

# How *EnLightning* is the Thunder?

Study on the Lord's Resistance Army in the border region of DR Congo, Sudan and Uganda



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## PREFACE

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IKV Pax Christi's involvement with LRA issues started in 1997, exploring opportunities to contribute to efforts to bring the conflict in Northern Uganda to an end. Various attempts to make contact and start negotiations were undertaken. Finally, in May 2006, under the leadership of Dr. Riek Machar the first meeting with the LRA leadership was realized, which in its turn resulted in the Juba Peace Process hosted by the Government of South Sudan.

The activities of IKV Pax Christi in the Dungu area date back from the conference on small arms proliferation and illicit small arms trafficking in the border region of DR Congo, Sudan and Uganda in February 2003. Since the end of 2005 the presence of the LRA, a foreign rebel group without any connection with DR Congo in general and the Dungu area specifically, became a serious concern for the people in the region.

Later on two other developments triggered our attention. The first was the strong reaction of the local communities after the September 2008 assaults on Duru and other places, demanding the immediate departure of MONUC, FARDC and in general the Congolese administration. The second was the mushrooming of local self defense units.

The LRA issue was one of the main topics at the cross border conference on security in the border region of DR Congo, Sudan and Uganda organized by IKV Pax Christi in September-October 2008 in Arua, North West Uganda.

In this report we give a sketch of the background of the conflict, a brief chronology of events and an overview of the different responses. It concludes with the description of near-future scenarios and the few recommendations that can be made at this stage.

It is our hope that the current report will help avoid the scenario that we labeled 'muddling through'. The region has seen too many of these 'muddling through' scenarios unfolding for the last 15 years. Dealing with the LRA problem in this way would mean another humanitarian disaster.

## BACKGROUND OF THE CURRENT CONFLICT

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### HISTORY OF THE LRA

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The LRA has been involved in conflict with the Ugandan government since 1987. Joseph Kony leads the LRA both spiritually as militarily. It is widely known for its abduction of people, the mutilation of victims and its very brutal attacks upon civilians. Although it is beyond doubt that they have committed these crimes, it does not suffice to depict them as 'just a violent group of crazy murderous child soldiers, cutting up people'.

The LRA is a well trained armed group with a strong command structure. They are capable of splitting up in small units of as small as 5 combatants and still sufficiently maintaining command lines.<sup>1</sup> It is supposed to have a large amount of weaponry ready on hand and hidden in depots in the region. Although many combatants were abducted as children, many of them have reached the age group locally understood as 'youth' comprised of non-married persons between 13 and 30 years old.

Nobody knows how many people are involved in the LRA exactly. Defence specialists tell us they expect there to be between 600 and 1000 people, based on the area of operation, knowledge of their movements and the amount of food needed to sustain such a large group. Others estimate the LRA to comprise of around 2500 fighters and still others speak of 3000 to 4000 fighters. Finally, nobody knows how many people have been abducted, how many children were born in the bush and how many non-combatant women are part of the always moving groups that make up the LRA.

Traditionally, the LRA was organized in a regular infantry army formation with five brigades: Control Altar (Kony's protection unit), Stockree, Sinia, Gilva and Shila. However, information indicates that during the period of the negotiations a restructuring of the LRA took place. Kony maintained Control Altar and changed the four remaining brigades into five brigades.<sup>2</sup>

Many of the fighters of the LRA see themselves as fighters for their people, the Acholi, whom they believe to be marginalized, abused and excluded from Uganda's development by an oppressive regime. These issues are also mentioned in various LRA manifestos and also came to the fore during the peace negotiations in Juba<sup>3</sup>. Despite the atrocities committed by the LRA still enjoy some support among the Acholi community and the Ugandan diaspora.

The LRA is not just a Ugandan/Acholi force anymore. Many Sudanese and Congolese – the latter since 2008 - have been abducted and integrated in the LRA. This has changed the configuration of the LRA and may subsequently influence the policy of the international community.

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<sup>1</sup> Although it has also been acknowledged by Kony that he had lost contact with groups in Uganda.

<sup>2</sup> These include two brigades under the name Happo Brigade and Central Brigade apparently to increase security for Kony and three other brigades for combat purposes. (The Independent)

<sup>3</sup> See also: NGO involvement in the Juba peace talks. The role and dilemmas of IKV Pax Christi; 2009 (forthcoming)

The LRA bears all the characteristics of a cult. It has authoritative leadership exerting complete and total loyalty from followers. They kill any real or imaginary disloyalty. Indeed killing and blood itself are characteristics of the cult.<sup>4</sup>

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## HISTORY OF LRA SINCE 1990

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The LRA moved into the eastern equatorial region of Sudan in the early 1990s. It found itself on the frontline of the Sudanese civil war. The Government of Sudan made good use of the LRA fighting the rebels of the SPLA. At the same time the LRA was used to undermine the position of Uganda, which was supporting the SPLA. The government in Khartoum provided the LRA with supplies and logistical support and they engaged in joint military operations. First contacts between the LRA and Khartoum were made through the EDF<sup>5</sup> and the SPLA-U, the latter at that time headed by current Vice President Dr. Riek Machar.

In March 2002 Sudan and Uganda agreed for the UPDF to enter Sudan in order to defeat the LRA in Sudan. The operation was named 'Operation Iron Fist'.

Some months into the operation, it became clear the operation was not the success so many people had hoped for. Although some of the LRA bases in Sudan were overtaken and destroyed, the attacks on the civilian population increased. The number of abductions soared into the thousands and in Uganda people moved to or were forced to enter camps in order to be protected from the LRA. These camps were set up to enable their protection, but were regular targets for the LRA and were not adequately protected by the Ugandan Army. Uganda expressed frustration with the Khartoum government, stating that the LRA had retreated into areas under government control and that the Khartoum government did nothing to stop them or fight them as agreed in Nairobi Protocol<sup>6</sup> facilitated by the Carter Centre in 1999. In this protocol, both countries agree not to support armed groups fighting the respective governments.

The LRA even became active in areas outside of their 'home' Acholi land. This led to the creation of self-defence units in Northern Uganda, which became rather effective in fighting the LRA especially after being supplied with weapons by the government. They were never strong enough to really provide security though and at the same time raised concerns about the internal security of Uganda as most of the groups were made up of former adversaries of the government.

