



# The Lord's Resistance Army: The U.S. Response

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## Summary

The Lord's Resistance Army (LRA), led by Joseph Kony, is a small, dispersed armed group in central Africa that originated 24 years ago in Uganda. It has drawn the attention of Members of Congress and other U.S. policymakers due to its infliction of widespread human suffering and its potential threat to regional stability. The group is infamous for its brutal attacks on civilians and mass abductions of children. Despite its Ugandan origins, the LRA currently operates in remote regions of the Democratic Republic of Congo, the Central African Republic, and South Sudan. When the LRA was based in northern Uganda, the United States provided humanitarian relief and aid for reconciliation and recovery in the war-torn region. As the LRA has moved across central Africa, the United States has taken a more active role in countering its impact. Since 2008, the United States has supported regional operations led by the Ugandan military to capture or kill LRA leaders. The United States has also extended humanitarian aid, pursued regional diplomacy, and pushed for "early-warning" systems and multilateral programs to demobilize and reintegrate ex-LRA combatants. U.S. involvement has been spurred by human rights advocacy and by Uganda's role as a regional security partner of the United States. The LRA is on the State Department's "Terrorist Exclusion List," and Kony is a "Specially Designated Global Terrorist." Draft legislation before the 112<sup>th</sup> Congress includes H.R. 895, H.Res. 465, S. 1601, and S. 1867.

In May 2010, Congress enacted the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act (P.L. 111-172), which required the Obama Administration to submit to Congress a "strategy" to "guide future United States support ... for viable multilateral efforts to mitigate and eliminate the threat to civilians and regional stability" posed by the LRA. The Administration's policy response, submitted in November 2010, stresses the protection of civilians, the "removal" of top LRA commanders, the promotion of LRA desertions, and the provision of humanitarian relief. On October 14, 2011, the President reported to Congress, "consistent with the War Powers Resolution," that he had authorized the deployment of approximately 100 U.S. armed forces to serve as advisors to "regional forces that are working toward the removal of Joseph Kony from the battlefield." The report emphasized that the deployed personnel "will only be providing information, advice, and assistance to partner nation forces, and they will not themselves engage LRA forces unless necessary for self-defense." The Administration has portrayed this decision as consistent with congressional intent as expressed in P.L. 111-172 and subsequent consultations.

The U.S. approach to the LRA raises a number of issues for policymakers, some of which could have implications far beyond central Africa. A key question, for some, is whether the response is commensurate with the level of threat the LRA poses to U.S. interests, and whether the deployment of U.S. military personnel could lead to unintended consequences. More broadly, decisions on this issue could potentially be viewed as a precedent for U.S. responses to similar situations in the future. Other issues for Congress include the timing and rationale for U.S. action; the role and likely duration of U.S. deployments in the region; the benchmarks for success and/or withdrawal of U.S. forces; funding levels for counter-LRA activities and for potential future humanitarian aid and related commitments; and the relative priority of counter-LRA activities compared to other foreign policy and budgetary goals. Other possible policy challenges include regional militaries' capacity and will to conduct U.S.-supported operations, and these militaries' relative level of respect for human rights. Congressional oversight may also focus on the appropriateness of the Administration's LRA policy approach, as outlined in November 2010; the status of its implementation; interagency coordination; and the role of other donors.

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## Overview and Key Questions

The Lord's Resistance Army (LRA) is an armed group that originated in northern Uganda 24 years ago but has operated since 2006 in the remote border areas between the Central African Republic (CAR), Democratic Republic of Congo (DRC), and South Sudan. Led by Joseph Kony, its numbers are tiny, but its actions, which include massacres, mass abductions, sexual assault, and looting, have caused significant human suffering and instability (see "Background on the LRA" below). These atrocities have unfolded in a region marked by other complex security and humanitarian challenges. The repeated failure of regional and multilateral efforts to end the LRA and address its impact led some U.S. policymakers, including Members of Congress, to call for greater U.S. action. In May 2010, Congress passed the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (P.L. 111-172; "the Act"), which states that it is U.S. policy "to work with regional governments toward a comprehensive and lasting resolution to the conflict," and authorizes a range of U.S. humanitarian, security, and development responses. The bill, which followed more than a decade of congressional activity related to the LRA (see "Previous Legislation" below), passed with 201 House cosponsors and 64 Senate cosponsors.<sup>1</sup>

On October 14, 2011, the Obama Administration announced the deployment of about 100 U.S. military personnel to central Africa to act as advisors in support of regional military efforts to capture or kill senior LRA leaders. They are likely to focus these support efforts on the Ugandan military, known as the UPDF (Ugandan People's Defense Force), to which the United States has provided significant logistical support for counter-LRA operations beyond its borders since late 2008. Continued U.S. support to these UPDF operations has contributed to, and been justified by, the Obama Administration's view of Uganda as a key regional security partner. Several governments in the region and a number of human rights organizations have welcomed the Administration's decision to deploy U.S. advisors. Some Members of Congress have praised the decision, while others have questioned it. Initial congressional reactions appear to have been shaped, in part, by the nature of executive consultations with the legislative branch related to the use of force in Libya in early 2011, in which the Administration contended that congressional approval was not constitutionally required (see "War Powers Resolution" below).

The Administration and some Members have portrayed the counter-LRA deployment as consistent with congressional intent as expressed in P.L. 111-172, and in subsequent consultations. The President stated that "there has been strong bipartisan support and a coalition ... who have said it is an international obligation for us to try to take [the LRA] on."<sup>2</sup> While the Act does not specifically authorize U.S. troop deployments, it directs U.S. policy to provide "political, economic, military, and intelligence support for viable multilateral efforts ... to apprehend or remove Joseph Kony and his top commanders from the battlefield." The Administration's approach to the LRA, submitted to Congress in November 2010 as required under the Act, is organized around four broad objectives that closely respond to provisions of the legislation, including "apprehend or remove from the battlefield Joseph Kony and senior commanders" (see "P.L. 111-172: Impact and Implementation" below, for further discussion).<sup>3</sup>

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<sup>1</sup> The bill passed with unanimous consent in the Senate, and on a motion (agreed to by voice vote) to suspend the rules and pass the bill in the House.

<sup>2</sup> ABC News, "Exclusive – President Obama Talks About Sending Special Forces to Uganda," October 18, 2011.

<sup>3</sup> White House, *Strategy to Support the Disarmament of the Lord's Resistance Army*, submitted to Congress on November 24, 2010; henceforth, *LRA Strategy*.

More broadly, the Administration has expressed a commitment to preventing and responding to “mass atrocities,” including in its 2010 National Security Strategy and a Presidential Study Directive (PSD-10) issued in August 2011.<sup>4</sup>

Regional governments, United Nations (U.N.) agencies and missions, the African Union, and others have devoted resources to responding to the LRA, and the U.N. Security Council has recently called for greater international engagement on the issue.<sup>5</sup> The United States, however, has been the main donor to have taken a lead role in facilitating regional military operations. Many analysts believe that a “decapitation” strategy—that is, one focused on removing the top 5 to 10 LRA commanders—is necessary and perhaps sufficient to defeat the LRA.<sup>6</sup> Still, it is difficult to assess whether such an approach would work, or if certain factions could retain internal cohesion, others could assume leadership in a power vacuum, or combatants could turn to new forms of violence. Additionally, although the UPDF is regarded as the most effective of the regional forces active in counter-LRA operations, some observers have questioned its capacity and commitment. Indeed, the governments of LRA-affected countries in central Africa each face other, arguably more vital, priorities with regard to their domestic security and to each other.

