

Section V - Alternative Approaches

As noted in the introduction to this study, there is no consensus on the issue of the LRA. This has led over the past two-and-a-half years to the consideration of a number alternative approaches to the status quo in dealing with the group. These approaches include:

1. Arrest of Joseph Kony and other leaders indicted by the ICC.
2. Negotiation either with Joseph Kony or with his subordinate commanders.
3. Direct persuasion aimed at individual LRA combatants (DDRRR approach).
4. Empowering local defense capacity.
5. Investing in humanitarian support and development, including roads, bridges and cell phone coverage.

Investment in humanitarian support to mitigate the effects of LRA violence is generally taken as a given in each approach and will not be discussed further here beyond remarking that technical humanitarian interventions on their own can only mitigate, not stop, the violence and other problems associated with the LRA.

It is also worth noting that the argument for each of the alternative approaches begins with the claim that it is necessary to do something different since the military approach has not worked.

Arrest LRA leaders

The idea of applying international law through the arrest and trial of LRA leaders¹³⁸ on charges of war crimes, crimes against humanity or gross violation of human rights seems, on the surface, preferable to an outright insistence on military action. However, given the unlikelihood that the leaders in question would surrender peacefully, in addition to the characteristics of the LRA as a fighting force and the other features of the operational environment outlined above, only a military force well organized and equipped could in actual practice have the capability to execute the International Criminal Court arrest warrants.

Police forces, as a rule, are simply not equipped, manned or structured to cope with arrests of individual leaders of armed military forces – and certainly not those with the characteristics ascribed to the LRA. While the distinction between urging the arrest of LRA leaders and calling for military action may be important from the perspective of mandates of certain institutions, it is a distinction that makes no difference at the operational level. However, it is possible that military operations in this context might reasonably be considered “police actions,” which could orient the overall goal of either military or police operations against the LRA as directed towards justice rather than military victory. However, even in this scenario it is difficult to imagine justice being achieved without a full-scale military action that targets both the leaders and all potential successors within the LRA.

¹³⁸ Joseph Kony, Raska Lukwiya, Vincent Otti, Okot Odhiambo and Dominic Ongwen have been indicted by the ICC. Lukwiya was shot and confirmed dead by the UPDF in August 2006 and Otti is believed to have been killed by LRA in September 2007, confirmed by many former LRA fighters but no one knows where his body is.

Negotiation

The history of failed attempts to negotiate with Joseph Kony is open to a number of interpretations beyond the scope of this paper to fully explore. However, in addition to the complication presented by the ICC indictments against Kony and his top lieutenants, the behavior of LRA elements over the past few years is so far beyond the pale of acceptable norms that it is difficult to imagine how either international or local communities could be persuaded simply to turn a blind eye to the recent past. For this reason, it is difficult to find the consensus needed to ensure that negotiations could be conducted fairly or to convince the LRA that the results of a favorable negotiation could ever be accepted by the broader population.

The main problem for a negotiated strategy now is the lack of any LRA political traction in the region. Neither the Government of Uganda nor the Acholi community feels the weight and urgency of the LRA as they once did. Though the LRA are still considered a problem, they are a distant one and other priorities have pushed them into the background of politics. Indeed, the Government of Uganda can claim to have solved the problem militarily insofar as they have pushed the LRA out of sight and sound of most Ugandans. They can also claim that they have done everything possible to bring the Juba peace talks to a successful conclusion only to have Kony refuse to sign the final agreement.¹³⁹ It would appear from our investigations in Uganda that most northerners are, for the time being, resigned to accepting their government's position as the "lesser evil" – at least until some other option becomes apparent.¹⁴⁰ Further, the consensus seems to be that negotiations with Joseph Kony will go nowhere simply because of his profound and pervasive mistrust – of nearly everyone. When taken together and put in the present context, the LRA is of scant interest to any of the existing central governments in the region and thus is unlikely to find anyone willing to take them seriously enough to consider them worth talking to, or indeed the risk of raising their profile again.

When considered from the context of the DRC, the LRA has become an embarrassment to the incumbent President during the run up to elections, and has simply been dismissed. The government of the DRC has declared repeatedly that the LRA is not in the DRC and refuses to consider it a problem.¹⁴¹ Even if the government changes its policy, it is difficult to imagine a starting point for negotiation given that Kony has no political position with respect to the power in Kinshasa and has no stated political objectives relevant to the DRC. The same can be said of South Sudan and the CAR.

