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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 active in remote areas of Central Africa. The LRA's infliction of widespread human suffering and its potential threat to regional stability have drawn significant attention in recent years, including in Congress. Campaigns by U.S.-based advocacy groups have contributed to policymakers' interest.

Since 2008, the United States has provided support to Ugandan-led military operations to capture or kill LRA commanders, which since 2012 have been integrated into an African Union (AU) "Regional Task Force" against the LRA. The Obama Administration expanded U.S. support for these operations in 2011 by deploying U.S. military advisors to the field. In 2014, the Administration notified Congress of the deployment of U.S. military aircraft and more personnel to provide episodic "enhanced air mobility support" to African forces. The United States has also provided humanitarian aid, pursued regional diplomacy, helped to fund "early-warning" systems, and supported multilateral programs to demobilize and reintegrate ex-LRA combatants. The Administration has referred to these efforts as part of its broader commitment to preventing and mitigating mass atrocities. Growing U.S. involvement may also be viewed in the context of Uganda's role as a key U.S. security partner in East and Central Africa. U.S. security assistance to Uganda, including for counter-LRA efforts, has continued despite U.S. officials' criticism of Ugandan efforts to enact laws that would make homosexuality punishable by life in prison.

The Administration's current strategy toward the LRA was formulated in response to the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act (P.L. 111-172), enacted by Congress in 2010. Congress has since supported the Administration's approach through legislation providing the executive branch with new funding and authorities to counter the LRA. Since the U.S. military advisors first deployed in 2011, LRA attacks have significantly decreased, as have population displacements related to LRA activity. Several senior LRA figures have been captured or killed by U.S.-supported Ugandan troops. Dominic Ongwen, one of five LRA commanders against whom the International Criminal Court (ICC) issued arrest warrants in 2005, surrendered in January 2015 and was transferred to The Hague, where his trial is expected to begin in 2016. Kony, however, appears to remain at large, and the LRA has demonstrated a high degree of resilience. The LRA has been increasingly linked to poaching and illicit wildlife trafficking in recent years, and some observers fear that the group is exploiting insecurity in the region, including in the Central African Republic, to rebound.

The U.S. approach to the LRA raises a number of policy issues, some of which have implications far beyond Central Africa. Some observers view the U.S. response to the LRA as a possible model for addressing mass atrocities, and decisions on this issue could potentially be viewed as a precedent for U.S. responses to similar situations in the future. At the same time, a key question for some is whether the response is commensurate with the degree to which the LRA impacts U.S. national interests. Other potential issues for Congress include funding levels for counter-LRA efforts; the prospects and benchmarks for "success" and the withdrawal of U.S. forces; and the relative priority of counter-LRA activities compared to other foreign policy and budgetary goals. 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. President Obama has waived in part the application of the Child Soldiers Protection Act of 2008 (P.L. 110-457) to facilitate the participation of troops from the Democratic Republic of Congo and South Sudan in counter-LRA operations. The FY2015 Consolidated Appropriations Act (P.L. 113-235) and National Defense Authorization Act (P.L. 113-291), and other recent authorization and

appropriations measures, include relevant provisions. See also CRS Report R43377, *Crisis in the Central African Republic*.

Contents

Overview and Key Questions 1
Recent Trends in LRA Activity 3
Background on the LRA 5
Regional and International Efforts to End the LRA 6
U.S. Policy 8
Logistical and Equipment Support for African Forces 9
Deployment of U.S. Military Forces 10
Humanitarian Relief, Early Warning, and Encouragement of Desertions 11
Terrorism Designations and "Rewards for Justice" 12
Aid to Northern Uganda 13
Legislation 13
Potential Issues for Congress 16
Funding and Resources 16
Strategic Objectives 17
Donor Coordination 17
The Role of Uganda 18
Regional Coordination and Capacity 19
Outlook 20

Contacts

Author Information 21

Overview and Key Questions

The Lord's Resistance Army (LRA) is a small yet vicious armed group that originated in northern Uganda in 1987. Founded and led by Joseph Kony, the LRA currently operates in the remote border areas between the Central African Republic (CAR), Democratic Republic of Congo (DRC), South Sudan, and Sudan. The LRA's actions—which include massacres, abductions (notoriously of children), sexual assault, and looting—have caused humanitarian suffering and instability. The group is active in a region marked by other complex security and humanitarian challenges, and the conflict has eluded a negotiated or military solution. The Ugandan military has prevented the LRA from operating within Uganda since roughly 2005, and LRA's numbers have greatly declined from thousands of fighters in the late 1990s and early 2000s to a reported 150-200 "core combatants."[1] Still, according to the nongovernmental *LRA Crisis Tracker*, the LRA has killed over 2,900 civilians and abducted more than 6,000 since December 2008, when an attempted peace process with the group broke down (see "Background on the LRA" below).[2]

In May 2010, Congress enacted the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (P.L. 111-172), which states that it is U.S. policy "to work with regional governments toward a comprehensive and lasting resolution to the conflict," and authorizes and calls for a range of U.S. humanitarian, security, and development responses. The act followed more than a decade of congressional activity related to the LRA, and it passed with 201 House cosponsors and 64 Senate cosponsors.[3] The Administration's approach to the LRA, submitted to Congress in November 2010 as required under P.L. 111-172, is organized around four broad objectives that closely respond to provisions of the legislation (see "U.S. Policy").[4] 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.[5] Administration officials have cited U.S. support for efforts to counter the LRA as an example of their commitment to atrocity prevention.[6]

In October 2011, the Obama Administration announced the deployment of about 100 U.S. military personnel to act as advisors in support of Ugandan-led military efforts to capture or kill senior LRA leaders. The United States has provided significant logistical support for Uganda's counter-LRA operations beyond its borders since late 2008. Members of Congress have expressed support for the U.S. advisor deployment in statements and legislation, though some initially stated concerns about its duration, cost, unintended consequences, and the precedent that it might set. While P.L. 111-172 did not specifically authorize U.S. troop deployments, it directed U.S. policy to provide "political, economic, military, and intelligence support for viable multilateral efforts ...

[1] Testimony of General David Rodriguez, Commander of U.S. Africa Command, Senate Armed Services Committee, *U.S. Africa Command Programs and Budget*, March 26, 2015; and U.N. Security Council, *Report of the U.N. Secretary-General on the Activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-Affected Areas*, U.N. doc. S/2015/339, May 14, 2015. Despite cycles of new abductions and desertions, this "core" number appears to have remained consistent in recent years.

[2] The *LRA Crisis Tracker* is a project of the U.S.-based nongovernmental organizations Invisible Children and The Resolve. See http://www.lracrisistracker.com.

[3] 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.