U.S. policymakers and observers who follow the activities of the LRA agree that it is a vicious, brutal group that has wreaked great human suffering across an impoverished swath of central Africa. They also agree that efforts by local governments and multilateral entities in the region, including two U.N. peacekeeping missions, have been insufficient to end the LRA’s humanitarian toll. Where some disagree, however, is over the extent to which the LRA poses a threat to core U.S. interests, if at all, and over the appropriate level and tactics of the U.S. commitment. Key questions, some of which could have implications far beyond the LRA itself, include:

- What is, or should be, the relative priority of counter-LRA activities compared to other foreign policy, national security, and budgetary goals? What is the impetus for U.S. action, when compared to other security and humanitarian issues?
- What is the appropriate level of funding for LRA-related activities, both military and non-military?
- What is the role and likely deployment duration of U.S. forces in the region? What are the benchmarks for success and/or withdrawal of U.S. forces?
- Are the elements of the Administration’s approach to the LRA coherent, realistic, consistent with congressional intent, and likely to end the threat posed by the group? What more, if anything, should be done to advance civilian protection, support the demobilization and reintegration of LRA combatants, provide humanitarian aid, and achieve other goals laid out in P.L. 111-172?
- To what extent, given U.S. support, are regional militaries willing and able to defeat the LRA? What is the likely impact of a “decapitation” approach on the LRA’s activities and the humanitarian situation in affected areas?
- What are the potential unintended consequences, if any, of U.S. support to the Ugandan military, in terms of regional relations and U.S. diplomatic influence?

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<sup>4</sup> White House, “Fact Sheet: Obama Directs New Steps to Prevent Mass Atrocities,” August 4, 2011.

<sup>5</sup> U.N. document S/PRST/2011/21 [Presidential Statement], November 14, 2011.

<sup>6</sup> Kenneth Roth/Human Rights Watch (HRW), “A Plan B for President Obama: Get Tough on Human Rights,” *Foreign Policy*, October 12, 2010.

**Figure I. Primary Areas of LRA Activity in Central Africa**



**Source:** ReliefWeb, altered by CRS.

**Note:** The LRA has also been active west and north of Haut-Mbomou in CAR, and north of Western Equatoria in South Sudan. In 2010, LRA members reportedly traveled as far north as Darfur, Sudan.

## Background on the LRA<sup>7</sup>

The LRA emerged in northern Uganda in 1987, the year after Yoweri Museveni, a rebel leader from southern Uganda, seized power, ending nearly a decade of rule by northerners.<sup>8</sup> Following Museveni's victory, Alice Lakwena, an Acholi spiritual leader, emerged as a key figure among northern rebel factions seeking to overthrow the government. Lakwena's Holy Spirit Movement (HSM) was defeated by the Ugandan military in 1987, and Lakwena fled to Kenya. Joseph Kony, a reported relative of Lakwena then in his early 20s, emerged and laid claim to Lakwena's legacy.

<sup>7</sup> See also CRS Report RL33701, *Uganda: Current Conditions and the Crisis in North Uganda*, by Ted Dagne.

<sup>8</sup> For background on north-south tensions in Uganda, see e.g. Ogenga Otunnu, "Causes and Consequences of the War in Acholiland," Conciliation Resources, 2002.

Kony's LRA began to target civilians in northern Uganda and sought support and protection from the government of Sudan (see "Sudan and the LRA" below). In the late 1980s, the Museveni government recruited Acholis into government-backed civilian defense forces, which led to escalated LRA attacks against Acholi civilians and contributed to deep distrust between the government and northern communities.

Some analysts contend that President Museveni initially had little interest in defeating the LRA, either because his administration and the UPDF were able to exploit the conflict for political and economic gain, or because the conflict was perceived as a way to further marginalize the Acholi population, which prior to Museveni had dominated the Ugandan armed forces since the colonial period.<sup>9</sup> Others, however, dispute this interpretation and point to the Ugandan military's eventual success in pushing the LRA out of the country. Since 2006, the Ugandan military has prevented the LRA from operating inside Uganda, and LRA leaders have shifted their focus to South Sudan, the DRC, and CAR. The LRA's current area of activity is vast, roughly equivalent in size to the state of California,<sup>10</sup> and characterized by an extremely minimal government influence and a very limited international humanitarian presence. LRA factions appear to be constantly on the move.

The LRA has periodically laid out vague political demands, and in some ways its emergence and duration in northern Uganda can be understood as a product of long-standing northern grievances against southern political domination and economic neglect. The LRA's early endurance was also fostered by proxy struggles between regional powers, notably Sudan and Uganda. Yet the group does not have a clear political or economic agenda, and its operations appear to be motivated by little more than the infliction of violence and the protection of senior leaders.<sup>11</sup> The LRA has a cult-like dimension: Kony claims to receive commands from traditional spirits, and has also at times cloaked his rhetoric in Christian and messianic terms. LRA commanders are infamous for mutilating and brutally killing their victims, and they rely on the mass abduction of children, who are subsequently brutalized and forced to commit atrocities, to replenish their ranks.

The LRA's numbers have reportedly greatly declined in recent years, from thousands of fighters in the late 1990s and early 2000s to a reported several hundred, traveling on foot and equipped with small arms. They travel in small bands, along with hundreds of former abductees who are forced to act as porters, scouts, sexual slaves, and potentially junior fighters. While senior positions appear to remain in the hands of Ugandan Acholis, the group's lower ranks presumably increasingly reflect other ethnic groups from affected areas of CAR, DRC, and South Sudan. The level of command and control linking LRA leaders to each other and to the fighters they oversee is uncertain, and little is known about the ties that bind the network together.

LRA fighters nevertheless continue to inflict significant atrocities against civilian communities. The LRA has reportedly killed over 2,400 and abducted over 3,400 people since 2008 alone.<sup>12</sup> As of September 2011, an estimated 440,000 people in LRA-affected areas in central Africa were

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<sup>9</sup> Kevin C. Dunn, "The Lord's Resistance Army," *Review of African Political Economy* (March 2004); Olara Otunnu, "The Secret Genocide," *Foreign Policy*, July/August 2006.

<sup>10</sup> White House, *LRA Strategy*, op. cit. See also Resolve and Invisible Children, *LRA Crisis Tracker*, at <http://www.lracrisistracker.com/>.

<sup>11</sup> International Crisis Group, *Northern Uganda: Understanding and Solving the Conflict*, April 14, 2004; see also Resolve, *From Promise to Peace: A Blueprint for President Obama's LRA Strategy*, September 2010

<sup>12</sup> State Department, *U.S. Support to Regional Efforts to Counter the Lord's Resistance Army*, October 14, 2011.

displaced for fear of attack.<sup>13</sup> The conflict has consistently eluded a military or negotiated solution, resulting in widespread insecurity and worsening humanitarian conditions.

### **The LRA's Impact in Northern Uganda**

While relative security has been established in northern Uganda since 2006, the area's economy remains depressed, in part due to the lasting impact of the conflict, and widespread civilian trauma and loss continue to plague local populations. In total, over 20,000 northern Ugandan children were reportedly abducted by the LRA between 1987 and 2006 for use as child soldiers, servants, or sexual slaves.<sup>14</sup> Nearly 2 million people—virtually the entire affected population in the north—were displaced, with many coming to reside in internationally assisted internally displaced person (IDP) camps. Mass displacement was caused both by fear of LRA attacks and a controversial strategy by the Ugandan government to deprive the LRA of potential abductees by encouraging residents to move into the camps, which were widely criticized for poor living conditions. While most Ugandan IDPs have returned to their homes, 73,000 remain in camps due to complications related to their designated areas of return.<sup>15</sup> Tensions between northern and southern Uganda persist, despite the government's reported efforts to increase its budget for reconstruction and development in the region.