It was not only the northern part of Uganda that suffered a real decrease in security. The operation also had a devastating effect on the already very bad security situation in South

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<sup>4</sup> Report cross border conference on security in the border region of Congo, Uganda and Sudan, page 34; [www.ikvpaxchristi.nl](http://www.ikvpaxchristi.nl)

<sup>5</sup> Equatoria Defense Forces

<sup>6</sup> Agreement between the Governments of Sudan and Uganda, December 8, 1999  
<http://www.cartercenter.org/documents/nondatabase/nairobi%20agreement%201999.htm>

Sudan. The LRA started killing non-supportive Sudanese and the fighting forced thousands to flee to Juba because of insecurity.

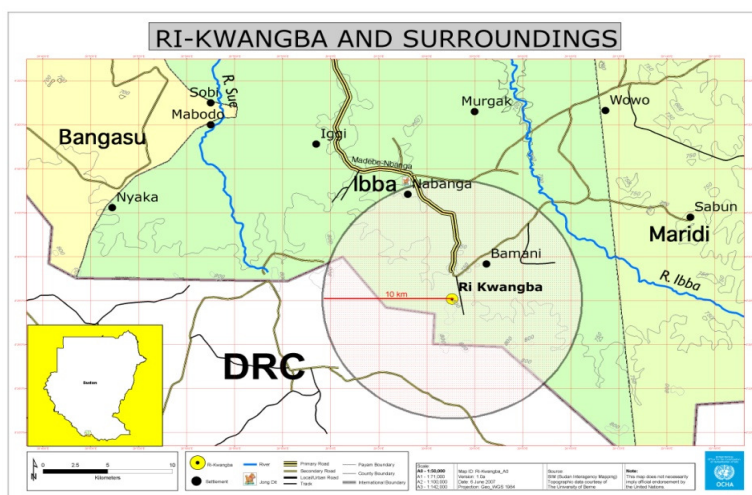
In addition to the attacks of the LRA, the people in Southern Sudan indicated that they were suffering enormously under the UPDF presence. In general, people feared the UPDF for its indiscriminate killing and harassment of people and say they did not see any positive reason for the UPDF to be present in Sudan.

In Februari 2006, the protocol under which the UPDF acted inside Sudan expired and was not renewed by the Sudanese government. The UPDF now has no legal right to stay in Sudan but they are still present. Reasons cited for their continued presence are the fact SPLM does not want to alienate a friendly neighbour as long as a war with Northern Sudan is still a real possibility. The LRA can be used as a pretext for continued UPDF presence in Sudan, possibly adding to a deterrence for a northern attack.

### THE JUBA PEACE TALKS

On 14 July 2006, peace talks between the LRA and the Ugandan government officially started under the auspices of the government of South Sudan. In the first Cessation of Hostilities Agreement it was agreed that LRA soldiers and the associated population would be gathered and encamped in Eastern Equatoria (Magwi County – Owiny-Ki-Bul) and in Western Equatoria (Ri-Kwangba) for the duration of the peace talks.

On 23 September of the same year the LRA delegation threatened to walk out of the negotiations, claiming that the UPDF had attacked their forces. It took until the 1<sup>st</sup> of November 2006 for the two parties to reach another consensus. The LRA was given a week to regroup at Owiny-Ki-Bul, and four weeks to gather at Ri-Kwangba. This agreement gave the LRA the opportunity to move to Congo as Ri-Kwangba is very close to the borders of Congo and the Garamba National park where parts of the LRA were hiding and living.



*Ri-Kwangba and surroundings'*

<sup>7</sup> OCHA map 1182

After a long and difficult process, the two delegations agreed on a Final Peace Agreement. All that was needed to finalize the agreement was for both Kony and for President Museveni to sign it. Various meetings were prepared to take place at Nabanga for the ceremony and signing of the Peace agreement by Kony. Kony failed to show up during these events, citing different logistical and physical problems but also signalling he wanted to understand more of the legal proceedings in light of the ICC warrants issued against him and the top leadership. This created serious doubts about his willingness to really end the conflict. When Kony again did not show at the meeting scheduled for April 10, 2008, it was unclear what the next steps of the process would be. At the same time reports of attacks and abductions by the LRA in DR Congo, South Sudan and CAR continued to appear.

On June 5, 2008 the LRA attacked the SPLA military base in Nabanga, killing 23 people and burning down several houses. This triggered the Ugandan Army to state they were now to go for a military solution. Southern Sudan vice-president Dr. Riek Machar, the chief mediator of the peace talks, described preparations for a joint military offensive against the LRA by Uganda, Sudan and the DRC as premature and wanted to give the peace process another chance. Protestors in Yambio, Sudan, asked for the government of South Sudan to reconsider its position as mediator and to ensure better protection of civilians.

After consultations between the LRA, the Office of the UN Special Envoy, the Government of Southern Sudan and the Government of Uganda, November 29th 2008 was set as the date for Kony's signing of the Final Peace Agreement. After Kony failed to turn up, yet again, on November 30, the pin finally dropped.

## HISTORY OF THE LRA IN THE DEMOCRATIC REPUBLIC OF CONGO

### FIRST MOVEMENTS OF THE LRA INTO DR CONGO

It was on September 18<sup>th</sup> 2005 that the LRA set foot on Congolese territory for the first time. They came from Southern Sudan, through the border town of Aba and were heading towards the Garamba National Park. Already a week later first contacts were established between MONUC and the LRA. Soon, the LRA settled nearby the Garamba Park which has always been a supply zone for various rebel groups by the Government of Khartoum<sup>8</sup>.