[4] White House, *Strategy to Support the Disarmament of the Lord's Resistance Army*; henceforth, the *Strategy*.

[5] White House, "Fact Sheet: Obama Directs New Steps to Prevent Mass Atrocities," August 4, 2011.

[6] Remarks by Under Secretary for Civilian Security, Democracy, and Human Rights Sarah Sewell, "Making Progress: U.S. Prevention of Mass Atrocities," at the Chicago Council of Global Affairs, April 24, 2015.

to apprehend or remove Joseph Kony and his top commanders from the battlefield," and the Administration has portrayed the counter-LRA deployment as consistent with congressional intent.[7] Campaigns by U.S.-based advocacy groups have contributed to U.S. policymakers' interest in, and U.S. public awareness of, the LRA issue.[8]

In addition to the United States, other international actors have devoted resources to responding to the LRA, including African governments; United Nations (U.N.) agencies, political missions, and peacekeeping operations; the African Union (AU); and the European Union (EU). In 2012, the AU launched a Regional Task Force (AU-RTF) against the LRA, which is led by Uganda and has subsumed previous Ugandan, South Sudanese, and DRC operations. However, the AU-RTF has not reached its authorized troop strength of 5,000.[9] Although the Ugandan military (Ugandan People's Defense Force or UPDF) is regarded as the most effective of the African forces involved, some observers have questioned its capacity and commitment to complete the mission. More broadly, the governments of LRA-affected countries each face other, arguably more vital, priorities with regard to their domestic security and to each other. Notably, internal security and humanitarian crises have burgeoned in South Sudan and the Central African Republic since 2013.

The LRA's strength has significantly decreased since the U.S. advisors first deployed, and several senior LRA figures have been captured or killed by Ugandan troops in U.S.-supported operations. U.S. funding has also assisted with "early-warning" mechanisms in affected communities, the disarmament and reintegration of ex-LRA combatants, and other activities designed to improve civilian protection and lessen the group's strength. Despite these successes, Kony apparently remains at large, and the LRA "has demonstrated a remarkable ability to survive."[10] According to U.S. Director of National Intelligence James Clapper, who testified to Congress in 2014 that regional operations had the LRA "on the run and in survival mode," "Joseph Kony is often on the move and has long been able to elude capture. Getting a 'fix' on his location will remain difficult in this very remote part of the world."[11] In early 2015, Clapper testified that the LRA continued to "display great agility" and that "even in its weakened state, probably has the ability to regenerate if counter-LRA operations are reduced."[12] It is difficult to assess whether the current approach of seeking to remove the remaining top commanders through military operations, in combination with efforts to lure LRA rank-and-file fighters into deserting, can fully eradicate the group.

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[7] See, e.g., ABC News, "Activists React to President Sending Troops to Africa," October 17, 2011.

[8] Examples include a widely-viewed video produced in 2012 by the group Invisible Children, which was alternately praised and criticized from a variety of viewpoints.

[9] Challenges in operationalizing the AU-RTF are linked, in part, to the competing security priorities of its troop contributing countries. The RTF was authorized, rather than mandated, by the African Union, and lacks dedicated funding; it has been described by some experts as "no more than a loose arrangement of unilateral military operations in three countries." (Conciliation Resources, *In New Light: Protection of Civilians, the Lord's Resistance Army and the Africa Union Regional Task Force*, May 2015.) A large number of troops from South Sudan and Uganda, two of the troop-contributing countries, were redeployed in 2014 in response to South Sudan's internal conflict, which likely contributed to the decrease in the AU-RTF's troop count from 3,350 in May 2014 to 2,284 in November 2014. See *Report of the U.N. Secretary-General on the Activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-Affected Areas*, U.N. doc. S/2014/812, November 13, 2014; and *Report of the U.N. Secretary-General on the Activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-Affected Areas*, U.N. doc. S/2014/319, May 6, 2014.

[10] Invisible Children and The Resolve, "Evolution of LRA Command Structure," *LRA Crisis Tracker*, at http://www.lracrisistracker.com/command/evolution.

[11] *Worldwide Threat Assessment of the US Intelligence Community*, Statement for the Record, Senate Select Committee on Intelligence, January 29, 2014.

[12] *Worldwide Threat Assessment of the US Intelligence Community*, Statement for the Record, Senate Armed Services Committee, February 26, 2015.

Analysts who follow the activities of the LRA agree that it is a vicious, brutal group that has caused great human suffering and instability. Where some disagree 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. response to the group. These questions are particularly pertinent in the context of the deployment of U.S. military personnel and assets. Key questions include

- What is, or should be, the relative priority of counter-LRA activities compared to other humanitarian, national security, and budgetary goals? What is the impetus for U.S. action, when compared to other foreign policy concerns?
- What is the appropriate level of funding for LRA-related activities, both military and nonmilitary?
- What are the benchmarks for success and/or withdrawal of U.S. forces? How are regional actors and local communities likely to react to an eventual withdrawal? If Uganda, the key military actor in counter-LRA efforts, were to withdraw before the key objectives of the Administration's strategy are achieved, how would that affect the U.S. response to the LRA?
- What more, if anything, should be done to advance civilian protection, support the reintegration of ex-LRA combatants, address humanitarian needs, and achieve other goals laid out in P.L. 111-172?
- To what extent, with 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 or South Sudanese forces participating in counter-LRA operations, in terms of regional relations and U.S. diplomatic influence?

Recent Trends in LRA Activity

LRA members reportedly travel in small, highly mobile bands, which include abductees forced to act as porters, scouts, sex slaves, and junior fighters. While senior command positions appear to remain in the hands of Ugandan nationals, the group's lower ranks presumably include individuals from countries more recently affected by the LRA. The level of command and control linking LRA leaders to each other and to their fighters is uncertain.