## **International and Regional Efforts to End the LRA**

The Ugandan government's approach to the LRA in the 1990s included a combination of counterinsurgency operations and support to local anti-LRA militia groups. Uganda also sought to target LRA rear bases in southern Sudan, which were established with reported Sudanese government support. In 2002, Sudan allowed Ugandan troops to conduct counter-LRA operations in the south, in an apparent shift from Khartoum's earlier policy. Ugandan-led military operations continued through 2005, with the support of southern Sudanese regional authorities, across an expanded area of what is now South Sudan and northern Uganda.<sup>16</sup>

In 2005, following a request by the Ugandan government, the International Criminal Court (ICC) unsealed warrants for five LRA commanders. Two have since reportedly died, leaving Kony, Okot Odhiambo, and Dominic Ongwen reportedly alive and at large. In January 2006, international peacekeepers serving under the U.N. peacekeeping mission in DRC entered DRC's Garamba National Park with the goal of capturing then-LRA deputy Vincent Otti and eliminating LRA bases there. The operation was unsuccessful, and eight Guatemalan peacekeepers were killed in a firefight. For the next two years, the LRA and the Ugandan government engaged in internationally backed peace talks mediated by the then-semi-autonomous Government of Southern Sudan, known as the Juba peace process.<sup>17</sup> As part of the process, LRA combatants were

<sup>13</sup> U.N. Office for the Coordination of Humanitarian Affairs (OCHA), "LRA Update: DRC, CAR, and South Sudan," September 20, 2011.

<sup>14</sup> Christopher Blattman and Jeannie Annan, "On the Nature and Causes of LRA Abduction: What the Abductees Say," Yale working paper, March 2008.

<sup>15</sup> U.N. Office for the Coordination of Humanitarian Affairs (OCHA), *Eastern Africa: Displaced Populations Report*, April 2011.

<sup>16</sup> See Mareike Schomerus, *The Lord's Resistance Army in Sudan: A History and Overview*, Small Arms Survey, September 2007, on this period.

<sup>17</sup> Previous negotiation efforts included an initiative led by former Ugandan government minister Betty Bigombe, an ethnic Acholi, in the mid-1990s and again in 2004-2005 on behalf of President Museveni. These efforts were stymied by LRA intransigence, but were also characterized by fluctuation by the Ugandan government between seeking negotiations versus a military end to the conflict.

offered amnesty and senior leaders were given security guarantees. The government also committed to providing increased development aid, security, and participation in government for northern communities.

The talks broke down in 2008 when Kony refused to sign a final agreement. The ICC warrants, which Kony wanted repealed, were seen by some analysts as a key stumbling block in the negotiations.<sup>23</sup> Others, however, doubted Kony's sincerity. As one analyst has noted, "the commitment of the LRA to finding a peaceful solution to the crisis has always been questionable. Kony appears to engage in peace talks sporadically as a tactic to reduce military pressure on the LRA and garner time and space to regroup his forces."<sup>24</sup> Indeed, although the LRA at one time had a civilian wing, which called itself the Lord's Resistance Movement and framed its demands as ethno-regional socioeconomic and political grievances, its influence and ability to make credible commitments on Kony's behalf appeared limited.

In late 2008, the UPDF, with the support of Congolese and Southern Sudanese authorities, initiated "Operation Lightning Thunder" (OLT), a campaign intended to capture or kill senior LRA leaders in northeastern DRC, where they had established bases. The United States provided equipment, intelligence, and logistical assistance to the UPDF prior to the launch of the operation. The operation failed to kill or capture Kony; instead, it caused the

LRA to splinter into small groups and prompted brutal LRA reprisals against civilians. Uganda came under strong criticism from human rights groups for alleged poor planning, intelligence

### **Sudan and the LRA**

Starting in the early 1990s, the Sudanese government was widely reported to have provided supplies and shelter to the LRA, partly in apparent retaliation for Uganda's support for the Sudan People's Liberation Movement (SPLM), a southern Sudanese-led rebel group.<sup>18</sup> The LRA used Sudanese territory to launch attacks in Uganda and also targeted local civilians. In 1999, Sudan and Uganda agreed to cease hostilities and not to support rebel elements from each other's territories. However, LRA attacks soon re-escalated and the Ugandan government accused Khartoum of bad faith.<sup>19</sup> In 2002, Sudan allowed Ugandan troops to conduct anti-LRA operations on its territory. The signing of the Comprehensive Peace Agreement (CPA) in 2005, between the government of Sudan and the SPLM, further changed the strategic environment for the LRA. The SPLM assumed regional authority and conducted counter-LRA operations in conjunction with the UPDF. Under assault, LRA leaders moved to northeastern DRC.

The State Department currently reports that there is no evidence to corroborate allegations of continued Sudanese support for the LRA.<sup>20</sup> In 2010, several reports suggested that Kony or other LRA leaders had crossed into northern Sudan and had traveled to Darfur. In November 2010, the U.N. Group of Experts on the DRC described a reported meeting between an LRA delegation and Sudanese authorities, part of an apparent LRA effort to request assistance, including safe passage and asylum for Kony.<sup>21</sup> The effort appears to have been unsuccessful. Rights advocates continue to express concern over the LRA's potentially destabilizing impact on the newly independent Republic of South Sudan.<sup>22</sup>

<sup>18</sup> Gérard Prunier, "Rebel Movements and Proxy Warfare: Uganda, Sudan and the Congo," *African Affairs*: 2004.

<sup>19</sup> Patrick Oguru Otto, "Implementing the 1999 Nairobi Agreement," Conciliation Resources, 2002.

<sup>20</sup> State Department, *Country Reports on Terrorism 2010*, August 18, 2011.

<sup>21</sup> *Final Report of the Group of Experts on the DRC, Submitted in Accordance with Paragraph 6 of Security Council Resolution 1896 (2009)*; U.N. document S/2010/596, November 29, 2010.

<sup>22</sup> Resolve, "After Independence: The Continued Threat of the LRA to South Sudan," July 11, 2011.

<sup>23</sup> ICC involvement was controversial, particularly with regard to whether the LRA warrants could or should be repealed in the interest of reaching a final negotiated settlement. For further background on this debate, see CRS Report RL34665, *International Criminal Court Cases in Africa: Status and Policy Issues*, coordinated by Alexis Arieff; and *Trial Justice: The International Criminal Court and the Lord's Resistance Army*, by Tim Allen. Zed Books: 2006.

<sup>24</sup> Andre Le Sage, "Countering the Lord's Resistance Army in Central Africa," *Strategic Forum*, July 2011.

leaks, and failure to protect civilians in the operation's aftermath.<sup>25</sup> The UPDF has subsequently deployed to LRA-affected regions of South Sudan and CAR, with the permission of local authorities and ongoing logistics support from the United States. This enlarged regional campaign is viewed as the continuation of OLT. While the UPDF has since succeeded in capturing or killing several LRA commanders, questions over the UPDF's capacity, will, and ability to coordinate effectively with other regional forces persist.<sup>26</sup>

In addition to military operations, Uganda has sought to encourage LRA defections through information operations, internationally assisted disarmament and reintegration programs, and the passage of an Amnesty Act in 2000, which applies to nearly all but the most senior LRA commanders. Over 26,000 ex-combatants have reportedly been granted amnesty under the law, including several key LRA fighters.<sup>27</sup> Former LRA combatants are eligible for a small economic and reintegration assistance package, although many reportedly remain in poverty and subject to trauma and rejection from their communities. Some ex-combatants are recruited by the UPDF to assist with reconnaissance and tracking.<sup>28</sup>

Uganda has also passed legislation designed to enable it to try senior LRA commanders for war crimes—part of a long-term effort to reassert jurisdiction over individuals sought by the ICC. The first such trial opened at the newly created War Crimes Division of Uganda's High Court in July 2011. However, judges dismissed the case, ruling that the plaintiff was eligible for amnesty. Some rights advocates had viewed the trial as a potential hindrance to long-standing efforts to persuade LRA combatants to lay down their arms, while others see the amnesty provisions as a guarantee of impunity that could pose a threat to long-term stability.<sup>29</sup> Ugandan officials and northern civic leaders have called for traditional justice and reconciliation mechanisms to help end the conflict and reintegrate LRA abductees and ex-combatants into their communities of origin.