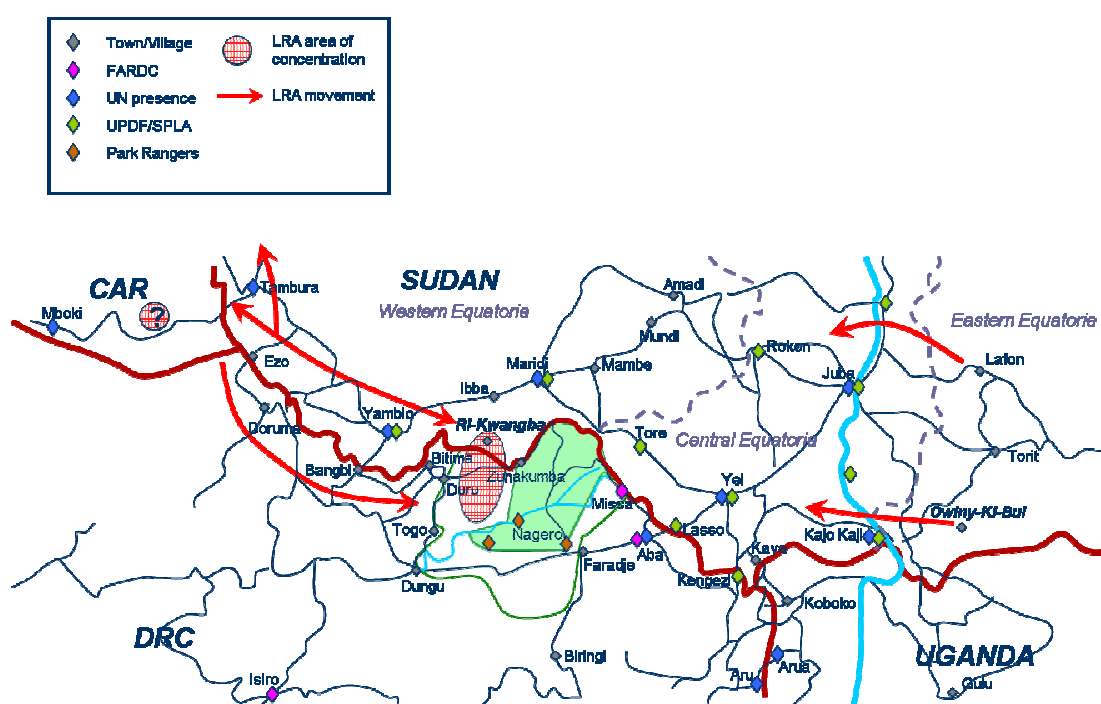


Figure 2: LRA movements 2005 and 2006<sup>9</sup>

<sup>8</sup> A number of Uganda rebel groups like the West Nile Liberation Front, the Allied Democratic Front, the Uganda National Rescue Front I and II as well as the Lord's Resistance Army have all received supplies from the government of Khartoum. These supplies were often delivered in or around the Parc the Garambe. See also Prunier 2004

<sup>9</sup> Source: report on the cross border conference on security in the border region of DR Congo, Sudan and Uganda



## SOCIO-GEOGRAPHICAL SITUATION OF THE TERRITORY OF DUNGU

Situated at 210 km from the town of Isiro, Dungu is one of the six territories that make up the District of Upper-Uélé (in the Eastern Province)<sup>10</sup>. This territory borders on the north on the Republic of Sudan (about 580 km border stretch) and the Central African Republic, to the east it borders on the territory of Faradje, to the west on the territory of Ango and Niangara and to the south it shares borders with the territories of Watsa and Rungu. Dungu counts a population of 224.586 inhabitants, covering a total geographical area of 32446 km<sup>2</sup><sup>11</sup> with a population density of 6,92 hab/km<sup>2</sup><sup>12</sup>. The territory of Dungu is inhabited by two major tribes, the Azande (making up more than 85%) and the Baka. Its local government is made up of 3 collectivities<sup>13</sup>. It should be noted that the Garamba National Park is situated in the Wando Collectivity and that it is in this Park that the LRA settled.



Figure 3: Dungu territory

The leadership (chieftainship) represented here at the grouping level is by far the most important in the social and administrative structure of the Azande. The indigenous authority is

<sup>10</sup> The administration in Congo is organized from country, to province to district to territories to collectivities to groupings (*groupement*) to villages and localities. Dungu is one of five territories of the District of Haut Uele which is one of the districts of the Oriental Province being one of 9 provinces. In this case a relatively low administrative level of territory is almost the size of the Netherlands.

<sup>11</sup> The Netherlands cover a geographical area of 41.528 km<sup>2</sup> of which water occupies 18,41%, therefore as a matter of fact Dungu covers more or less the same geographical area as the Netherlands.

<sup>12</sup> demographic statistics published in September 2008 by the Governor of the Eastern Province

<sup>13</sup> the Ndolomo Collectivity (17 709 inhabitants) subdivided into 7 groupings whose county town is Gangala, the Malingindo Collectivity (15 320 inhabitants) also subdivided into 7 groupings with Diagbe as County Town and the Wando Collectivity (191 557 inhabitants) with 28 groupings, Ngilima being the County Town.

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very well organized among the Azande and the Government, does not have much say in the chiefdoms. Territory and collectivity levels are less important and in practice only successfully operational with the consent of customary chiefs.

## A CHRONOLOGY OF THE LRA'S INVASION OF THE CONGOLESE TERRITORY

Between December 2005 and January 2006, following their invasion of the Congolese territory in September 2005, the LRA settled in the Garamba National Park, precisely in its western part, in its hunting reserve on the territory of Dungen.

In January 2006, a military operation was launched by the UN with Guatemalan Special Forces. This operation, which was supported by the West (especially the United Kingdom), was unsuccessful and resulted in the death of 8 Guatemalan United Nations Peace-keepers. Later on, the LRA launched several attacks in the Upper Uele<sup>14</sup> district. In February 2007 LRA elements started operating between their base in the Park (Lindimba) and the Central African Republic (CAR). These moves intensified<sup>15</sup> throughout 2007.

During the peace negotiations in Juba, a relative calm returned to the region, a period that the LRA used to reorganize itself and also to move the major part of its troops to DR Congo. The elements of LRA are mainly stationed in three main bases and some sub bases<sup>16</sup>:

- The Lindimba base: the oldest, situated 60 km east of Duru (90 Km North of Dungen) within the Bagbele collectivity. Kony supposedly lived in this base which was his Head Quarters.
- The Limbwele Base: situated about 25 km north of Kapili (75 km North West of Dungen) in the grouping TongoTongo, this base was established in April 2008, probably when the LRA knew that the DRC was to switch to an offensive. It decided to subdivide itself into several units in order to occupy a broader area and thus harden the task for the FARDC<sup>17</sup>.
- The Kiliwa base: situated two hours walking distance east of Kiliwa (45 Km North of Dungen), this is the most recent LRA base. Established in July 2008, the main objective of this base was to spy on the FARDC and MONUC bases. According to testimonies obtained from a survivor of this camp, this camp counted 300 LRA elements.