At a lower level, there is a new initiative arising through the agency of the Catholic Church through which it is hoped that negotiations with the LRA can be launched. However, it is clear that, in the words of one senior South Sudanese Army officer, "the power Kony wants is in Kampala, nowhere else". Thus, the challenge remains to find some way to convince the Government of Uganda to re-open a process that they have closed and nailed shut with military operations that have further sapped the trust that would be needed even to take the first steps towards negotiations. Perhaps a change of government might open a way that is at the moment scarcely imaginable, but for the time being there seems little to

¹³⁹ This paragraph is not meant to imply that there was not bad faith on both sides of the negotiating table. See Allen and Vlassenroot as well as Soto, op.cit.

¹⁴⁰ Recent political problems in Uganda notwithstanding. It is as yet not clear how the post-election opposition will play out in the context of the LRA.

¹⁴¹ In addition to comments repeated by the Minister of Information in February and March 2011, reports from the last Great Lakes Contact Group Meeting, 15 April 2011 indicate a hardening of the Congolese Government position and an agreement binding the UPDF to withdraw from DRC by 15 June 2011, ostensibly because there are no LRA for them to chase, confidential source, 16 April 2011.

be gained from launching new negotiations unless credibly initiated or backed by Joseph Kony himself¹⁴².

A further complication arises from the profound lack of trust between those believing in the need for negotiation and military or political leaders. The history of previous attempts to negotiate contains frequent mention of deliberate deception by military commanders promising a quick military victory and using pre-agreed meetings to ambush LRA negotiators¹⁴³. This has poisoned the waters to a degree that highlights a need for some reliable way to rein in government military forces as part of any eventual negotiations.

The prospect of negotiating with individual commanders remains, and does seem to offer some hope of further reducing the LRA. As mentioned above, Kony can ill afford to lose any of his reliable senior commanders. However, this strategy, even if successful, will only achieve a partial success unless complemented by persistent pressure on other fronts.

Voluntary persuasion – DDRRR

There is some hope that skillful use of information operations through the agency of MONUSCO's DDRRR program may reduce the numbers of LRA fighters by encouraging defectors. The techniques to accomplish this are simple in concept but extremely difficult to implement for several reasons. First, the core groups of LRA fighters are unlikely to be persuaded to disarm because they have shown repeatedly that they are well entrenched in their present positions. For reasons outlined in previous sections of this report, status, fear of reprisal, fear of ICC indictment and brutal reprisal by Kony against anyone suspected of wanting to defect all play a role. Add to this the poor treatment of returnees by the governments in the region and the likelihood of being forced into the UPDF to be used in counter LRA operations¹⁴⁴ and it becomes difficult to see how the idea of a peaceful return home can be sold. In addition, Kony's terror tactics coupled with frustration among his target communities over the lack of protection afforded by their own governments or the UN all push towards an extremely hostile human environment for those wishing to disarm. Finally, Kony will certainly react to any success by increasing abductions and forced recruitment and/or by new atrocities aimed at vulnerable civilians.

Other difficulties include the challenge of finding ways to get messages directly to LRA fighters. In a zone with virtually no radio or telephone coverage, messages are difficult to transmit. However, the DDRRR Section of MONUSCO has a record of imaginative solutions and is at present in the process of developing and implementing a communications strategy that shows some hope.¹⁴⁵ While a DDRRR approach makes good sense as a complement to other actions, it will not achieve the ultimate goal of protecting civilians against the LRA.

Empowering local defense groups

Citizens in all of the countries threatened by LRA attack could call on their right to self defend for the simple reason that their own governments are not able to protect them. However, it is one thing to recognize a right to self-defense and another to enable it by providing weapons and training. Indeed,

¹⁴² A number of interlocutors were met in the course of this research who claimed that several new personalities have come forward offering to broker talks based on special access to Kony. The consensus among all consulted was that so far these offers are not reliably made.

¹⁴³ See, for instance, Santos, *op.cit.*, ch 5.

¹⁴⁴ Cakaj, Ledio, *"Too Far from Home: Demobilizing the Lord's Resistance Army"*, Enough Project, February 2011

¹⁴⁵ Discussions, MONUSCO DDRRR, Goma, February and March 2011.

steps to arm the Arrow Boys (Azande local defense militias) taken by the successive governors of Western Equatoria¹⁴⁶ have generated considerable controversy – and nervousness – in Juba.

But where central governments are either not interested in or incapable of providing the necessary protection and where no other agency, such as a UN Peacekeeping Mission, has a mandate to protect civilians on behalf of a government, then it seems a matter of simple logic to consider enabling self-defense. From a practical point of view, this could exacerbate the LRA problem unless steps were taken to ensure that weapons provided to the Arrow Boys or other militias did not become magnets for LRA attack. Such steps might entail setting up a communications and support system through which local militias could call on government military forces to back them up if and when attacked or could be developed further by linking rapid reaction capacity to local knowledge and tracking skills of the Arrow Boys.