The LRA is present within the areas of operation of two U.N. peacekeeping missions, in DRC and South Sudan. These have contributed to counter-LRA efforts, although the LRA is not the primary focus of their mandates. The U.N. Stabilization Mission in DRC (MONUSCO) has supported Congolese military units in counter-LRA operations and has facilitated Ugandan-Congolese military and intelligence coordination. Also key among MONUSCO's efforts are its disarmament, demobilization, repatriation, reintegration, and resettlement (DDRRR) programs for ex-LRA combatants. Many analysts believe that such programs are crucial for the encouragement of LRA desertions. While the U.N. Mission in South Sudan (UNMISS) has not been as highly engaged in counter-LRA activities, its mandate calls for participation in regional LRA-related coordination and demobilization efforts.<sup>30</sup>

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<sup>25</sup> HRW, "Africa's Longest War Still Taking Lives," June 19, 2009.

<sup>26</sup> See, e.g., Ledio Cakaj, "US Should Not Repeat Ugandan Failures Against the LRA," *Congo Siasa*, October 22, 2011.

<sup>27</sup> U.N. Security Council, *Report of the Secretary-General on the Lord's Resistance Army-Affected Areas Pursuant to Security Council Press Statement*, November 4, 2011, U.N. document S/2011/693.

<sup>28</sup> For a critical view of this strategy, see Ledio Cakaj, *Too Far from Home: Demobilizing the Lord's Resistance Army, Enough!*, February 2011. The report states, among other things, that ex-LRA fighters are often "pressured into joining the Ugandan army to fight against the remaining LRA with no training and no salary." If true, such pressure could constitute a violation of Uganda's amnesty accord and could jeopardize demobilization and reintegration efforts.

<sup>29</sup> See U.N. IRIN, "War Crimes Trial May Affect LRA Defections – Analysts," July 29, 2011; Ashley Benner, "Uganda Looks to Strike Down LRA Amnesty Law," *CS Monitor/Africa Monitor*, September 9, 2011.

<sup>30</sup> U.N. Security Council Resolution 1996 (2011).

## U.S. Policy

For two decades, while the LRA operated in northern Uganda, the United States provided humanitarian assistance and support for community reconciliation and development initiatives aimed at supporting the social and economic recovery of the war-torn area. The United States has increased its engagement in recent years, as the LRA's regional presence has expanded. The current U.S. programmatic response to the LRA includes humanitarian assistance for affected areas in central Africa; reconciliation, post-conflict recovery, and development initiatives in northern Uganda; regional diplomacy; and support for regional military efforts, notably operations led by the UPDF in LRA-affected regions of nearby countries.

U.S. involvement in efforts to counter the LRA is largely premised on the group's infliction of widespread human suffering, its threat to regional stability, and the role of Uganda as an increasingly important regional security partner (see "The Role of Uganda" below). Interest in the LRA, including within Congress, the Obama Administration, and previous administrations, has been spurred in part by advocacy by constituents, human rights groups, and other non-governmental actors. The State Department has included the LRA on its "Terrorist Exclusion List" since 2001.<sup>31</sup> In August 2008, the Treasury Department added Kony to its list of "Specially Designated Nationals and Blocked Persons" under Executive Order 13224 (signed by President George W. Bush in the aftermath of the terrorist attacks of September 11, 2001), enabling the freezing of assets under U.S. jurisdiction and prohibiting transactions with U.S. persons.<sup>32</sup>

### P.L. 111-172: Impact and Implementation

On May 24, 2010, Congress passed the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (P.L. 111-172). The bill stated that "it is the policy of the United States to work with regional governments toward a comprehensive and lasting resolution to the conflict in northern Uganda and other affected areas," including by furnishing humanitarian assistance and by supporting multilateral efforts to provide civilian protection, capture Kony and other LRA top commanders, and disarm and demobilize remaining LRA fighters. The bill also required the President to develop and submit to Congress "a strategy to guide future United States support across the region for viable multilateral efforts to mitigate and eliminate the threat to civilians and regional stability" posed by the LRA.

#### **Previous Legislation on the LRA**

P.L. 111-172 followed over a decade of congressional activities related to the LRA. Congressional interest has been motivated by a variety of factors, including concerns over the group's use of child soldiers (an issue on which Congress has sought to legislate); the LRA's impact on regional security and stability; and reports, since the late 1990s, that the government of Sudan was providing support and safe havens for LRA commanders. In addition to a number of pieces of draft legislation, several bills expressing concern over the LRA and calling for U.S. action to help

<sup>31</sup> State Department, "Statement on the Designation of 39 Organizations on the USA PATRIOT Act's 'Terrorist Exclusion List,'" December 6, 2001. The list, which was mandated by the USA PATRIOT Act of 2001 (P.L. 107-56), was aimed at strengthening the United States' ability to exclude supporters of terrorism from the country or to deport them if they are found within U.S. borders.

<sup>32</sup> State Department, Office of the Coordinator for Counterterrorism, "Individuals and Entities Designated by the State Department Under E.O. 13224," updated December 7, 2010. Kony is not thought to have such assets or to engage in such transactions.

end the conflict were enacted into law. These include:

- the Defense Department Appropriations Act of 1999 (P.L. 105-262; see Section 8128), which found that the LRA was among “the most egregious examples of the use of child soldiers,” cited reports of (North) Sudanese support for the LRA, and expressed the sense of Congress that the President and Secretary of State should “support efforts to end the abduction of children by the LRA, secure their release, and facilitate their rehabilitation and reintegration into society”;
- the Northern Uganda Crisis Response Act [2004] (P.L. 108-283), which, among other things, expressed the sense of Congress that the United States should support efforts to resolve the LRA conflict, urged the Ugandan government and international community to do more to protect affected civilians and renew the economy in northern Uganda, called for improved human rights monitoring in the north, criticized reported Sudanese support for the LRA, and required a range of State Department reporting on the matter;
- the Darfur Peace and Accountability Act of 2006 (P.L. 109-344), which predicates the lifting of sanctions on the government of Sudan on presidential certification that Sudan is “acting in good faith” to fully cooperate with efforts to disarm, demobilize, and deny safe haven to members of the Lord's Resistance Army”; and
- the Consolidated Appropriations Act of 2008 (P.L. 110-161), which was accompanied by a committee report directing the Secretary of State to submit a report “detailing a strategy for substantially enhancing United States efforts to resolve the conflict” between the LRA and the Ugandan government, including direct U.S. participation in confidence-building measures; increased diplomatic pressure on the DRC and on Sudan; a U.S. role in brokering direct negotiations between the Ugandan government and LRA leaders; and financial support for disarmament, demobilization, and reintegration efforts.

In addition, several resolutions expressing concern over the LRA were agreed to by either the House or Senate. These include H.Con.Res. 309 (105<sup>th</sup>); S.Res. 366 (109<sup>th</sup>); S.Con.Res. 16 (110<sup>th</sup>); and H.Con.Res. 80 (110<sup>th</sup>).

On November 24, 2010, the Administration released a policy document labeled “Strategy to Support the Disarmament of the Lord's Resistance Army,” as required under the Act. It lays out four “strategic objectives”:

1. the increased protection of civilians from LRA attacks;
2. the apprehension or “removal” of Kony and other senior LRA commanders;
3. the promotion of defections from the LRA and the disarmament, demobilization, and reintegration of remaining LRA combatants; and
4. the provision of humanitarian relief to LRA-affected communities.

The Strategy, which is characterized as “multi-year,” emphasizes that the United States will “work with national governments and regional organizations” to accomplish these goals. At the same time, it acknowledges that governments in the region have competing priorities and that “the capabilities of national, regional, and multinational forces to provide protection against the LRA are limited.”<sup>33</sup> The agencies involved in implementation, which is being coordinated by the National Security Council, are the State Department, the Defense Department, and USAID, with support from the intelligence community.

To achieve the above objectives, the Administration is implementing a wide range of programs. These include:

- continuation and/or expansion of certain existing U.S. efforts, including logistical and intelligence support to the UPDF, regional humanitarian aid, and transitional assistance programs in northern Uganda;

<sup>33</sup> The White House, *Strategy*, p. 10.

- initiation of certain new programs, such as support for communications infrastructure and early-warning systems among affected civilian communities, and potential support for infrastructure construction and for new disarmament and demobilization programs;
- increased diplomatic outreach to regional governments and multilateral missions aimed at enhancing focus and coordination on LRA issues; and
- deployment of U.S. troops in an advisory role in support of regional military efforts to capture or kill senior LRA commanders.