By the end of 2007, several incidents took place, especially the first attack on the Catholic Mission of Duru (15<sup>th</sup> -16<sup>th</sup> December 2007). In February 2008 a huge group of people (250-300) moved from their Lindimba base to the CAR. In March 2008, a group of about 100 people was

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<sup>14</sup> Information obtained from the MONUC; Please refer to the Report of the cross border conference on security in the border region of DR Congo, Uganda en Sudan, October 2008; [www.ikvpaxchristi.nl](http://www.ikvpaxchristi.nl)

<sup>15</sup> The Parish Priest of Duru regularly saw small groups of men and women of LRA moving fast by foot.

<sup>16</sup> Source : interviews with OCHA and civil society leaders

<sup>17</sup> Forces Armées de la République Démocratique du Congo

already reported to be moving towards the gold mine area of Sambia and was trying to find its way towards Watsa<sup>18</sup> and maybe even to Mongbwalu<sup>19</sup>. During the same period, yet another group abducted 120 people in the CAR, among them women and children. Moreover, almost all villages along the DRC-Soudan border were looted. The moves between their bases in DRC and that of CAR went on month after month.

During the months of January to September 2008, incidents, although rather small in scale, were constantly reported. In general, the population remained in their villages despite persistent insecurity.

From September 2008, the situation began to change substantially with simultaneous raids targeting Duru, Kiliwa, Bitima and other villages. For instance, the Parish of Duru was seriously affected by a raid on September 17 with the Missionaries house, schools and hospitals set ablaze. Even worse, a total of 161 pupils among whom 63 girls were abducted, and their fate remains unknown to this date. Around Duru they counted 113 dead bodies. This attack marked the beginning of a period of extreme violence. Besides the town of Duru, several other villages were also attacked<sup>20</sup>.

The security situation deteriorated day by day. The result was a near total depopulation of an area close to 10.000 km<sup>2</sup>. Other big villages were also assaulted<sup>21</sup>. From 31<sup>st</sup> November to 1<sup>st</sup> December 2008, these attacks reached the apex with the assault on Dungu. Thereafter, all the inhabitants of Dungu deserted the town. The LRA strategy of depopulating wide areas turned out to be efficient as half of the territory's population was displaced.

When one reads the reports compiled during this period by various sources, everybody thought that the worst had already happened, whereas, unfortunately, it was yet to come.

End of November 2008, the FARDC withdrew and closed down its bases in Ngilima and Kiliwa due to lack of logistic support. Early December, there was a general feeling of restored calmness and the population returned to the town of Dungu. On 15<sup>th</sup> December the UPDF deployed 300 Ugandan soldiers in the Dungu MONUC Camp and on this date the war reheated with a new dimension of hostilities.

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<sup>18</sup> Watsa harbors a big gold mine.

<sup>19</sup> Mongbwalu, located within the territory of Djugu (Ituri District) is the collectivity town of concession 40, the most important North Eastern gold concession.

<sup>20</sup> The localities of Kiliwa, Nambia, Bitima, Bayoto, Tongo-Tongo (Yakuluku Community), Gungu, Nambilo, (Ngilima Community), Nakpudu Community in Bangadi, Kitila, Limai, Nagonyo, Kakalika, Nakofu, etc. were attacked.

<sup>21</sup> Bangadi, Kana, Napopo, Li-Mayi, Nduga, Kpaika, Duru.

## OPERATION LIGHTNING THUNDER

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On Sunday 14th December 2008, operation Lightning Thunder commenced. According to the Ugandan president, the operation started a few hours later than planned by way of air strikes against LRA camps in Congo. The Ugandan air force made use of airfields in Congo and Sudan and attacked bases in Suke, Pilipili, Nyere, Garamba park and Bayoute, all in the Democratic Republic of Congo. According to press reports, infantry units followed from Dungu, Yambio, Iba, Yei and Maridi.

The operation is called a joint intelligence-led military operation, but is clearly led by the UPDF. The SPLA indicated it would not enter Congo to fight the LRA, but it would seal off the border and attack the LRA if it wanted to enter Sudan. The Congo army is supporting the combat operation and is supposed to seal off the southern side of the area. The CAR joined the operation but their contribution is merely symbolic.

The attack came to the surprise of many. Sudan's Vice President and Chief Mediator of the Uganda peace process, Dr. Riek Machar indicated that South Sudan had closed its borders. He stated that the mediators, including himself and the UN special envoy for LRA-affected areas Joachim Chissano, were informed just before the announcement was issued in Kampala. The Ugandan parliament complained that it was not informed about the operation and the use of the armed forces in a neighboring country. The Congolese parliament was also not informed beforehand and furious about it. Apparently neither MONUC nor UNMIS were informed beforehand.

Initially, the Congolese government allowed a period of one month for the UPDF to be present on Congolese soil. This mandate was extended until 6 February, after which a review would take place to determine the way forward.

Although the Ugandan military called the operation a success from the start and troops took control of what was left of the camps, destroying the food gardens that were set up in the vicinity, no casualties were found in the camps. It apparently took days for the ground forces to reach the camps after the bombardments, with president Museveni citing 'coordination challenges' like the distances and the bad weather. As part of the operation, leaflets were dropped, encouraging LRA combatants to surrender.

The entire operation bears a striking resemblance to operation Iron Fist of 2002. Again the UPDF did not plan well the protection of the population and went for an attack without carefully considering possible repercussions. Contradictory statements concerning the objectives of operation Lightning Thunder have been made, varying from crushing the LRA and eliminating or capturing the leader(s) to forcing the LRA to re-assemble and forcing Kony to sign the peace agreement<sup>22</sup>. Camps have been bombed, the LRA have split in smaller groups and attack and terrorize the population. Over the course of the operation, UPDF numbers have grown to 6000 soldiers. A New York Times article of February 6 2009, described US help in planning the military operation with a team of 17 advisers and analysts from the Pentagon's new Africa

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<sup>22</sup> Stated by the Ugandan state minister of Defense during a briefing on the action in parliament.

