director of the Gulu-based NGO, Human Rights Focus, James Otto; and Gulu Diocese Archbishop John Baptist Odama.<sup>48</sup> This was also the position taken by a diverse group of civil society leaders from Uganda, South Sudan, and the DRC who attended a Regional Conference on Cross-Border Peacebuilding held in Gulu in March 2009.<sup>49</sup> The main opposition party in Uganda, the Forum for Democratic Change, has recently urged for the same approach, as has the European Union and, significantly, the chief mediator in the Juba peace talks and Vice President of the government of South Sudan, Riek Machar.<sup>50</sup>

A press release from the LRA/M on June 30, 2009, would suggest that the group is ready to talk. The document indicates that the rebel leader, Joseph Kony, has agreed to send two LRA military commanders, along with others, to meet with Riek Machar. "Their role," the document states, "is to look at the FPA [final peace agreement] with the aim of fast tracking it as soon as possible." It emphasizes that this "is not re-negotiation."<sup>51</sup> With Joseph Kony's repeated failures to sign, and as the press release was written by David Matsanga, whose credibility and veracity as the on-again-off-again head of the LRA/M peace delegation has been

widely questioned, it is difficult to know what to make of this. But it offers perhaps a sliver of hope.

The same day that this LRA/M press release was announced, however, President Museveni, in an address to the press in Kampala, stated categorically that the Ugandan government would not participate in any new peace talks with the LRA.<sup>52</sup>

Thus any new initiatives to resume dialogue with the LRA/M will need to come from elsewhere. The UN could, and should, take the lead in this. The leader of Uganda's UN delegation, which currently has a seat on the UN Security Council, is the Honourable Ruhakana Rugunda. Before being appointed to his present position, he was the head of Uganda's delegation to the Juba peace talks. He thus has more experience than anyone else in the Ugandan government in negotiating with the LRA/M. Although it would be a delicate position for him to be in, he could be a chief conduit in the UN to encourage a resumption of dialogue with the LRA/M.

This would require the appointment of a new UN special envoy, experienced in dealing with armed conflict in Africa, to replace Joachim Chissano, whose mandate ended on June 30, 2009. Such an appointment is crucial for exploring and then facilitating channels of communication with Joseph Kony and other members of the LRA high command to begin addressing the many immediate issues related to the LRA presence in the DRC-CAR-South Sudan borderland.<sup>53</sup>

The most pressing and important of these issues is ending LRA attacks against civilians and/or improving security for local civilians if and when attacks continue. But there are a host of other crucial issues as well. The four national govern-

48 All interviewed by the author in Gulu, Uganda, May 2009. Archbishop Odama reiterated this position in response to the recent, final briefing to the UN Security Council by the outgoing UN Special Envoy to LRA-Affected Areas, Joachim Chissano, in which he stressed the importance of both negotiation and military action with respect to the LRA. On Special Envoy Chissano's July 2009 briefing, see UN News, "Two-Track Strategy Needed to End Conflict in Northern Uganda—UN Envoy," July 15, 2009; for Archbishop Odama's response, see IRIN, "Uganda: Leaders Question Chissano's Anti-LRA Proposal," July 24, 2009.

49 "Rebuilding Relationships to End War in Northern Uganda, Southern Sudan, and the Democratic Republic of Congo," Regional Conference on Cross-Border Peacekeeping, Gulu, Uganda (Conciliation Resources, March 16-18, 2009).

50 See "Resume Peace Talks with Kony—FDC," *Monitor*, June 15, 2009; "Uganda Urged to Prioritise Reviving Talk with LRA," *Monitor*, June 12, 2009; and Riek Machar, "The Lord's Resistance Army Disarmament and the Northern Uganda Recovery Act, 2009 [S. 1067]" a letter to Senator John Kerry, Chairman, Committee on Foreign Relations, US Senate, June 22, 2009. Another recent letter to US President Barack Obama by three former members of the LRA delegation to the Juba peace talks also urges dialogue. See Obonyo Olweny, Otim Okullo, and Elum Ayoo Godfrey, "Plea to the United States President on LRA Disarmament and Northern Uganda Bill and US Policy on the Great Lakes Region," June 24, 2009.

51 LRA/M press release, June 30, 2009.

52 "No New Peace Talks with [LRA]—Museveni," *Monitor*, July 1, 2009.

53 A recent memorandum from the International Crisis Group to the UN Security Council includes a set of recommendations to the Council with respect to the LRA in the DRC, CAR, and South Sudan in the aftermath of Operation Lightning Thunder. The very first of these recommendations is to urge the UN to support the resumption talks with the LRA, either through the then Special Envoy Chissano or the appointment of a new special envoy. See ICG, "Memorandum on the UNSC Mission to Africa, 14-21 May 2009," addressed to members of the UN Security Council, May 11, 2009.

ments affected—the DRC, CAR, South Sudan, and Uganda—have multiple and often contradictory ideas, interests, and concerns with respect to the LRA (including elements that do not necessarily desire peaceful resolutions). The many local governments, local communities, and civil society organizations operating in those communities across the four countries affected by the LRA also have their particular interests and concerns, although all share the fundamental need and desire for peace. And there are logistical and security concerns on the part of the rebels as well.