As part of its approach, the Administration has pressed regional governments, other donors, and multilateral entities, such as U.N. missions and the African Union, to prioritize LRA-related efforts. In addition, U.S. diplomacy has sought to mediate and de-escalate disputes between host countries and the Ugandan military over the duration and purpose of UPDF deployments.

The following sections will address selected key elements of the Administration's approach to the LRA conflict.

## **Deployment of U.S. Forces**

On October 14, 2011, President Obama submitted to Congress, "consistent with the War Powers Resolution," a report stating that he had authorized the deployment of approximately 100 military personnel "to provide assistance to regional forces that are working toward the removal of Joseph Kony from the battlefield."<sup>34</sup> The President noted that Congress had "expressed support for increased, comprehensive U.S. efforts to help mitigate and eliminate the threat posed by the LRA to civilians and regional stability," citing P.L. 111-172. Senator Russ Feingold, the bill's original sponsor, stated that "our legislation did not authorize the use of force by American troops anywhere," but he noted that the bill "did call for a comprehensive approach in dealing with the Lord's Resistance Army, which includes military, intelligence, diplomatic, and development components."<sup>35</sup>

According to the President's report, U.S. forces "will provide information, advice, and assistance to select partner nation forces." With host nations' approval, some U.S. forces are expected to deploy into Uganda, South Sudan, CAR, and DRC. The initial team of U.S. military personnel with appropriate combat equipment deployed to Uganda on October 12, 2011, and all have since reportedly reached the field, including a second combat-equipped team and associated headquarters, communications, and logistics personnel. The President's report emphasized that although some U.S. forces will be combat-equipped, "they will not themselves engage LRA forces unless necessary for self-defense." It added that "all appropriate precautions have been taken to ensure the safety of U.S. military personnel during their deployment."

Initial Defense Department estimates indicate that the operation will cost approximately \$4.5 million per month.<sup>36</sup> Previously, in July 2011, U.S. Africa Command (AFRICOM) deployed

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<sup>34</sup> "A Communication from the President of the United States, Transmitting Notification That Approximately 100 U.S. Military Personnel Have Been Deployed To Central Africa To Act As Advisors To Partner Forces Against The Lord's Resistance Army And Its Leader" (H. Doc. No. 112-64); see *Congressional Record*, p. H6975, October 14, 2011.

<sup>35</sup> ABC News, "Activists React to President Sending Troops to Africa," October 17, 2011.

<sup>36</sup> Administration response to CRS query, November 2011.

liaison officers to U.S. embassies in Kinshasa and Bangui to assist host government officials and Ugandan military commanders who are working to counter the LRA.

### **The War Powers Resolution: Implications<sup>37</sup>**

The War Powers Resolution (WPR, P.L. 93-148, passed over President Nixon's veto in 1973) was intended to ensure that Congress and the President share in making decisions that may involve the United States in hostilities. It states that the President's powers as Commander in Chief to introduce U.S. forces into hostilities or imminent hostilities are exercised only pursuant to (1) a declaration of war; (2) specific statutory authorization; or (3) national emergency created by an attack on the United States or its forces. It requires the President in every possible instance to consult with Congress before introducing U.S. Armed Forces into hostilities or imminent hostilities unless there has been a declaration of war or other specific congressional authorization. It also requires the President to report any introduction of forces into hostilities or imminent hostilities, Section 4(a)(1); into foreign territory while equipped for combat, Section 4(a)(2); or in numbers which substantially enlarge U.S. forces equipped for combat already in a foreign nation, Section 4(a)(3). Once a report is submitted "or required to be submitted," Congress must authorize the use of forces within 60 to 90 days or the forces must be withdrawn. It is important to note that since the WPR's enactment, every President has taken the position that it is an unconstitutional infringement by Congress on the President's authority as Commander in Chief. The courts have never directly addressed this question.

This is the sixth report President Obama has submitted to Congress as a result of the WPR.<sup>38</sup> At issue for Congress is whether it legally triggers the WPR, and thus the reporting and withdrawal requirements therein. Should Congress opt to challenge the continued deployment of U.S. forces, the report provides a starting point.

## **Logistical Support for the Ugandan Military and Other Regional Forces**

The Obama Administration, like that of former President George W. Bush, views the UPDF as the United States' primary partner in military operations against the LRA.<sup>39</sup> Since late 2008, the United States has supported UPDF-led regional operations aimed at countering the LRA beyond Uganda's borders, largely through logistical (airlift, fuel, and trucks) and intelligence assistance.<sup>40</sup> The State Department has allocated over \$41 million over the past three years for nonlethal supplies, equipment, and logistics support through its Peacekeeping Operations (PKO) account.<sup>41</sup> Equipment has included satellite phones and other communications equipment, tactical

<sup>37</sup> War powers have been at issue in multiple overseas engagements. For further information, see CRS Report RL33532, *War Powers Resolution: Presidential Compliance*, by Richard F. Grimmett, from which material in this section is drawn.

<sup>38</sup> Presidents have submitted 132 reports to Congress as a result of the WPR; these reports serve as formal communication to the Congress. President Obama has submitted multiple reports detailing the deployment of "various combat-equipped forces to a number of locations" in the areas of operation of various combatant commands, including U.S. Africa Command, in support of anti-terrorist and anti-Al Qaeda actions. For a summary of reports, see CRS Report R41199, *The War Powers Resolution: After Thirty-Six Years*, by Richard F. Grimmett, and CRS Report RL33532, *War Powers Resolution: Presidential Compliance*, by Richard F. Grimmett. The President submitted a similar report to Congress in March 2011, after U.S. military operations commenced in Libya. The Justice Department's Office of Legal Counsel (OLC) issued a memorandum, "Authority to Use Military Force in Libya," detailing advice provided before President Obama commenced operations. It was the OLC's opinion that "prior congressional approval was not constitutionally required to use military force in the limited operations under consideration." The full text of this opinion is found at <http://www.justice.gov/olc/memoranda-opinions.html>.

<sup>39</sup> U.S. military assistance to Uganda was terminated in 2000 as a result of the Ugandan incursion into DRC during that country's five-year civil war. Following the June 2003 UPDF withdrawal of troops from DRC, the United States restarted "limited nonlethal military assistance," according to the State Department ("Background Note: Uganda," updated June 28, 2010). Uganda is currently a major beneficiary, within Africa, of U.S. security assistance and security cooperation programs.

<sup>40</sup> The White House, *LRA Strategy*, p. 6.

<sup>41</sup> Information on U.S. counter-LRA support for the UPDF draws from information provided to the authors by the State Department Bureau of African Affairs on October 28, 2011, and State Department congressional notifications.

equipment such as night vision goggles, signaling devices, personal hydration packs, and compact pickup trucks. The State Department also provides contract air support and fuel for UPDF helicopters.<sup>42</sup> The U.S. embassy in Kampala, Uganda, plays a key role in implementing and overseeing U.S. support to UPDF operations in the region.

The State Department notified Congress in early 2011 of its intent to provide, as part of this assistance approach, potential support to the CAR, DRC, and South Sudan militaries for their participation in counter-LRA efforts.<sup>43</sup> Only limited amounts of U.S. assistance have been provided to these forces, with the exception of a Congolese light infantry battalion that received significant U.S. training and nonlethal equipment in 2010. (The training program was not initially associated with counter-LRA efforts.) The battalion—which State Department officials hope will display greater respect for human rights and operational procedures than other Congolese military forces—has deployed to Dungu, a base of counter-LRA operations in DRC. The State Department is funding ongoing U.S. support to the battalion, which has participated in joint operations with U.N. peacekeepers targeting the LRA. However, the battalion has limited logistical capacity to react rapidly to reported LRA attacks.