Command working closely with Ugandan officers on the mission, providing satellite phones, intelligence and \$1 million in fuel. The mission was authorized by president Bush.<sup>23</sup>

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## THE REACTION OF THE LRA

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For the people of Faradje and Dungu, the memories of Christmas 2008 will be those of a nightmare.. The LRA launched simultaneous attacks on the towns of Faradje, Doruma and Gurba. In Faradje over 140 people were killed and an estimated 160 children were abducted. In Doruma more than a hundred people were killed and an unknown number of people were abducted. The attacks continued the days afterward and several villages were attacked by small rebel groups. In two weeks' time the number of deaths rose to 700. The LRA attacks spread to the gold mine town of Watsa, where the Self-defense Unit<sup>24</sup> armed with guns stolen from the Police Station, killed two LRA elements in a direct exchange of fire.

Afterwards, the LRA scattered into small groups (often of about 5 members) and spread out over a wide territory<sup>25</sup>.

These attacks of the LRA are as awful as never seen before in DR Congo. Mass killing in a Church, killing for the sake of killing, killing to depopulate a whole area, shocking the most hardened people. Despite the fact that the LRA composition is now changing following their abductions of Congolese children, their tactic and strategy of terrorizing the population and not engaging into fights with regular armies remains unchanged. By mid January 2009, official estimates in DR Congo count 896 death, 711 people kidnapped among whom 540 children<sup>26</sup>. The number of IDPs is estimated at more than 130.000. In CAR at least a 120 people have been abducted and an unknown number killed. In Sudan various villages have been attacked killing more than 120 people and abducting an unknown number of people.

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<sup>23</sup> U.S. Aided a Failed Plan to Rout Ugandan Rebels, February 6, 2009,  
<[http://www.nytimes.com/2009/02/07/world/africa/07congo.html?\\_r=1](http://www.nytimes.com/2009/02/07/world/africa/07congo.html?_r=1)>

<sup>24</sup> For more information regarding the self defense unites see the paragraph "response of the population"

<sup>25</sup> The territory of Dungu, Faradje and the border zone of Soudan can be estimated as being twice the size of the Netherlands.

<sup>26</sup> Source: OCHA ([www.ochaonline2.un.org](http://www.ochaonline2.un.org)) ; ([www.rdc-humanitaire.net/spip.php?article1548](http://www.rdc-humanitaire.net/spip.php?article1548))

## THE RESPONSE TO THESE EVENTS BY SEVERAL DIFFERENT ENTITIES

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### THE RESPONSE OF THE CONGOLESE ADMINISTRATION

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The territory of Dungu was an area long forgotten by the national authorities, experiencing extremely low levels of economic development, even lower than the DRC average.. Its scattered population is extremely impoverished.

This situation is reflected in the Government's low level of action. It was only in January 2008, two years after the LRA pitched camp in the Garamba National Park, that the District Commissioner visited Dungu for the first time.<sup>27</sup>

From Friday 4<sup>th</sup> to Monday 7<sup>th</sup> April 2008, the Deputy-Governor of the Eastern Province led an official delegation to Dungu. He was accompanied by the Deputy Commander of the 9<sup>th</sup> command, the National Police's Provincial Inspector, the Provincial Director of the National Intelligence Services and the Upper – Uele District Commissioner. However it appeared that their agenda was evolving around the Mbororo issue in the Upper and Lower Uele districts. At the end of his visit, the Provincial Authority declared that the Provincial Government had committed itself concerning the Mbororo issue to taking a census, identifying, and grouping and finally finding a lasting solution as soon as possible<sup>i</sup>. With regard to the issue of the LRA, the Provincial Authority declared that the Provincial Government would follow the progress of the Juba negotiations.

Finally, on the 30<sup>th</sup> of October 2008 the Governor visited Dungu and thereafter, on the 8<sup>th</sup> of November 2008 the Prime Minister followed suit. The Eastern Province's Deputy-Governor came back to Dungu town on the 7<sup>th</sup> of January 2009 and expressed his deep concern over the situation. The population demanded a new strategy from the Government.

After the start of operation Lightning Thunder, the Congolese Parliament was furious because it was not aware of the agreement with Uganda and Sudan. The presence of UPDF on Congolese territory is a sensitive issue, as the UPDF occupied the major part of the District of Ituri (bordering Upper Uele) for two years during the last war, they were heavily involved in the looting of natural resources of the region<sup>28</sup> and Uganda has been judged by the International Court of Justice for its involvement in DR Congo.

The Police Force in Dungu territory is weak and suffers greatly from understaffing. Currently, the Police's presence is only limited to Dungu and Duruma. Insignificant in number, the Police are

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<sup>27</sup> In fact it is a remarkable example of how local government functions in rural DR Congo that with or without the presence of the LRA a District Commissioner visits at most once every two years the few territories under his administration.

<sup>28</sup> The UN Panel on the Illegal Exploitation of DRC's Natural Resources stated that the UPDF was guilty of creating 'the conditions that require the presence of troops' and that 'UPDF military operations have contributed to the arming of large numbers' (United Nations, 2002). The International Court of Justice found Uganda guilty of looting Congo's timber, gold, diamonds and coltan.

estimated to count somewhere in between 6 and 40 enrolled policemen in Dungu. Other special Government Departments are either inefficient or inexistent.

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### THE RESPONSE OF THE DR CONGO ARMED FORCES (FARDC)

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With the aim of securing the territory of Dungu, the FARDC has deployed three battalions in Dungu since July 2008: one battalion drawn from the First Artillery Brigade and two from the Republican Guard. The FARDC was to protect the local population and the Republican Guard was to cordon the LRA so as to force them to sign the Peace Agreement. In October 2008, the FARDC launched the Rudiya military operation; close to 2000 FARDC soldiers were deployed at Dungu centre. They were deployed in Dungu, Kiliwa and Ngilima. At the end of November, their equipment was yet to arrive and they had to leave Kiliwa and Ngilima due to lack of logistical support.