The LRA's capacity appears to have diminished as Ugandan, Congolese, and South Sudanese troops, supported by the United States, have pursued operations against LRA cells, and as mid- and senior-ranking group figures have deserted or been captured or killed. Civilian killings by the group have decreased markedly in recent years, from 1,200 in 2009 to fewer than 20 in 2014. The number of people displaced as a direct result of LRA attacks, or out of fear of coming under attack by the LRA, has also reportedly declined. As of mid-2015, almost 200,000 people were estimated to be internally displaced or living as refugees in CAR, DRC, and South Sudan due to the LRA, compared to over 326,000 reportedly displaced as of December 2013.[13] Recent Ugandan military estimates put the LRA's strength at about 200-300 fighters, down from a peak

[13] U.N. Office for the Coordination of Humanitarian Affairs, *LRA Regional Update: Central African Republic, DR Congo and South Sudan (April-June 2015), August 3, 2015*; and *Report of the Secretary-General on the Activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-Affected Areas*, May 20, 2013.

of over 2,000 in the late 1990s and early 2000s.[14] Advocates of a continuing U.S. role in efforts to counter the LRA nevertheless warn that the group continues to pose a threat and could rebound, reporting that attacks and abductions attributed to the group increased in 2014, a trend that has continued into 2015, reversing a decline in 2011-2013.[15]

The most recent report of the U.N. Secretary-General on the situation in Central Africa raises concern with the reported movement of "the bulk of the LRA" into DRC, where a majority of reported LRA attacks occurred in 2015, according to *LRA Crisis Tracker.* Most of those incidents, primarily looting and/or abductions, took place in and around Garamba National Park, on the border with South Sudan. The remote, densely forested park, roughly the size of Delaware, had been a refuge for Kony and his fighters from 2006 through 2008, until they were scattered by a Ugandan-led regional offensive. The park's elephant population has increasingly been targeted by poachers, reportedly including LRA fighters—park rangers report that more than 170 elephants, more than 10% of the park's population, have been killed since the beginning of 2014.[16]

LRA Crisis Tracker analysts have warned that the LRA is likely exploiting instability in CAR to resupply its forces through looting and trafficking in illegal ivory, gold, and diamonds. U.S.-supported Ugandan operations in CAR ceased for several months in 2013 following the overthrow of the CAR government by a rebel movement, due to political and security challenges. Although Ugandan operations subsequently recommenced, reports suggest that the LRA is operating to the north and west of previous areas of activity in CAR. These areas may be beyond the reach of Ugandan troops, who are based in the far southeast of the country.

In 2013, independent analysts reported that the LRA had established a safe-haven in Kafia Kingi, a disputed area on the border between Sudan and South Sudan.[17] These analysts posited that the Sudanese government and/or military elements were purposefully allowing the LRA to operate in the area, noting a history of prior Sudanese government support to the LRA (see "Sudan and the LRA" textbox, below). In 2013, Ugandan troops serving in the AU-RTF reportedly entered Kafia Kingi and destroyed the LRA's bases there.[18] However, in May 2014, the U.N. Secretary-General reported to the U.N. Security Council that "credible sources suggest that LRA leader Joseph Kony and senior LRA commanders have recently returned to seek safe haven in Sudanese-controlled areas" of Kafia Kingi, despite Sudanese government denials.[19]

According to recent media and nongovernmental reports, the LRA is using Kafia Kingi as a transit point for ivory poached from DRC and smuggled through eastern CAR for trafficking onward to Asia.[20] In 2015, a State Department official stated in a *National Geographic* interview, "It's not a secret to anyone that Kony's in Sudan. It's his sanctuary."[21] At the invitation of the Sudanese government, the AU Special Envoy for LRA Issues led a delegation to Khartoum in September 2015 to discuss the Kafia Kingi allegations. They have agreed to send a joint fact finding mission to the area.

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[14] Samuel Okiror, "How Goes the Hunt for Joseph Kony and the LRA?" *IRIN*, June 23, 2015.

[15] LRA Crisis Tracker, *The State of the LRA in 2015,* February 2015.

[16] Bryan Christy, "How Killing Elephants Finances Terror in Africa," *National Geographic*, August 12, 2015.

[17] The Resolve, *Hidden in Plain Sight: Sudan's Harboring of the LRA in the Kafia Kingi Enclave, 2009-2013,* April 2013; Small Arms Survey, *Human Security Baseline Assessment (HSBA)*, "The LRA in Kafia Kingi," October 2013.

[18] LRA Crisis Tracker, *Annual Security Brief: January-December 2013,* February 2014.

[19] *Report of the U.N. Secretary-General*, U.N. doc. S/2014/319, May 6, 2014, op. cit.

[20] The Resolve, *The Kony Crossroads*, August 2015, and Bryan Christy, *National Geographic*, op. cit.

[21] Bryan Christy, *National Geographic*, op. cit.

International humanitarian assistance to LRA-affected areas increased significantly between 2009 and 2013. However, according to the U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA), despite donor efforts, "only a few humanitarian agencies and nongovernmental organizations [are] able to provide assistance in remote areas where no state institutions are present."[22] Insecurity in CAR and South Sudan appears to have further reduced access since 2013, while nongovernmental organizations have begun to "phase out" from some LRA-affected areas of DRC as the number of displaced persons continues to decrease.[23]

Background on the LRA

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 leaders from the north.[24] Joseph Kony, then in his 20s, initially laid claim to the legacy of Alice Lakwena, an ethnic Acholi spiritual leader from northern Uganda. Lakwena was a key figure among northern rebel factions seeking to overthrow the Museveni government, but her Holy Spirit Movement (HSM) was defeated by the Ugandan military in 1987. Kony, reportedly a relative of Lakwena's, then founded the LRA. The group, primarily composed of ethnic Acholis, targeted civilians in Acholi areas of Uganda and sought support and protection from the government of Sudan. In the late 1980s, the Museveni government recruited Acholis into government-backed civilian defense forces, which led the LRA to escalate its 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 government 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 Acholis, who had dominated the Ugandan armed forces prior to Museveni.[25] Ultimately, the Ugandan military succeeded in pushing the LRA out of the country in 2005-2006. LRA leaders then moved elsewhere in the region, notably to DRC and then to CAR. The LRA's current area of activity is vast and characterized by an extremely minimal government influence and a limited international humanitarian presence.

The LRA's Impact in Northern Uganda

Relative security has been established in northern Uganda since 2006, and nearly all formerly displaced persons have returned home. The lasting impact of the conflict, however, includes widespread civilian trauma and loss. 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.[26] Nearly 2 million people—virtually the entire affected population in the north—were displaced, with many coming to reside in internally displaced person (IDP) camps. Mass displacement was caused both by fear of LRA attacks and a controversial strategy by the Ugandan government to

[22] *Report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas*, November 14, 2013, U.N. doc. S/2013/671.

[23] *Report of the U.N. Secretary-General*, U.N. doc. S/2014/319, May 6, 2014, op. cit.

[24] For background on north-south tensions in Uganda, see e.g., Ogenga Otunnu, "Causes and Consequences of the War in Acholiland," Conciliation Resources, 2002.

[25] 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.

[26] Christopher Blattman and Jeannie Annan, "On the Nature and Causes of LRA Abduction: What the Abductees Say," Yale working paper, March 2008.

deprive the LRA of potential abductees by moving residents into the camps, which were widely criticized for poor living conditions. Tensions between northerners and southerners persist in Uganda, despite Ugandan government efforts, supported by donors such as the United States, to support reconstruction and development in the north.