The Department of Defense (DOD) has committed increased military assistance resources to counter-LRA efforts in FY2011. In June 2011, DOD notified Congress of its intent to provide \$4.4 million in training, combat engineer and communications equipment to the UPDF to build its capacity to conduct operations against the LRA, under Section 1206 of the National Defense Authorization Act (NDAA) for FY2006.<sup>44</sup> The House and Senate versions of the NDAA for FY2012 both express support for U.S. support of counter-LRA efforts. H.Rept. 112-78, accompanying H.R. 1540, “encourages the vigorous implementation of the policy enumerated in P.L. 111-172 and recommends that Department of Defense provide U.S. Africa Command with any and all resources it requires in the execution of its efforts pursuant to this policy.” Section 1209 of the Senate bill, S. 1867, if passed without amendment, would authorize DOD to obligate “not more than” \$35 million annually in FY2012 and FY2013 for logistics support, supplies and services, and intelligence support for forces engaged in counter-LRA operations, including the UPDF. Section 1209 would prohibit the participation of U.S. personnel in combat operations in connection with such support, except for self-defense or the rescue of a U.S. citizen.

## **Humanitarian Relief and Aid to Early Warning Mechanisms**

The United States provided over \$34 million in humanitarian aid to LRA-affected populations in DRC, CAR, and South Sudan in FY2010, which has supplemented aid provided by other donors. Humanitarian aid in FY2011 totaled \$18 million, including \$6.3 million administered by USAID’s Office of Foreign Disaster Assistance (OFDA) and \$5 million in USAID-administered Food for Peace aid.<sup>45</sup> U.S. assistance has also been provided by the State Department’s Bureau of Population, Refugees, and Migration (PRM) and through bilateral programs run by USAID’s

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<sup>42</sup> U.S. support for the UPDF is provided through an indefinite delivery/ indefinite quantity contract known as AFRICAP, which provides training and advisory services, equipment procurement, and logistical support and construction services to African countries.

<sup>43</sup> State Department Congressional Notification, March 21, 2011.

<sup>44</sup> Authorization under Section 1206 is premised on the classification of the LRA as a “terrorist” group; Section 1206 authority extends to training and equipping foreign military forces for counterterrorism capabilities. See CRS Report RS22855, *Security Assistance Reform: “Section 1206” Background and Issues for Congress*, by Nina M. Serafino.

<sup>45</sup> Information provided to CRS by USAID, August 2011.

missions in DRC and Sudan.<sup>46</sup> (USAID does not have a bilateral mission in CAR.) The United States may also seek to rehabilitate critical transportation infrastructure in LRA areas, particularly in CAR and DRC, which would aid the distribution of humanitarian supplies.<sup>47</sup>

State/PRM and USAID are exploring methods to increase communication between and among rural communities affected by LRA raids and attacks, including through the provision of communications equipment and support to early warning systems. Approximately \$1.25 million in U.S. funds have been identified for the proposed provision of cellular communications equipment and high-frequency radios in LRA-affected areas of DRC.<sup>48</sup> It is unclear whether similar programs may be considered in other affected countries.

### **Support to Regional and Multilateral Efforts**

The Obama Administration has provided support to a wide range of multilateral and regional efforts related to the LRA, including efforts to provide humanitarian relief, coordinate the regional response to the LRA, facilitate early warning mechanisms, and provide for the demobilization and reintegration of ex-LRA combatants. Notably, the Administration has used its voice at the U.N. Security Council—and clout as a major contributor of funding for U.N. peacekeeping missions—to push for greater action by the U.N. Stabilization Mission in the DRC (MONUSCO), which it sees as the “most engaged” of regional peacekeeping missions in countering the LRA.<sup>49</sup> The Administration has encouraged MONUSCO to undertake greater efforts to protect civilians in LRA-affected areas, pursue policies and programs that encourage LRA desertions, and provide protection for humanitarian relief operations.

The Administration is examining ways to support programs to facilitate LRA desertions in LRA-affected areas of CAR and South Sudan, which do not directly benefit from the demobilization and reintegration programs run by MONUSCO in DRC. In addition, it has sought to encourage greater involvement by regional U.N. political missions. For example, the U.N. Regional Office for Central Africa (UNOCA), inaugurated in March 2011, is developing a plan for greater U.N. coordination on the LRA.<sup>50</sup> The Administration is also exploring whether the U.N. Integrated Bureau in CAR (BINUCA) can play a more prominent role in responding to the LRA.

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<sup>46</sup> PRM-administered aid is generally allocated for large, grant-based programs and thus cannot easily be disaggregated for LRA-affected populations.

<sup>47</sup> The White House, *LRA Strategy*, p. 23.

<sup>48</sup> CRS interview with USAID official, December 2010. U.S. support for communications infrastructure has focused on DRC to-date, due to a variety of factors. The proposed funding is expected to come from Economic Support Funds provided for DRC in the Supplemental Appropriations Act of 2010 (P.L. 111-212).

<sup>49</sup> The White House, *LRA Strategy*, p. 4. The Mission’s most recent mandate reauthorization also welcomes “information sharing and coordination with those conducting military operations against the LRA” and “encourages MONUSCO to continue to keep close contacts with LRA-affected communities and keep under review the deployment of its available resources to ensure maximum effect.” (U.N. Security Council Resolution 1991 (2011).) MONUSCO maintains a forward operating base in the LRA’s area of operation in DRC, in the town of Dungeni (Haut Uele). However, MONUSCO patrols outside the town itself are extremely limited, and the mission is not currently present in Bas Uele district. Indeed, fewer than 5% of MONUSCO personnel were deployed in LRA-affected areas of DRC as of June 2011. (HRW, “DR Congo: Strengthen Civilian Protection Before Elections,” June 9, 2011.)

<sup>50</sup> U.S. Mission to the United Nations, “Remarks by Ambassador Jeffrey DeLaurentis, U.S. Ambassador and Alternate Representative for Special Political Affairs to the United Nations, at a UN Security Council Meeting on UNOCA and the Lord's Resistance Army,” November 14, 2011.

The Administration has encouraged the African Union (AU) to take a more proactive stance toward counter-LRA efforts. In October 2010, AU members organized a high-level summit in Bangui, the capital of CAR, where they agreed on a number of joint military and communications initiatives. Participants also agreed to appoint a special envoy on the LRA and to take steps to classify the LRA as a “terrorist” group, though the practical ramifications of such a designation are unclear.<sup>51</sup> The timeline, likelihood, funding, and impact of implementation are uncertain. A “joint command” mechanism has reportedly been created in Bangui, while a regional joint brigade is expected to be based in Yambio, South Sudan. The implications of joint command, if implemented, for the autonomy of UPDF operations remain unclear.

## **Aid to Northern Uganda**

One component of P.L. 111-172 and of the Administration’s approach is the continuation of substantial post-conflict reconciliation and development aid programs in northern Uganda. These are aimed at addressing the impact the LRA has had on the region’s economy and society during its two-decade presence. The focus on northern Uganda also stems from the recommendations of analysts who contend that the LRA is rooted in deep-seated socio-political divisions between northern and southern Uganda.<sup>52</sup> The United States provided a total of \$168 million in aid to northern Uganda in FY2010 and \$165 million in FY2009.<sup>53</sup> In FY2011, total aid to northern Uganda was estimated at \$148.5 million, including \$102.2 million administered by USAID.<sup>54</sup> Flagship USAID programs have included the three-year, \$21.8 million Northern Uganda Transition Initiative (NUTI), initiated in June 2008; the three-year, \$9.5 million Stability, Peace, and Reconciliation in Northern Uganda (SPRING) program, initiated in February 2008; and the three-year, \$37 million Northern Uganda Development of Enhanced Local Governance, Infrastructure, and Livelihoods (NUDEIL) program, initiated in 2009.<sup>55</sup> U.S. military civil affairs teams have contributed to some of these efforts.<sup>56</sup>

## **Selected Issues for Congress**

The deployment of U.S. military personnel in support of regional counter-LRA efforts is likely to raise questions among Members of Congress related to whether, and in what form, explicit congressional authorization is required. Several additional potential issues for Congress are outlined below.