Long before that, in 2006, a commando battalion had been deployed in Aba, the town situated on the Congo-Sudan border and close to Uganda. This battalion was deployed after the LRA's invasion of the DRC territory through the area of Aba. However, the agenda of this battalion seemed to be centered around the eventual intrusion of neighboring armed forces, especially the UPDF. On several accounts these commandos engaged in battles with UPDF groups on Congolese territory. Despite the LRA presence nearby, no action was taken against them although the commando's mere presence may have added to curbing the LRA's eventual aggression.

All in all, over the years 2006, 2007 and up to mid 2008, the population, left to its own fate, saw no forthcoming help from the government.

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### THE MONUC'S RESPONSE

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The most significant MONUC intervention undertaken by Guatemalan Special Forces dates back to 2006. This operation was not successful and 8 Guatemalan United Nations Peace Keepers were killed. Later on, in July 2007, MONUC took up the initiative to create a base in Dungu and initiate the Airport's rehabilitation in view of an eventual military intervention in case of an emergency. Estimates of their numbers vary between 200 and about 350 men<sup>29</sup>, among them Moroccans, Indonesians and Uruguayans and mostly belonging to the engineer's squad. Subsequently, their fighting capacity is very limited. One clear illustration of this limited capacity is the delayed evacuation of OCHA office during the November 1<sup>st</sup> attacks. OCHA, a United Nations Office, was a major target of the LRA attack on the 30<sup>th</sup> October/1<sup>st</sup> November. OCHA called for an escorted evacuation which only came 24 hours later, after the LRA had already withdrawn.

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<sup>29</sup> All interviews in November 2008 indicated around 350; In a pres statement February 6 2009 the special representative of the secretary general Mr. Doss said they were only between 200 and 220.

By November 2008, the MONUC's military unit which was expected to support the FARDC was yet to land in Dungen. In January 2009, MONUC decided to reinforce its capacity, adding one combat helicopter and one transport helicopter, mostly to support the FARDC.

The population perceives MONUC's presence as insignificant and does not seem to understand its mission. Generally speaking, the people do not agree with MONUC's passiveness. Some accuse the MONUC of collaborating with the LRA.

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### THE RESPONSE OF THE CONGOLESE POPULATION<sup>30</sup>

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The population's stand was very hostile towards the Government and the MONUC. Right after the events of Duru, on 25<sup>th</sup> September 2008, a series of mass rallies took place in Dungen and other towns of the territory like Bangadi, where the population voiced its total lack of confidence in the government, in the FARDC and in the MONUC and demanded their immediate withdrawal. At some point, the OCHA office was looted.

Only days later, on the 6<sup>th</sup> of October 2008, after intense mediation, civil society organizations signed an act of commitment; a genuine social pact assuring peaceful operations to humanitarian officers and MONUC in Dungen. This cooled the tension between the population and the international community. However this ease of tension remains very fragile.

#### *Self defense Units*

Self -defense Units root back to the second Congolese war (2000)<sup>31</sup>, which explains their establishment everywhere in a short period of time, right after last September's events. The idea of taking up self-defense was launched on 26<sup>th</sup> September 2008, a day after the 25<sup>th</sup> September mass action, during a meeting held with the Chief of the Wando Chiefdom and close to 2000 people. Ever since, many more self-defense groups have emerged. The legitimacy of these groups is inherent to that meeting and they consider themselves as an emanation of the indigenous authority. The groups possess firearms (12 bore) and crude weapons, all essentially hunting weapons.

The establishment of self-defense units comes as a response to the community's security requirements and was obviously triggered by the lack of adequate national responses. The first unit was that of Bangadi, which was formed or revived right after the September incidents. It is also the most vigilant group. As early as October 8<sup>th</sup> they attacked the local police station and took the few firearms available before chasing away the Police. Later on, they pushed back LRA elements and killed some of them. Several sources indicate that the Bangadi self defense unit has also received weapons from the SPLA.

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<sup>30</sup> This paragraph is based on 15 interviews with OCHA, territorial administration, churches, women groups and self defense units

<sup>31</sup> Territorial Chief Coordinator of self-defense units



Ever since then, these self-defense groups have known a rapid expansion in the region keeping up with the threats of LRA attacks. Bangadi, Dungu and Ngilima Units were next to organize themselves. Dungu town counts three quite diversified self-defense groups: the locality of Dungu-Uye counts 66 youths in its group, while those of Dungu-central and Dungu-Bamokandi count, respectively, 22 and 67 youths. In general, we can assume that they are present all around the area claimed by the LRA.

Essentially made up of idle youths aged between 18 to 35 years, these groups receive some recognition from the public authority at the national, provincial and grassroots levels, adding to their legitimacy. Upon arrival, the FARDC recognized that the self-defense group's actions, though carried out with their poor means, were nevertheless efficient. Hence they took interest in them and began to involve them in some of their actions.

When the Prime Minister visited Dungu and decided to fund these self-defense groups, a need of coordination for all the recognized self-defense groups became evident. The local leader of the Uye self-defense group, who had received the money left by the Prime Minister and had been mandated to evenly distribute it among the groups, was appointed chief coordinator of all the groups. Indifferent to this unilateral appointment, the other groups have recognized the Uye leader as their coordinator.<sup>32</sup>

Since then, it is required for every grouping (*groupement*) to organize self-defense groups and forward activity reports to the territorial coordination office. Often, these groups are presided over by members drawn from the said "ruling" families. This implies that even though the establishment of such groups does not follow express orders of an indigenous Chief, they are neither unknown nor hostile to him. According to some, the formation of a self-defense unit all started with youth who formed self-defense groups once they became aware of the precarious state of the security. They then introduced themselves to the chief for recognition and authorization to operate in all legitimacy. Looking at the Bangadi self-defense group achievements, other indigenous chiefs have since then called for the establishment of such groups on their territory. However, there are cases whereby such groups remain autonomous from the indigenous<sup>33</sup> authority. The self-defense units themselves claim that they do not have a direct link with the indigenous authorities. Their activities essentially entail patrols and close protection of some entities considered vital and perceived as vulnerable to gang raids such as those of the LRA. Apparently, their strength lies in the fact that most of them are hunters. Subsequently, they have an amazing accuracy of aim and make effective use of bullets. On several occasions, incidents occurred between the government and the self-defense units. On October 8<sup>th</sup> 120 activists raided a police station in Bangadi. In Ngilima, the self-defense group attacked four policemen from Bitima. The Commander was seriously injured and they took four firearms. In Watsa the self-defense unit also attacked the police station and took the weapons. In several instances, they killed LRA elements who surrendered instead of handing them over to the police, FARDC or the MONUC. Recently, an incident was reported that a self-defense unit had organized a road block and did not allow a humanitarian convoy to pass.