The LRA has periodically laid out vague political demands, and in some ways its emergence and nearly 20-year sustainment in northern Uganda can be understood as a product of long-standing northern grievances against perceived southern political domination and economic neglect. The LRA has also fed off of proxy struggles between 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.[27] 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, but its influence and ability to make commitments on Kony's behalf appeared limited.

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 often brutalized and forced to commit atrocities, to replenish their ranks.

Sudan and the LRA

The Sudanese government is widely reported to have played a key role in the LRA's early endurance by providing it with supplies and shelter, partly in apparent retaliation for Uganda's support for the Sudan People's Liberation Movement (SPLM), a southern Sudanese-led rebel group.[28] The LRA used southern 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 restarted and Uganda accused Khartoum of breaking the agreement.[29] In 2002, Sudan allowed Ugandan troops to conduct anti-LRA operations on its territory. The strategic environment for the LRA changed in 2005, with the signing of the Comprehensive Peace Agreement (CPA) between the government of Sudan and the SPLM. The SPLM enjoyed partial autonomy within Sudan, and its forces conducted counter-LRA operations with the UPDF. LRA leaders then moved to northeastern DRC.

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.[30] The effort appears to have been unsuccessful, and the State Department stated in 2011 that there was no evidence to corroborate allegations of continued Sudanese support.[31] Still, various reports indicate that LRA leaders have established safe-havens in the Sudanese-controlled enclave of Kafia Kingi, which may serve as a transit point for illicit trafficking in ivory and other natural resources (see "Recent Trends in LRA Activity" above).

Regional and International Efforts to End the LRA

In the 1990s, the Ugandan government conducted counterinsurgency operations against the LRA in the north and provided support to local anti-LRA militia groups. Uganda also sought to target

[27] International Crisis Group, *Northern Uganda: Understanding and Solving the Conflict*, April 14, 2004.

[28] Gérard Prunier, "Rebel Movements and Proxy Warfare: Uganda, Sudan and the Congo," *African Affairs*: 2004.

[29] Patrick Oguru Otto, "Implementing the 1999 Nairobi Agreement," Conciliation Resources, 2002.

[30] *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.

[31] State Department, *Country Reports on Terrorism 2010*, August 18, 2011.

LRA rear bases in what was then southern Sudan, which were established with reported Sudanese government support. Ugandan-led military operations continued as a new semi-autonomous government of Southern Sudan took shape in 2005, with the support of Southern authorities.[32]

In 2005, following a request by the Ugandan government, the International Criminal Court (ICC) unsealed warrants for five LRA commanders, including Kony. Three have since reportedly died—most recently, Okot Odhiambo, in late 2013. A fourth, Dominic Ongwen, surrendered to U.S. forces in CAR in January 2015 and has been delivered to the ICC at The Hague, where he faces seven counts of war crimes and crimes against humanity. Kony is reportedly still alive, though some defectors have alleged that his health is in decline.[33]

Between 2006 and 2008, the LRA and the Ugandan government engaged in internationally-backed peace talks, known as the Juba peace process, mediated by the then-semi-autonomous Government of Southern Sudan.[34] As part of the process, LRA combatants were offered amnesty and senior leaders were given security guarantees. The government also committed to increasing 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.[35] Others, however, doubted Kony's sincerity, noting that Kony seemed "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."[36] President Museveni also appeared to oscillate between support for the talks and preference for a military offensive against the group.

In late 2008, the UPDF, with the permission 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, the LRA splintered into small groups and launched brutal reprisals against civilians. Uganda was stridently criticized by human rights groups for alleged poor planning, intelligence leaks, and failure to protect civilians in the operation's aftermath.[37] The UPDF subsequently deployed to LRA-affected regions of South Sudan and CAR, with host governments' permission and renewed U.S. support.

Uganda has sought to encourage Ugandan nationals within the LRA to desert and return to their country through information operations, internationally assisted disarmament and reintegration programs, and the passage of an Amnesty Act in 2000, which has been applied to nearly all LRA combatants. Over 27,000 ex-LRA members have reportedly been granted amnesty under the law, though it is not clear how many were combatants. (The Ugandan government extended the

[32] See Mareike Schomerus, *The Lord's Resistance Army in Sudan: A History and Overview*, Small Arms Survey, September 2007, on this period.

[33] Invisible Children, *7 Long-Term LRA Escapees Report that Kony's Health is Failing*, July 7, 2015.

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

[35] 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 Tim Allen, *Trial Justice: The International Criminal Court and the Lord's Resistance Army*, Zed Books: 2006.

[36] Andre Le Sage, "Countering the Lord's Resistance Army in Central Africa," *Strategic Forum*, July 2011.

[37] HRW, "Africa's Longest War Still Taking Lives," June 19, 2009.

amnesty in June 2015 for another two years .) Many ex-LRA combatants who have returned to Uganda reportedly remain in poverty, however, and are subject to trauma and social ostracizing. Some ex-combatants are recruited by the UPDF to assist with military operations.[38] Uganda has also passed legislation designed to enable it to try senior LRA commanders for war crimes—part of a long-term effort to assert jurisdiction over individuals sought by the ICC (although the LRA situation was referred to the ICC by Uganda). Ugandan officials and northern civic leaders have called for traditional justice and reconciliation mechanisms to help end the conflict and reintegrate LRA figures into their communities of origin.

The LRA is present within the areas of operation of multiple U.N. peacekeeping operations. These have contributed to counter-LRA efforts, although the LRA is not the primary focus of their mandates. Notably, the U.N. Stabilization Mission in DRC (MONUSCO) has supported Congolese military units in counter-LRA operations and has facilitated regional military and intelligence coordination. Also key among MONUSCO's efforts are its disarmament, demobilization, reintegration, repatriation, and resettlement (DDRRR) programs for ex-LRA combatants. Many analysts believe that such programs are crucial for encouraging desertions.

U.S. Policy

The United States has supported efforts to counter the effects of the LRA for more than a decade. When the LRA was in Uganda, the United States provided humanitarian assistance along with aid in support of the social and economic recovery of the north. The United States has significantly increased its engagement since 2008, after the Juba peace talks broke down and the LRA became mobile throughout a wider swath of Central Africa. U.S. involvement in counter-LRA efforts is largely premised on the group's infliction of widespread human suffering. It is also tied to an expanding security partnership with Uganda. In addition to its counter-LRA operations, Uganda is the leading troop contributor to the U.S.-supported AU stabilization operation in Somalia (AMISOM), which is linked to U.S. counterterrorism objectives. The U.S. relationship with Uganda has been strained by the Ugandan government's repression of its gay and lesbian community, which the Administration has condemned, but security cooperation has continued.[39]

The Administration's *Strategy to Support the Disarmament of the Lord's Resistance Army*, submitted to Congress in 2010 as required in P.L. 111-172, 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 multi-year *Strategy* 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."[40] The

[38] See Ledio Cakaj, *Too Far from Home: Demobilizing the Lord's Resistance Army*, Enough Project, 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," and are sometimes ordered to report to their own former commanders. If true, this raises potential questions concerning human rights implications; such pressure could also constitute a violation of Uganda's amnesty act and could have a negative impact on demobilization efforts.