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<sup>51</sup> AU, *Conclusions de la Réunion Régionale Ministérielle sur l’Armée de Résistance du Seigneur*, October 14, 2010.

<sup>52</sup> E.g., Resolve, *From Promise to Peace*, op. cit.

<sup>53</sup> The White House, *LRA Strategy*, p. 6.

<sup>54</sup> Information provided to CRS by USAID, August 2011. Others administering aid to northern Uganda include the Centers for Disease Control (an estimated \$10.2 million in FY2011), the Defense Department (\$567,000), the State Department (\$544,000), and the Department of Agriculture (\$35.0 million).

<sup>55</sup> The White House, *Strategy*, pp. 6-7. NUDEIL was officially launched in November 2010 (US Embassy Kampala, “U.S. Supports Northern Uganda to Improve Infrastructure and Revitalize the Economy,” November 22, 2010).

<sup>56</sup> For example, civil affairs teams from U.S. Africa Command’s Combined Joint Task Force – Horn of Africa (CJTF-HOA) have worked with USAID to reconstruct schools in LRA-affected areas of Northern Uganda.

## Funding

Decisions regarding the level of financial resources, if any, that Members may decide to authorize or appropriate to counter the LRA, along with the allocation of such resources, are among the primary LRA-related matters likely to be considered by Congress. A key question for Members is likely to be the relative importance of LRA-related policies compared to other strategic, humanitarian, and regional foreign policy goals. P.L. 111-172 did not appropriate any funding in support of its objectives. The State Department, in its FY2012 Congressional Budget Justification for Foreign Operations, did not request a specific amount of funding for LRA policy implementation, other than to suggest that a portion of \$7.15 million in PKO funds requested for the “Africa Conflict Stabilization and Border Security” program would be allocated to support regional counter-LRA efforts (along with a number of competing Africa security priorities).

Some Members have called on appropriators to ensure that the FY2012 appropriations bill includes the resources necessary to carry out P.L. 111-172.<sup>57</sup> The Senate version of the Department of State, Foreign Operations, and Related Programs Appropriations Act of 2012, S. 1601, if passed without amendment, would provide “not less than” \$1 million “to improve physical access, telecommunications infrastructure, and early-warning mechanisms” in LRA-affected areas, and “not less than” \$1 million “to support the disarmament, demobilization and reintegration of former LRA combatants, especially child soldiers” (§7061). It does not include language on PKO allocations, which have been used to fund U.S. logistical support to Ugandan military operations. On July 25, 2011, the House Appropriations Committee released a draft FY2012 foreign operations bill “prior to consideration by both the Subcommittee and Full Committee.” It does not mention the LRA.<sup>58</sup>

## Strategic Objectives

Debate over the strategic justification for the deployment of U.S. forces is ongoing amid broader discussions related to the global projection of U.S. military force, foreign policy priorities, and federal budget priorities. Members may seek to determine strategic benchmarks and a timeframe for success for counter-LRA efforts, judge whether such benchmarks have been achieved, decide the relative priority (if any) of the various aspects of the U.S. response, and/or weigh LRA-related activities against competing policy goals and resource constraints. Members may also seek to determine whether the Administration’s policy toward the LRA, as described in its November 2010 submission to Congress, represents a comprehensive “strategy” as called for in P.L. 111-172, as well as a realistic and coherent approach. As noted above, the Administration’s “strategy,” defined as “multi-year,” includes a number of programs, some of which were already ongoing when P.L. 111-172 was enacted. The approach calls for the “simultaneous” conduct of a number of activities, both security-related and humanitarian; it thus does not seek to prioritize certain activities over others. It also does not seek to define the LRA issue’s relative importance compared to other U.S. policy initiatives and priorities, although it does note that “the extent to

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<sup>57</sup> For example, 30 Members signed a letter to appropriators from Representatives Jeff Fortenberry and James P. McGovern in May 2011; see also Senator Robert Menendez, “Menendez, Boozman and Colleagues Call Upon Congress to Live Up to Its Commitment to Disarm the Lord’s Resistance Army in Central Africa,” May 10, 2011.

<sup>58</sup> The draft is available at [http://appropriations.house.gov/UploadedFiles/FY12-SFOPS-07-25\\_xml.pdf](http://appropriations.house.gov/UploadedFiles/FY12-SFOPS-07-25_xml.pdf).

which the United States is able to engage in the full range of objectives described in the strategy is dependent on the availability of resources.”<sup>59</sup>

The Administration has stated that its LRA policy is concordant with the U.S. National Security Strategy of 2010 as well as other U.S. policy priorities in central Africa. At the same time, prioritizing certain elements may affect other policy goals related to Uganda and the region. With regard to multilateral engagement, for example, policymakers may weigh LRA-related goals against other tasks assigned to U.N. peacekeeping missions, such as protecting civilians in conflict-ridden eastern DRC and assisting South Sudan’s internal stability. With regard to Uganda, policymakers may consider the relative priority of other operations in which Ugandan forces are engaged, as well as the potential impact of additional U.S. military support for Uganda on U.S. human rights and democracy promotion efforts (see “The Role of Uganda” below).

## **Interagency Cooperation**

The State Department’s Bureau of African Affairs and the African Affairs office within the Office of the Under Secretary of Defense for Policy are playing a central role in LRA policy formulation, which is overseen by the National Security Staff. State/PRM and USAID’s Bureau for Democracy, Conflict and Humanitarian Assistance (DCHA) and Africa Bureau are also key contributors. Regular coordination is carried out via a working group led by the State Department. Some human rights advocates contend that a senior policy official with interagency authority, such as a special advisor or coordinator, is needed to ensure that agency efforts are efficient, effective, and integrated. Other observers argue that such an appointment is unnecessary and could hinder implementation by introducing additional bureaucracy.

## **Donor Coordination**

As mentioned above, regional governments and multilateral entities have devoted resources to addressing problems created by the LRA, some in response to U.S. diplomatic outreach and financial support. Administration officials stress that implementation of the anti-LRA strategy will include close coordination with other potential donors and partners, in order to ensure that efforts are not duplicative and to encourage greater involvement and burden-sharing. Some progress in this domain may be exhibited by increasing attention to the LRA’s regional impact at the U.N. Security Council, which released a presidential statement in November 2011 that commended regional military efforts and called upon the international community to “provide support to capacity-building, good governance and humanitarian efforts in LRA-affected areas.”<sup>60</sup> Some donors, notably France, have recently provided limited support for regional counter-LRA operations,<sup>61</sup> while most European countries appear to prefer civilian-oriented aid under an African Union umbrella. Still, the current level of coordination, both at the policy level and in the field, is unclear. Moreover, U.S. relationships with other possible donors, such as France, are characterized by competing priorities.

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<sup>59</sup> The White House, *LRA Strategy*, p. 2.

<sup>60</sup> U.N. document S/PRST/2011/21, November 14, 2011.

<sup>61</sup> France, which has a military presence in CAR, a former colony, has supported the deployment of about 300 CAR soldiers to the east of the country since November 2010 as part of efforts to improve the army's capacity to combat the LRA. Material support has reportedly included fuel for vehicles and air transport, as well as telecommunications and other equipment. See Small Arms Survey, “Lord's Resistance Army Update,” November 18, 2011.