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<sup>32</sup> The territorial coordinator of the self defense units is Mr Dalafata Gbela, Chief Territorial Coordinator of self-defense groups and Leader of Dungu-Uye self-defense Unit, former Chief of the Bunga Grouping and former Neighborhood representative of Dungu-Uye

<sup>33</sup> E.g. the town of Ngilima

The relationship between the authorities, the FARDC and the police and self-defense units is an ambiguous one. There is no doubt about the existence of a certain level of collaboration between them. The self-defense units often know the area much better than the army. The self-defense units often play the role of pathfinders for the FARDC. The fact that the FARDC conducts joint patrols with the self-defense groups has a positive impact on the former's behavior. Their existence is recognized by everyone, to the extent that the Prime Minister even availed them with funds. On the other hand, there seems to be an ambiguous stance by the self-defense units towards the national security services as on various occasions they chased away, wounded and robbed them. For the local administration it is a matter of mutual respect, comparable to the way in which the Territory Administrator is bound to collaborate and respect the Azande Indigenous Chiefs.

Due to the FARDC and the NCP (National Congolese Police) weaknesses, the groups themselves argue that the government should consider them as an alternative protection force for the population. According to the Territory Coordinator, to be more efficient, self-defense groups ought to be recognized, organized and motivated. Groups training and capacity building programs should be considered. So as to sustain their self-defense activities, the groups expressed the need for acquiring self-defense tools and equipments, logistics and communication means, undergoing training and being motivated.

Over the past period their actions have contributed positively to the security of the communities, increasing: safety of people and their properties, sensitizing the people on matters concerning the security of the community and improving the collaboration with the FARDC. In addition, they managed to drive back the LRA in four areas: Bangadi, Napopo, Bangbi, Kana and most recently Watsa.

Though they enjoy legitimacy, it is generally agreed among all stakeholders that the self-defense groups should be integrated in the national security services to prevent them from becoming a threat to the communities in the future. The Chief Territorial Coordinator of the self-defense group fears that the government's failure to drive out the LRA from the Congolese soil may lead to the formation of a well structured armed group in the region.

## THE SOUTHERN SUDANESE RESPONSE

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In the weeks following the start of operation Lightning Thunder, the people of Western Equatoria had to face the terror of the LRA again. In an attack carried out near Mboroko Payam, two miles South of Maridi town, the LRA killed over 40 people, abducted an unknown number of people and forced thousands to flee the area. In a separate attack at Payam Tore Wandu (Mundri West County) between 1st and 9th January 2009, the LRA abducted 13 people and burned houses. On January 7, they attacked Bangolo where four people were killed, ten people were abducted and shops and the health centre were looted. By January 2009, 7000 Congolese fleeing the LRA had sought refuge in Western Equatoria State, with the highest concentration of them being hosted in Gangura, Yambio Town and Sakure. In addition, a cumulative total of 22,527 Sudanese were displaced by the LRA attacks in Southern Sudan.

Right after the start of the operation, the governor of Central Equatoria state, Major General Clement Wani Konga, warned of imminent attacks by the LRA in Equatoria and asked the SPLM State Liberation Council to mobilize the citizens to fight back if the rebels would carry out revenge attacks in Equatoria region.

Governor Jemma Nunu Kumba of Western Equatoria state also publicly asked the people in her state to organize themselves. In addition, she requested GOSS to pave way for the formation of arrow boys and security guards, as village vigilantes. Young men have taken up the call to defend themselves and are arming themselves with clubs, spears, machetes, and arrows.

Western Equatoria State sent a delegation to Juba and proposed the establishment of a local security unit, alongside the SPLA, to fight the LRA together.

Vice President Machar has rejected the pleas concerning arming civilians, as it contradicts the government policy of disarming the population of Sudan. The SPLM deputy secretary general voiced extreme caution on arming civilians, citing negative security repercussions. This is most probably linked to the very tense relationship between different groups within the states of Equatoria, especially Azande versus Dinka in this context.

In his reaction after the start of the operation, Dr Riek Machar, later followed by the Sudanese parliament, indicated that if the LRA were willing, they are still and again welcome to re-assemble in the Ri-Kwangba area in order to sign the peace agreement.

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## THE UNMIS RESPONSE

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UNMIS is tasked with supporting the implementation of the Comprehensive Peace Agreement. UNMIS is also tasked with facilitating the voluntary return of refugees and displaced persons; providing demining assistance; and contributing towards international efforts to protect and promote human rights in Sudan. In a reaction to the Operation and the LRA incursions, the area of Western Equatoria was declared security Level 4, slowing all aid and reconstruction efforts down by demanding armed escorts of convoys, and pulling back non-essential staff.

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## THE INTERNATIONAL COMMUNITY'S RESPONSE

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Former Mozambican president Joaquim Chissano, UN special envoy to LRA Affected areas, urged the Security Council to throw its weight behind the military offensive. A statement by the President of the Security Council was issued on 22 December 2008. It supports the military offensive and calls upon the states to act in accordance with international humanitarian, human rights and refugee law and to take appropriate measures to protect civilians. At the same time it invited the LRA to still sign the peace agreement.<sup>34</sup>

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<sup>34</sup> Statement by the President of the Security Council of 22 December 2008. S/PRST/2008/48

## PERSPECTIVES AND CONCLUSIONS

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The humanitarian situation in the region affected by the LRA is dramatic. In Congo over a 130.000 people are internally displaced, 896 killed and 711 people abducted, among whom 540 children<sup>35</sup>. As far as we know, more than a hundred people among whom children have been abducted in the Central African Republic and an unknown number have been killed. In Sudan over a hundred people have been killed, over 60 people abducted and 30.000 people have fled their homes.

Both in DR Congo and in Sudan people have organized self-defense units. This is an understandable response but bears serious risks for the future if not handled well. On both sides of the border the population consists of Azande who are organized in strong chiefdoms. In connection with the self-defense units, this means that it will be even more difficult for governments to restore their authority in the future. On the Congolese side of the border, many customary chiefs have fled the area and are residing in Isiro. This implies that in many places the self-defense units have become the sole authorities.