[39] The White House, "Statement by the President on the Anti-Homosexuality Bill in Uganda," February 16, 2014.

[40] The White House, *Strategy*, p. 10.

agencies involved in implementation, which is coordinated by the National Security Council, include the State Department, the Defense Department, and the U.S. Agency for International Development (USAID), with support from the intelligence community.

As part of its multi-faceted approach, the Administration has pressed regional governments, other donors, and multilateral entities such as U.N. missions and the AU to prioritize LRA-related efforts and to develop plans to coordinate such efforts. For example, the Administration has used the U.S. voice and vote in the U.N. Security Council to support U.N. peacekeeping operations in DRC, South Sudan, and CAR—which help to coordinate counter-LRA activities—as well as the U.N. Regional Office for Central Africa, a U.N. political mission whose mandate includes the LRA. 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 describe key components of the U.S. response to the LRA.

Logistical and Equipment Support for African Forces

The United States has provided logistical support and equipment for African counter-LRA operations since late 2008, when the UPDF launched "Operation Lightning Thunder" against LRA camps in northeastern DRC. This support is separate from the U.S. advisor effort, described below. The UPDF remains the primary recipient of such support, even as the UPDF's operations are now part of the AU Regional Task Force.[41] The UPDF operates from bases in CAR and South Sudan, and U.S. assistance includes payment for contract airlift, fuel, and trucks, as well as the transfer of equipment such as satellite phones, night vision goggles, signaling devices, hydration packs, and compact pickup trucks. The U.S. embassy in Uganda plays a key role in implementing and overseeing U.S. support to counter-LRA operations.

Between 2009 and 2012, the State Department allocated over $56 million for supplies, equipment, and logistics support to African forces engaged in counter-LRA operations—primarily the UPDF—using Peacekeeping Operations (PKO) funds.[42] Much of this funding was provided under the State Department's Africa Conflict Stabilization and Border Security (ACSBS) initiative, or by reprogramming funds initially appropriated for other countries and/or purposes.

Starting in FY2012, Congress authorized the Department of Defense (DOD) to fund logistical support, supplies, and services for African counter-LRA operations (see "Legislation," below), which has freed up State Department resources for other activities. (The PKO account is a key vehicle for State Department funding of counterterrorism and security sector reform efforts in Africa.) Such funding from DOD totaled $22.5 million in FY2012 and $17.7 million in FY2013, less than the authorized level of $35 million per year in those years. The decrease in the FY2013 total compared to FY2012 may be attributable to the temporary cessation of U.S.-supported counter-LRA operations in CAR in early 2013. Beginning in FY2014, Congress increased the authorized funding level up to $50 million through FY2017; DOD allocated approximately $25

[41] 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 2003 UPDF withdrawal of troops from DRC, the United States restarted limited military aid programs. Military assistance has since expanded significantly, and Uganda is currently a major beneficiary, within Africa, of U.S. security assistance and security cooperation programs.

[42] 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 and Defense Department, and congressional notifications.

million for the effort in both FY2014 and FY2015. In FY2011, DOD also used its "Section 1206" authority to provide $4.4 million in counter-LRA-related training and equipment to the UPDF.[43]

DOD has also supported counter-LRA operations with intelligence, surveillance, and reconnaissance assets, as authorized by Congress (see "Legislation"). Such support totaled over $41 million in FY2013 and $54 million in FY2014, according to DOD's budget requests.

Deployment of U.S. Military Forces

Starting in October 2011, approximately 100 U.S. military advisors deployed to Uganda and to LRA-affected areas of CAR, South Sudan, and DRC to assist the Ugandan military in conducting counter-LRA operations. The U.S. advisors have also provided some training to small teams of DRC and South Sudanese forces engaged in counter-LRA operations.[44] (DRC authorities have largely prohibited Ugandan troops from conducting counter-LRA operations within DRC since 2011, due to political sensitivities as well as allegations of Ugandan military involvement in resource smuggling.) Although some U.S. forces are combat-equipped, their rules of engagement state that they will not directly engage LRA forces unless necessary for self-defense.[45] The U.S. advisor effort is known as Operation Observant Compass, or OOC.

In March 2014, the President notified Congress, "consistent with the War Powers Act," that he was deploying U.S. military aircraft to assist with counter-LRA operations, and that this would involve the deployment of additional military personnel to Uganda and LRA-affected countries to "principally operate and maintain U.S. aircraft to provide air mobility support to foreign partner forces."[46] The President's notification stated that the total number of U.S. military personnel deployed to Africa for the counter-LRA mission would number between 280 and 300 when the aircraft were deployed. The request to deploy the military aircraft, known as CV-22 Ospreys, reportedly originated with DOD in response to perceived UPDF capability gaps.[47] The cost of Operation Observant Compass (OOC), according to DOD's budget requests, totaled roughly $78 million in FY2013 and more than $98 million in FY2014. An FY2015 figure is not yet available.

When U.S. advisors first deployed, then-Assistant Secretary of State for African Affairs Johnnie Carson stated that, "this is not an open-ended commitment; we will regularly review and assess whether the advisory effect is sufficiently enhancing our objectives to justify continued deployment."[48] Administration officials have continued to express support for the operation, as have Members of Congress (see "Legislation" below). In April 2014, U.S. Africa Command (AFRICOM) Commander General David Rodriguez referred to the counter-LRA effort as "a

[43] Section 1206 of the FY2006 National Defense Authorization Act, as amended, authorizes training and equipping of foreign military forces for counterterrorism purposes. See CRS Report RS22855, *Security Assistance Reform: "Section 1206" Background and Issues for Congress*, by Nina M. Serafino.

[44] See Rajiv Chandrasekaran, "Kony 2013: U.S. quietly intensifies effort to help African troops capture infamous warlord," *Washington Post*, October 28, 2013. Separately, a DRC light infantry battalion that received U.S. training in 2010 initially deployed to LRA-affected areas, but subsequently redeployed elsewhere and U.S. support for the battalion ultimately ceased due to human rights concerns. U.S. support to South Sudanese security forces is currently under review amid ongoing civil conflict in that countryA small number of UPDF officers are based at a U.N. counter-LRA intelligence fusion hub in the town of Dungu in northeastern DRC.

[45] "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); Congressional Record, p. H6975, October. 14, 2011.