## The Role of Uganda

U.S. efforts to empower the UPDF and other African security forces to play a greater role in responding to regional crises corresponds to an emphasis in U.S. national security policy in recent years on strengthening the capacity of partner countries to defend against internal and external threats and promote regional security. The UPDF is widely viewed as the most effective of the region's military forces, and its role in counter-LRA operations has been characterized as relatively positive by some human rights advocates.<sup>62</sup> Still, the UPDF has reportedly withdrawn troops from LRA-affected areas since mid-2010, and support within Uganda for prolonged deployments to neighboring countries may be flagging. As one recent analysis concluded, while the Ugandan army may be "essential, because no one else is prepared to send competent combat troops to do the job," it is also a "flawed and uncertain instrument for defeating the LRA."<sup>63</sup>

Some might also question whether ongoing U.S. support to the Ugandan military could have potential unintended consequences for the United States and the region. For example, persistent tensions between the central African countries involved in responding to the LRA have highlighted regional dynamics that could be inflamed by the UPDF's role in counter-LRA operations (see "Regional Coordination and Capacity" below). In addition, increased U.S. reliance on the UPDF may impede U.S. diplomatic leverage vis-à-vis the Ugandan government's domestic record on democracy, good governance, and human rights, which the State Department recently characterized as "deteriorating."<sup>64</sup> Uganda is the largest troop contributor to the African Union Mission in Somalia (AMISOM), which the Administration views as critical to countering an insurgency led by Al Qaeda-affiliated forces.<sup>65</sup> Uganda has received increasing State Department-administered security assistance in recent years and also benefits from regular military-to-military contacts and joint exercises.<sup>66</sup> Some critics also question whether U.S. and international support for the UPDF's engagement in multiple regional missions has encouraged a small country to maintain an otherwise unsustainably large military.

Uganda's capacity and will to pursue its counter-LRA efforts should be viewed in context with its other competing security priorities. These include Uganda's commitment to maintaining troops in Somalia; concerns related to the potential for unrest in neighboring South Sudan; ongoing insecurity in Uganda's volatile Karamojong area; and domestic political upheaval related to elections in February 2011, which returned President Museveni to office, further extending his 25-year tenure. According to the advocacy group Resolve, "the Ugandan government is

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<sup>62</sup> For example, congressional briefings by HRW researcher, Washington DC, August 2010.

<sup>63</sup> ICG, *The Lord's Resistance Army: End Game?*, November 17, 2011.

<sup>64</sup> Victoria Nuland/Department of State, "Press Statement: U.S. Concern over Uganda's Deteriorating Human Rights Record," November 2, 2011.

<sup>65</sup> On U.S. security assistance to Uganda and the role of AMISOM, see CRS Report R41473, *Countering Terrorism in East Africa: The U.S. Response*, by Lauren Ploch.

<sup>66</sup> Several of these programs also aim to foster respect for human rights among the country's security forces and support Uganda's ability to prosecute abuses. As noted above, U.S. security assistance to Uganda was restricted in the 2000 in response to Uganda's military intervention in the DRC. Some human rights groups have expressed concerns with abuses reportedly perpetrated by the UPDF and caution that security assistance should be predicated on continued efforts by Uganda to prosecute such abuses. At the same time, advocates report that the UPDF's human rights record in the anti-LRA campaign has been relatively good. For recent analyses and criticism of the UPDF's human rights record, see, e.g., Amnesty International, "Uganda: Failure to Investigate Alleged Human Rights Violations in Karamoja Region Guarantees Impunity," November 1, 2010; and U.S. Department of State, "Uganda," 2010 Country Reports on Human Rights Practices, April 8, 2011.

increasingly hesitant to absorb the costs of operations against the LRA, which are significant even when offset by U.S. support.”<sup>67</sup>

## **Regional Coordination and Capacity**

The U.S. policy of supporting regional military operations relies on an assumption that local partners are willing and able to take potentially costly and risky steps to end the LRA conflict. In addition, operational and intelligence coordination between the UPDF and host country forces may be key to success. However, despite efforts by affected countries and multilateral entities to foster regional cooperation, the issue is seen as a significant stumbling-block, and a potentially thorny diplomatic issue.<sup>68</sup> This is due, in part, to a lack of capacity among regional governments and militaries; competition for external financing and technical assistance; language and communications gaps; and distrust linked to recent history, such as Ugandan incursions into DRC during that country's 1998-2003 civil war and suspected UPDF involvement at the time in regional natural resources smuggling.<sup>69</sup> The U.N. Group of Experts on the DRC has noted that the inability of regional operations to neutralize transnational armed groups “continually tests the level of trust between the regional Governments.”<sup>70</sup>

Tensions between Congolese officials and Ugandan military commanders have repeatedly erupted. In February 2011, the commander of Congolese forces in Dungu (a hub of counter-LRA operations in northeastern DRC) claimed that there were no LRA left in Congo, that “the LRA issue has long been used by other countries to attack Congo,” that Ugandan troops were insufficiently committed to ending the LRA due to “tribal” ties, and that the UPDF remained in DRC mainly in order to profit from international support for military operations.<sup>71</sup> Such allegations, which point to Congolese sensitivities over Uganda's regional role, its related ability to benefit from U.S. assistance, and its history in DRC, illustrate the scale of the diplomatic challenge. The Congolese government has since continued to call for the withdrawal of Ugandan troops, and UPDF movements within DRC appear to have been severely restricted. Similar tensions have, at times, surfaced in CAR and may have hindered UPDF operations there.<sup>72</sup>

As noted above, the State Department may provide limited assistance to the CAR, DRC, and South Sudanese militaries for their participation in regional counter-LRA operations. In part, this approach may be motivated by efforts to contain resentments by host governments over U.S. support to UPDF deployments on their soil. At the same time, the armed forces of DRC, CAR, and South Sudan suffer from limited capacity and competing security priorities. Although all three forces are ostensibly engaged in regional anti-LRA operations, they have displayed extremely limited operational capacity and will to make significant progress. All three, and particularly the Congolese military, are also dogged by human rights problems.<sup>73</sup> Some

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<sup>67</sup> Resolve, *From Promise to Peace*, op. cit.; BBC Monitoring, “Ugandan Defense Budget Increased,” July 29, 2011.

<sup>68</sup> International Crisis Group (ICG), *LRA: A Regional Strategy Beyond Killing Kony*, April 28, 2010.

<sup>69</sup> See, e.g., *Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, U.N. document S/2001/357, dated April 12, 2001.

<sup>70</sup> *Final Report of the Group of Experts on the DRC, Submitted in Accordance with Paragraph 6 of Security Council Resolution 1896 (2009)*; U.N. document S/2010/596, November 29, 2010.

<sup>71</sup> Mike Thomson, “Who Can Stop the LRA?” BBC Online, February 16, 2011.

<sup>72</sup> CRS interviews with Ugandan and CAR officials in Bangui and Obo, CAR, March 2011.

<sup>73</sup> See HRW, *Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo*, July 2009; State Department, “2010 Human Rights Report: Democratic Republic of Congo”; and (continued...)

policymakers may see a need for options for responding to potential human rights abuses by Ugandan and other partner militaries, particularly if U.S. forces are providing support.

## Outlook

In addition to overarching questions identified at the outset of this report, additional questions for U.S. policy include:

- What if U.S.-supported operations successfully remove one or two senior LRA commanders, but not others? If mid-level LRA fighters take the place of neutralized commanders and continue to commit atrocities? If regional forces declare operations to be complete before U.S. officials consider the mission to be a success? What other possible scenarios need to be considered?
- How might potential allegations of human rights abuses against partner military units affect the U.S. deployment or U.S. support for regional military operations more broadly? How will the Administration ensure that U.S. assistance does not contribute to human rights abuses by partner forces?
- What are the practical and operational challenges associated with the area of operations for U.S. military advisors, and are U.S. policies and precautions sufficient to address them? What types of intelligence assets are needed, and are such assets available?
- If regional operations are successful, what is the appropriate level of funding, if any, for future humanitarian, post-conflict recovery, and development assistance?

Some of the issues inherent in the U.S. response to the LRA have implications far beyond the fate of the group itself. These include the timing and impetus for U.S. involvement and troop deployments; the relative priority of counter-LRA efforts compared to other policy priorities; the allocation of resources in the context of broader policy debates related to the size and scope of the federal budget; and the definition of criteria for success and/or withdrawal of U.S. forces. Even for those who contend that the removal of the LRA is a priority for humanitarian and foreign policy reasons, the relative application of means to ends may be the deciding factor in whether U.S. actions are ultimately considered successful.

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Harvard Humanitarian Initiative and Oxfam International, *"Now, the World is Without Me": An investigation of sexual violence in eastern Democratic Republic of Congo*, April 2010.