Facilitating dialogue to begin addressing such issues will be difficult in the aftermath of Operation Lightning Thunder. But the possibility of doing so will almost certainly require the UN to play a leading role, under the guidance of a UN special envoy. Reestablishing meaningful talks with the LRA will require that the special envoy work with and through people who have the trust of the rebel leadership and credibility from outside (criteria that do not seem to fit the most recent LRA/M peace delegation). It will also be essential that the special envoy pay attention to the concerns of affected governments, local communities, and civil society organizations and facilitate to the extent possible their involvement in the peacebuilding process.

But even if a military solution to deal with the LRA—given its limited chance for success and high probability of causing further damage to civilians—is taken off the table and dialogue is revived, there is a fundamental dilemma. The prospect of Kony and the remaining top LRA commanders who have outstanding ICC arrest warrants against them submitting to either ICC or a Ugandan national judicial prosecution “satisfying international standards”—as is widely called for—seems almost impossible to imagine.<sup>54</sup>

Thus, either (1) some way out of such prosecution is negotiated, and in a manner that Kony and the others will trust; or (2) the status quo, or something very like it, will continue. Any dialogue that has as its objective an end to the LRA insurgency will have to face this problematic issue.

There can be no doubt that Joseph Kony and the other top commanders have committed and ordered gross and horrendous human rights violations. Theoretically and ideally—from perspectives that range from fundamentally moral to narrowly legalistic—formal prosecution makes sense. But the three LRA leaders under indictment from the ICC have now fought in a conflict, or really a series of conflicts, encompassing four countries. These conflicts have involved hundreds or even thousands of others who have also committed human rights violations, also often gross and horrendous—from presidents and generals to foot soldiers in myriad militias and government forces. How, on the scales of justice, does insisting on the prosecution of these three, however guilty, weigh against the chance to end a conflict that has denied for more than twenty years the most fundamental justice of peace and security to millions of people?

Just as the Juba peace process was getting under way, my friend and colleague Sverker Finnström and I wrote that the “fundamental *raison d'être* of the ICC is profoundly persuasive: that those perpetrating crimes against humanity should not escape with impunity.” “But,” we add, in an argument that if anything seems even more relevant today, even in quite different circumstances,

the current moment offers two notions of justice. One is to implement the ICC indictments to pursue retributive justice. The other, [which we then hoped might not be mutually exclusive of the first], is to support a regional effort to negotiate peace and end a war that has denied justice in the broadest sense to millions, who have lacked for two decades such basic human rights as peace and security.

The current initiative [or in present circumstances, a renewed initiative] to resolve the conflict thus serves the interests of peace in more than one country of a region that has known far too much war. All the parties directly involved—governments, the LRA and northern Ugandan leaders [and now others from DRC, CAR, and South Sudan]—will need international support, and pressure, to advance a difficult process . . . .

The obstacles to success are many: skepticism,

<sup>54</sup> Indeed, any Ugandan judicial process to try the LRA high command may now be moot. Following a mid-July visit to Uganda by the Chief Prosecutor of the ICC, Luis Moreno Ocampo, Uganda's Minister for International Affairs, Henry Okello Oryem, “announced that the LRA leader and his indicted colleagues were no longer eligible for trial in Ugandan courts after they refused to sign the peace agreement in Southern Sudanese capital Juba.” See Wambi Michael, “Uganda: ‘Our Mission is to End Impunity’—Moreno Ocampo,” *Inter Press Service*, available at [www.allafrica.com](http://www.allafrica.com), July 13, 2009.

mistrust, unspeakable atrocities, the indictments; indeed, all the weight of a complex and troubled past. Still, this [still!] represents the best chance for peace at least since 1994.

The chance must be seized. Millions of Ugandans—and southern Sudanese [and now people too from DRC and CAR]—deserve no less. And only peace can create the conditions in which widespread justice might, eventually, be addressed.

If the current opportunity is lost, we will be licensing the status quo and thus the continuation of one of the biggest and oldest humanitarian emergencies in the world.<sup>55</sup>

This is the dilemma—and the opportunity—that a renewal of dialogue with the LRA/M entails. I would hope that the new UN special envoy can reestablish that dialogue and successfully tackle that dilemma. Otherwise, to repeat, “we will be licensing the status quo and thus the continuation of one of the biggest and oldest humanitarian emergencies in the world,” an emergency that has now expanded in range to have disrupted, damaged, and destroyed countless human lives and livelihoods across four east-central African countries.

---

55 Ronald R. Atkinson and Sverker Finnström, “Ending a War: Uganda’s Moment for Peace,” *International Herald Tribune*, August 10, 2006.







The **INTERNATIONAL PEACE INSTITUTE (IPI)** is an independent, international not-for-profit think tank with a staff representing more than twenty nationalities, located in New York across from United Nations headquarters. IPI is dedicated to promoting the prevention and settlement of conflicts between and within states by strengthening international peace and security institutions. To achieve its purpose, IPI employs a mix of policy research, convening, publishing, and outreach.



**777 United Nations Plaza New York, NY 10017-3521 USA**

**TEL +1-212 687-4300 FAX +1-212 983-8246**

[www.ipinst.org](http://www.ipinst.org)