[46] White House, "Letter from the President—War Powers Resolution," March 25, 2014.

[47] *Washington Post*, "Kony 2013," October 28, 2013, op. cit.

[48] Remarks by Assistant Secretary of State Johnnie Carson, U.S. Institute of Peace, December 7, 2011.

good success story" as the LRA "continue[s] to get weaker every day," adding, "And we're going to continue to support the efforts of the African Union regional task force to finish this off."[49] In 2015, he testified before Congress that U.S. involvement in the effort "has significantly decreased [Joseph Kony's] impact on any civilian population."[50]

The War Powers Resolution: Implications[51]

A potential issue for Congress is whether the LRA-related deployments legally trigger the War Powers Resolution (WPR, P.L. 93-148), and thus the reporting and withdrawal requirements therein. The WPR (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.

Humanitarian Relief, Early Warning, and Encouragement of Desertions

The United States is the largest bilateral donor of humanitarian assistance to LRA-affected populations in CAR, DRC, and South Sudan. Between 2010 and 2014, the United States provided over $87.2 million to support food security, health programs, economic initiatives, and other relief activities in LRA-affected areas.[52] Such aid is not generally appropriated for specific countries, but is allocated during the year according to need. U.S. humanitarian assistance funding has supported food aid, agricultural assistance, humanitarian protection, health programs, and other relief activities. U.S. efforts are "closely coordinated" with other donors, such as the European Union and United Kingdom.[53] Despite reported improvements in donor coordination,

[49] Defense Department, "Deputy Assistant Secretary of Defense for African Affairs Amanda Dory and U.S. Africa Command Commander Army Gen. David M. Rodriguez Hold News Briefing on Africa Strategy and Operations," April 8, 2014.

[50] Testimony of General David Rodriguez, Commander of U.S. Africa Command, Senate Armed Services Committee, *U.S. Africa Command Programs and Budget*, March 26, 2015

[51] The President's reports to Congress as a result of the WPR serve as formal communication to the Congress. War powers have been at issue in multiple overseas engagements. President Obama has submitted reports detailing the deployment of "various combat-equipped forces to a number of locations" in the areas of operation of various combatant commands, including AFRICOM, in support of anti-terrorist actions. See CRS Report RL33532, *War Powers Resolution: Presidential Compliance*, by Richard F. Grimmett. A memorandum issued by the Justice Department's Office of Legal Counsel in 2011, "Authority to Use Military Force in Libya," which detailed advice provided before President Obama commenced operations in that country, gave the opinion that "prior congressional approval was not constitutionally required to use military force in the limited operations under consideration."

[52] State Department, "U.S. Support to Regional Efforts to Counter the Lord's Resistance Army," March 24, 2014.

[53] Testimony of USAID Assistant Administrator for Africa Earl W. Gast, "Countering the Lord's Resistance Army," Senate Foreign Relations Committee, Subcommittee on Africa, April 24, 2012.

however, humanitarian relief efforts continue to be hampered by poor infrastructure and insecurity in LRA-affected areas.

The State Department and USAID have also provided funding for efforts to increase communication between and among rural communities affected by LRA raids and attacks. In support of early warning mechanisms, the State Department and USAID have funded communication networks, such as high-frequency radios, cell phone towers, and community radio networks, in LRA-affected areas of CAR and DRC. In DRC, cell phone towers have been financed through a public-private partnership with Vodacom.

The United States is working with U.N. peacekeeping missions, the AU, and regional governments to facilitate the return, repatriation, and reintegration of those who desert the LRA's ranks. According to the State Department, U.S. military advisors and diplomats have expanded efforts to promote desertions by LRA combatants, using leaflet drops, radio broadcasts, aerial loudspeakers, and "the establishment of reporting sites where LRA fighters can safely surrender."[54] In a 2014 fact sheet, the State Department pointed to the desertion of 19 individuals in CAR in December 2013, including nine Ugandan male nationals (generally Ugandan males in the LRA are assumed to have served in combatant roles, even if they were initially abducted), as evidence that these efforts are working. Similarly, in an August 2015 briefing, Paul Ronan, co-founder and project director of the *LRA Crisis Tracker*, noted that seven May 2015 defectors chose to bypass nearby towns and walk for weeks to reach an area in which U.S. troops were based because, according to his interviews with them, "they knew from these messaging campaigns that if they defected to U.S. troops then they would be safe."[55] U.S. funding has also supported the rehabilitation and reintegration of former abducted youth in CAR and DRC.[56]

Terrorism Designations and "Rewards for Justice"

Targeted sanctions and financial incentives for information leading to the apprehension of top LRA leaders are a component of U.S. policy. The State Department has included the LRA on its "Terrorist Exclusion List" since 2001.[57] In 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.[58] It does not appear that Kony or other LRA leaders maintain assets under U.S. jurisdiction; the group is famous for its ability to survive despite its lack of substantial resources.

In April 2013, the Secretary of State offered up to $5 million for information leading to the arrests, transfer, or conviction of three top LRA leaders sought by the ICC: Kony, Odhiambo, and Ongwen. The department stated that the reward offer would contribute to the objective of ending impunity and promoting justice, "a key pillar" of the Administration's Atrocity Prevention

[54] State Department, "U.S. Support to Regional Efforts to Counter the Lord's Resistance Army," March 24, 2014.

[55] Statement by Project Director of the *LRA Crisis Tracker* Paul Ronan, "Joseph Kony and the Lord's Resistance Army," Tom Lantos Human Rights Commission, August 10, 2015.

[56] State Department, "U.S. Support to Regional Efforts to Counter the Lord's Resistance Army," March 24, 2014.

[57] 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 U.S. ability to exclude supporters of terrorism from the country or to deport them.

[58] State Department, Office of the Coordinator for Counterterrorism, "Individuals and Entities Designated by the State Department Under E.O. 13224."

Initiative and National Security Strategy.[59] The decision followed Congress's passage of legislation allowing the State Department to offer rewards for information related to individuals sought by international tribunals (P.L. 112-283). The United States is not a state party to the ICC. Odhiambo was reportedly killed by Ugandan forces in late 2013; Ongwen surrendered to U.S. forces in CAR in January 2015 and has since been delivered to The Hague.