Though the danger of launching yet another militia in DRC or South Sudan is well understood, this particular case calls for special consideration. The Azande have a tradition of self-defense and a strong sense of collective responsibility.¹⁴⁷ In this case, the wisest course for governments in the region might be to get in front of the problem by supporting the Arrow Boys and formally incorporating them into national protection structures, if only to prevent the evolution from needful desperation to resentful armed opposition.

Humanitarian and development approaches

Humanitarian operations can, and are, doing much to mitigate the effects of LRA attacks. By providing emergency medical care, shelter, food, water and sanitation and some limited psycho-social interventions, those hardest hit can at least be helped to deal with the consequences of LRA violence. But this does not solve the protection problem and could never offer more than limited compensation for harm done. Humanitarian operations, no matter how effective, could never restore lives lost or repair mutilated bodies.

Taking into account discussions in the previous sections, it must be assumed that the LRA will target humanitarian operations if they feel these pose a threat or offer easier solutions to their own logistical problems than pillaging local communities. The LRA has done so frequently in the past and may have already begun to do so again in eastern DRC. There is little danger that close cooperation between military and humanitarian agencies will be construed by the LRA as anything other than better protection of resources that they would have attacked had military forces not been present. The case is not one in which there is a political implication to the provision of escorts or the physical protection of humanitarian deliveries, though there may indeed be some human rights implications of engaging with national armies with such consistently poor records of respect for civilians. Indeed, the largest challenge may come from the need to protect humanitarian supplies once they have been delivered. There is a real danger, based on historical precedent, that food or medical supplies, for instance, will act as a magnet to the LRA.

While it seems a simple truism to state that one of the main enabling conditions of LRA impunity in the region in question is the lack of communications, it should be remembered that communications systems are neutral and can be used by anyone. Good roads, for instance, facilitate trade and rapid response at the same time that they provide rich targets for attack. Similarly, cell phone systems that would allow rapid calls for help from victim communities would also serve as means through which the

¹⁴⁶ Interview, governor of Western Equatoria, 26 March 2011, Yambio.

¹⁴⁷ Ibid.

LRA could better coordinate attacks. Though Kony and his senior commanders may not choose to talk on phones themselves they are certainly capable of having others speak for them to avoid monitoring. This is not to suggest that development is not an essential part of the long term solution to security in the LRA affected region but only to argue that development must be part of a larger process that takes into account the ways in which various achievements, such as the establishment of better cell phone networks, may be used by the LRA.

Finally, few discussions of alternatives take adequate account of the factor of time. As argued above, there is a strong possibility that time will play to the advantage of the LRA as it will use it to recruit and train enough new troops to pose a more serious threat to the region. The length of time needed for this is incalculable but it remains the case that there is a need for urgency and consequently for realistic consideration of the amount of time necessary to implement any alternative strategy.

Conclusions

This study has attempted to draw a picture situating the LRA within a particular political, historical and military context. Though the analytical description that results is far from complete at this stage, a number of conclusions emerge.

One of the key problems affecting all possible solutions to the LRA phenomenon is the collective inability to agree on the scale, scope and relative importance of the problem. Politicians and human rights and humanitarian actors have different interests and responsibilities and do not necessarily agree on either evidence or analysis concerning the LRA. Soldiers generally see military factors clearly but in this case seem to have fallen in line with the positions of their various governments to the extent that the military dimensions of the problem are nowhere clearly articulated or described. As a consequence, raw intelligence is scarce, analysis is even scarcer and agreement on the relative significance of factors is virtually nonexistent.

To add further to the confusion, intelligence gathered over the years by the UPDF has not been formalized in documents that might be shared with other armies for whom the LRA are a new problem. Finally, those who believe a negotiated solution is still worth pursuing will have to overcome the strong conviction of others that such a solution is impossible because of Kony's total disinterest or unreliability on this issue.

For reasons which are not yet clear, most discussions about military options begin with an unexpressed assumption that only those forces now in place can be included in any plan. While this may reflect political realities of the moment, it obscures the actual scale of the military problem posed by the LRA when considered from a purely technical perspective. This approach is unlikely to generate a favorable result for the simple reason that the resources needed to achieve it are insufficient and ineffective, and whose inadequacy has yet be considered in relation to actual needs.

In any case, it is clear from even a cursory analysis offered here, that the proposed solutions to the LRA problem have not been grounded on a professional military technical assessment (what used to be