The current operation Lightning Thunder has a remarkable resemblance with operation Iron Fist of 2002. The latter resulted in the scattering of the LRA in small combat units, while staging brutal attacks on the population. Up to now operation Lightning Thunder has the same effect. The UPDF recently declared that they had killed in total around 40 LRA combatants. A sad result if we look at the more than 1000 civilians killed and more than 870 abducted in the same period.

The area of operation of the LRA is extreme in its remoteness. On both sides of the border, the local administration has very limited capabilities. Infrastructure is almost absent; there are barely any roads.<sup>36</sup> The total area now under influence of the LRA is estimated to be around 50.000 km<sup>2</sup>. The LRA has proven, again, to be a highly efficient armed group, capable of planning and executing simultaneous attacks over a vast stretch of territory. They are currently repeating the strategy, which they used - effectively - during Operation Iron Fist.

The configuration of the LRA is changing. With over a thousand people from DR Congo, Sudan and CAR abducted we can expect half the foot soldiers not to be Acholi<sup>37</sup>. However, it is not likely that the changed composition of the fighting force has changed or will change in the near future the leadership.

Operation Lightning Thunder made the LRA split up in very small groups, making it difficult to attack them. The area under their influence is much larger than before. Their movements stretch from the CAR up to northern Uganda. The LRA seem to have been preparing an escape to the CAR for the last two years

There are converging political, military and economic interests in the region. Uganda has a history of looting resources in north eastern Congo. In this respect, it is important to note the

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<sup>35</sup> Figures of end of January 2009

<sup>36</sup> The road from Duru to Yambio for example is only passable by bicycle.

<sup>37</sup> The past decade many abducted Sudanese already became fighters of the LRA.

proximity of the gold mines of Watsa from the area where the UPDF are now operating. Elements in the Khartoum government still have an interest in destabilizing southern Sudan in light of the coming referendum on self determination. The LRA can be used as a proxy force for this purpose.

## POSSIBLE SCENARIOS

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With the start of operation Lightning Thunder, a new reality is created. It effectively ends what was left of the Juba peace process although it cannot be excluded that increased military pressure may lead to the signing of the peace agreement

The following scenarios emerge from the current situation:

1. *Surrender scenario*: The military operation is successful in that different commanders and their troops surrender to one of the national armies or the MONUC. The LRA loses its strength or ceases to exist.
2. *Peace agreement scenario*: In his reaction after the start of the operation, Dr Riek Machar indicated that the LRA is still welcome to re-assemble in the Ri-Kwangba area in order to sign the peace agreement. Taking into account the earlier responses from the LRA leadership the ICC warrants will need to be re-considered. It will be necessary for the Security Council to request the ICC to postpone the warrants, thereby giving a chance to the judicial arrangements agreed upon in Juba. This scenario is not very likely in the short term, but can become realistic again after all military options have failed.
3. *Arrest scenario*: Special Forces of the highest quality with state of the art intelligence capabilities and equipment execute a surgical operation to arrest Kony and the senior leadership. After the operation, the regional forces deal appropriately with the remaining combatants. The assumption is that this may lead to a rapid disintegration of the LRA with the majority of the force surrendering. The question arising from this option is which country or countries will provide the necessary special forces, support and intelligence.
4. *Muddling through scenario*: The current situation is prolonged, regardless of the question if the UPDF continues to stay in DR Congo. The LRA continues its raids resulting in enormous suffering of the local population. This will very likely lead to further and extensive arming of self-defense units. It may also lead to an increase of interests of UPDF and FARDC in the gold area of Watsa and a need for armed escorts of humanitarian convoys, effectually commercializing the war. The LRA will continue to pose a threat to the security of the people in DR Congo, Sudan and CAR; it will continue to be a force of destabilization of South Sudan, endangering the full implementation of the Sudanese Peace Agreement as well as adding to the explosive mix of armed movement in the Central African Republic and in DR Congo.

From a humanitarian and human security perspective the muddling through scenario will be disastrous and will lead to a continuation of many civilians being killed or abducted. The Peace Agreement scenario would be preferred as it builds upon the Juba Peace Process making a peaceful outcome more sustainable. A second best scenario would be the arrest scenario, effectively executing the warrants of the ICC. This scenario should focus on arrest and should

not entail extra-judicial killing as this would encourage politically motivated liquidations, executions without trials and therefore killing outside the boundaries of any legal framework.

## RECOMMENDATIONS

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Next to these scenario's a number of recommendations can be made:

1. The regional forces present (FARDC, UPDF and SPLA) with support of the MONUC should first and foremost assure the protection of the population in the affected region before further attacking the LRA.
2. The LRA has transformed from a Ugandan problem into a regional problem. This requires improved international coordination. An international contact group should be established, composed of the four countries directly involved in the military operation (Uganda, DR Congo, Sudan and CAR), the United States, the United Kingdom, France and the UN envoy for the LRA affected areas as well as the UN envoy for the Great Lakes, the AU envoy and the EU envoy. This international contact group should discuss and assure a sustainable regional peace strategy and coordinate all efforts accordingly. It should be stressed that the first three scenario's are all somehow sustainable, only the "muddling through" scenario should be avoided at all costs. Preference at this stage should be given to the arrest scenario which allows for justice to be done.
3. (Future) DDR programs should engage the self-defense units offering a new perspective either in the military forces or in civil life as to avoid their evolution into new militia groups. A process of listing names and identities should be started immediately.
4. All non military elements of the Juba peace agreement should be unilaterally executed by Uganda with support of the international community, especially the Agenda Item 2: Comprehensive Solutions to the War. The international community can monitor the proposed fast tracking of recovery programmes and the implementation of the Northern Uganda Peace Recovery and Development Plan (PRDP) including a re-stocking programme<sup>38</sup>
5. Civil society should take initiatives for cross border monitoring and joint lobbying, for community security initiatives in LRA affected areas and for joint initiatives of churches and civil leaders from the three countries.

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<sup>38</sup> Juba Peace Agreement Agenda Item 2: Comprehensive Solutions to the War Agenda Item 2 Implementation Protocol

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