Aid to Northern Uganda

When the LRA was active in northern Uganda, the United States provided substantial humanitarian assistance to affected communities. Between 1997 and 2009, for example, such aid totaled over $436 million, including $370 million in food aid.[60] Starting in 2006, USAID has gradually shifted the focus of its programs in the north from relief to recovery. As called for in P.L. 111-172, the Administration has provided substantial support for post-conflict reconciliation and development aid programs in the north. In addition to global development aims, the focus on northern Uganda may also reflect the recommendations of analysts who contend that the LRA is rooted in deep-seated socio-political divisions between northern and southern Uganda.[61] U.S. development assistance has included several flagship programs in the north totaling over $435 million between FY2009 and FY2011.[62] Development assistance to the north continues as part of overall U.S. foreign assistance to Uganda, a top U.S. aid recipient in Africa. U.S. military civil affairs teams have also contributed to post-conflict recovery and development efforts in the area.[63]

Legislation

Congress has played a key role in U.S. policy toward the LRA. Following the enactment of P.L. 111-172, Congress has appropriated funding and created new authorities for the executive branch to carry out components of the U.S. response. Selected enacted legislation is described below.

- **Consolidated Appropriations Act, 2012 (P.L. 112-74, December 23, 2011).** Funds appropriated for the Department of State and foreign assistance "should be made available for programs and activities affected by the Lord's Resistance Army." The conference report accompanying the act stated that, "up to $10,000,000 be made available for peace and security in the affected region to address these issues, including programs to improve physical access, telecommunications infrastructure and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former LRA combatants, especially child soldiers."[64]
- **National Defense Authorization Act for Fiscal Year 2012 (P.L. 112-81, December 31, 2011).** Authorized the Secretary of Defense, with the concurrence of the Secretary of State, to provide "not more than" $35 million for each of fiscal years 2012 and 2013 in "logistic support, supplies, and services for foreign

[59] State Department, "Expansion of the War Crimes Rewards Program," April 3, 2013.

[60] Testimony of USAID Assistant Administrator for Africa Earl W. Gast, "Countering the Lord's Resistance Army," Senate Foreign Relations Committee, Subcommittee on Africa, April 24, 2012.

[61] E.g., The Resolve, *From Promise to Peace: A blueprint for President Obama's LRA strategy*, September 2010.

[62] State Department, "U.S. Support to Regional Efforts To Counter the Lord's Resistance Army," March 23, 2012; The White House, *LRA Strategy*, p. 6.

[63] 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.

[64] See H.Rept. 112-331 on P.L. 112-74.

forces participating in operations to mitigate and eliminate the threat posed by the Lord's Resistance Army."

- **Department of State Rewards Program Update and Technical Corrections Act of 2012 (P.L. 112-283, January 15, 2013).** Amended the State Department Basic Authorities Act of 1956 to authorize, among other things, the issuance of monetary rewards for information leading to the arrest or conviction in any country, or the transfer to or conviction by an international criminal tribunal, of any foreign national accused of war crimes, crimes against humanity, or genocide. Provided that "Nothing in this Act or the amendments made by this Act shall be construed as authorizing the use of activity precluded under the American Servicemembers' Protection Act of 2002" (P.L. 107-206, Title II), which prohibits material assistance to the ICC, among other provisions.
- **National Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239, January 2, 2013).** Expressed the sense of Congress that the U.S. operation to support African counter-LRA efforts "should continue as appropriate to achieve the goals of the operation" and that the Secretary of Defense "should provide intelligence, surveillance, and reconnaissance assets" in support of the U.S. operation. Provided "an additional $50 million to enhance the intelligence, surveillance, and reconnaissance (ISR) support to AFRICOM's OOC [Operation Observant Compass]."[65]
- **National Defense Authorization Act for Fiscal Year 2014 (P.L. 113-66, December 26, 2013).** Authorizes the Secretary of Defense, with the concurrence of the Secretary of State, to provide up to $50 million year fiscal year, through FY2017, in "logistic support, supplies, and services, and intelligence support, to foreign forces participating in operations to mitigate and eliminate the threat posed by the Lord's Resistance Army." Prohibits utilizing over $37.5 million in FY2014 until the Secretary of Defense provides a report on Operation Observant Compass describing its "specific goals," "the precise metrics used to measure progress," and "the actions that will be taken to transition the campaign if it is determined that it is no longer necessary for the United States to support the mission of the campaign."
- **Consolidated Appropriations Act, 2014 (P.L. 113-76, January 17, 2014).** Funds appropriated for foreign assistance "shall be made available for programs and activities in areas affected by the Lord's Resistance Army ... including to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former LRA combatants, especially child soldiers." Provided budget authority for $10 million in Economic Support Fund (ESF) for counter-LRA programs.[66] Required the Secretary of State, in consultation with the Secretary of Defense and the USAID Administrator, to submit a report on progress toward

[65] See H.Rept. 112-705 on P.L. 112-239.

[66] See Joint Explanatory Statement, Division K, House Rules Committee print available at http://docs.house.gov/billsthisweek/20140113/113-HR3547-JSOM-J-L.pdf. The Explanatory Statement also directs federal departments, agencies, and other entities to "comply with the directives, reporting requirements, and allocations" contained in the committee reports on the respective House and Senate versions of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014. The Senate report (S.Rept. 113-81, accompanying S. 1372) "recommends not less than $10,000,000 to implement P.L. 111-172" and "directs the Department of State to weigh the degree of cooperation by the Government of the DRC with the AU and other regional partners in efforts to counter the LRA when considering training additional DRC military battalions."

implementing the Administration's counter-LRA strategy and the objectives included in P.L. 111-172, including assistance provided for such purposes.

- **National Defense Authorization Act for Fiscal Year 2015 (P.L. 113-291, January 3, 2014).** Expresses that the U.S. advise and assist operation in support of regional counter-LRA operations "has made significant progress in achieving its objectives" and that "the Department of Defense should continue its support of Operation Observant Compass, particularly through the provision of key enablers, such as mobility assets and targeted intelligence collection and analytical support, to enable regional partners to effectively conduct operations against Joseph Kony and the Lord's Resistance Army," Also requires that Operation Observant Compass be "integrated into a comprehensive strategy to support the security and stability in the region."
- **Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235, December 16, 2014).** Funds appropriated for foreign assistance "shall be made available for programs and activities in areas affected by the Lord's Resistance Army ... including to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former LRA combatants, especially child soldiers." Directs the Secretary of State to continue the reporting requirement included in the Joint Explanatory Statement of P.L. 113-76 during FY2015.

Pending resolutions include **S.Res. 237** and **H.Res. 394**, "condemning Joseph Kony and the Lord's Resistance Army for continuing to perpetrate crimes against humanity, war crimes, and mass atrocities," and broadly supporting counter-LRA efforts by the African Union as well as Central African governments and regional organizations. Additionally, there are several pending legislative provisions that address the future of the Department of Defense support for the counter-LRA mission. These provisions are described below.

- **H.Rept. 114-102** accompanying **H.R. 1735 (FY2016 National Defense Authorization Act).** Expresses concern that the Secretary of Defense has not provided details on its plan to transition or terminate the counter-LRA mission should Joseph Kony be removed from the battlefield or when the authority expires in September 2017. Directs the Secretary of Defense to brief the House Committee on Armed Services on the post-LRA transition or termination plan by September 30, 2015.
- **S.Rept. 114-49** accompanying **S. 1376 (FY2016 National Defense Authorization Act).** Notes the progress of the AU-RTF in combatting the LRA and encourages the Department of Defense to continue to provide logistic support, supplies, and services, as well as intelligence support, to foreign forces participating in counter-LRA efforts.
- **S.Rept. 114-63** accompanying **S. 1558 (FY2016 Department of Defense Appropriations Bill).** Provides that "the Department of Defense shall continue its support of Operation Observant Compass to enable regional partners to continue to conduct operations against Joseph Kony and the Lord's Resistance Army."
- **H.R. 2685 (FY2016 Department of Defense Appropriations Act).** Provides that, of funding provided under "Operation and Maintenance, Defense-Wide ... up to $30,000,000 shall be for Operation Observant Compass."

- **S. 1725 (FY2016 Department of State, Foreign Operations, and Related Programs Appropriations Act).** Provides budget authority for $10 million in Economic Support Fund (ESF) for counter-LRA programs "including to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former LRA combatants, especially child soldiers."

Legislation Prior to P.L. 111-172

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 more broadly); 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. Several bills expressing concern over the LRA and calling for U.S. action were enacted into law. These include:

- the **Defense Department Appropriations Act of 1999 (P.L. 105-262)**, 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," including U.S. participation in confidence-building measures; increased diplomatic pressure on 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 related to the LRA were agreed to by either the House or Senate. These include H.Con.Res. 309 (105th); S.Res. 366 (109th); S.Con.Res. 16 (110th); and H.Con.Res. 80 (110th).

Potential Issues for Congress

The deployment of U.S. military personnel in support of regional counter-LRA efforts may raise questions related to whether, and in what form, explicit legal authorization is required (see "War Powers" text-box, above). Additional issues of potential interest are outlined below.

Funding and Resources

Decisions regarding the resources that Members may decide to authorize or appropriate to counter the LRA are among the primary LRA-related matters under consideration by Congress. Alongside the financial resources dedicated to U.S. efforts, counter-LRA operations have involved the commitment of U.S. military personnel, equipment, and intelligence assets. In this context, a key question for Members is the relative importance of LRA-related policies compared to other strategic, humanitarian, and security goals. The Administration's *Strategy* document does not define the relative importance of the LRA issue compared to other U.S. policy initiatives and

priorities, although it does note that "the extent to 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."[67]

P.L. 111-172 did not appropriate funding in support of its objectives. The Administration, in its annual Congressional Budget Justification for Department of State and Foreign Operations, has not comprehensively specified levels or sources of funding requested for LRA policy implementation. Congress has—as described above ("Legislation")—authorized and/or appropriated funds for certain aspects of the U.S. response to the LRA, while other aspects have been funded through regional and country-specific programs or through the Administration's reallocation of funds initially appropriated for other purposes, in consultation with Congress.

Strategic Objectives

U.S. military advisors and assets have deployed in support of African counter-LRA operations amid broader discussions related to the global projection of U.S. force, foreign policy priorities, and federal fiscal debates. Members may seek to determine strategic benchmarks and a timeframe for declaring a draw-down of counter-LRA efforts, judge whether such benchmarks have been achieved, decide the relative prioritization (if any) of the various aspects of the U.S. response, and/or weigh LRA-related activities against competing policy goals and resource constraints. Provisions included in recent defense authorization measures require the Administration to report on strategic aspects of the U.S. military advisor deployment.

Efforts to empower the UPDF and other African security forces to play a greater role in responding to regional crises correspond to a recent emphasis in U.S. national security policy on strengthening the capacity of partner countries to defend against internal and external threats and promote regional security. At the same time, prioritizing certain elements of the counter-LRA strategy may affect other policy goals related to Uganda and the wider region. With regard to multilateral engagement, including efforts to shape the mandates of U.N. peacekeeping operations, for example, policymakers may weigh LRA-related goals against other tasks, such as assisting with larger conflict-resolution efforts in eastern DRC, CAR, and South Sudan. Tensions between Uganda, South Sudan, and Sudan over the conflict in South Sudan could also present challenges to counter-LRA efforts. With regard to Uganda, policymakers may consider the relative priority of other operations in which Ugandan forces are engaged (such as Somalia), as well as the potential impact of additional U.S. military support for Uganda on U.S. human rights, democracy promotion, and good governance efforts (see "The Role of Uganda" below).

Donor Coordination

Administration officials have emphasized that implementation of the anti-LRA strategy involves close coordination with other 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 attention to the LRA's regional impact at the U.N. Security Council and within the African Union since 2011. Still, the level of coordination, particularly in the field, is likely to vary. Moreover, U.S. relationships with other possible donors and actors are characterized by competing priorities.

[67] The White House, *LRA Strategy*, p. 2.

The Role of Uganda

The State Department characterizes Uganda as "a key partner to the United States in the region and an important force in regional stability,"[68] and the UPDF is widely viewed as one of the region's most effective military forces. At the same time, alleged past UPDF abuses in LRA-affected areas of northern Uganda and allegations of Ugandan support for rebel groups in DRC render its regional role sensitive.[69] The UPDF's involvement in the internal conflict in South Sudan has also complicated regional security dynamics. Analysts have periodically questioned the UPDF's capacity and commitment to defeating the LRA, given Uganda's competing regional and internal security priorities[70] and the fact that ongoing counter-LRA operations are linked to substantial U.S. military aid. Some observers further question whether U.S. support for the UPDF's engagement in multiple regional missions has encouraged a small country to maintain an otherwise unsustainably large military.

As the International Crisis Group has noted, while the UPDF 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."[71] The U.S.-based advocacy group Resolve has reported on unease among some civilian communities and Central African officials regarding the UPDF's continued deployments, regarding whether the UPDF was profiting from its counter-LRA operations through U.S. military assistance and alleged involvement in resource smuggling.[72]

Some might question whether ongoing U.S. support to the Ugandan military is having unintended consequences for U.S. policy and the region, for example in relation to Uganda's military role in the internal conflict in South Sudan. The U.S. security partnership with the UPDF may also impede U.S. diplomatic leverage with regard to criticizing Uganda's record on democracy, governance, and human rights. U.S. officials have periodically expressed concerns about Uganda's governance trajectory—in 2014, President Obama described Uganda's Anti-Homosexuality Bill (subsequently enacted and later overturned) as "reflect[ing] poorly on Uganda's commitment to protecting the human rights of its people" and as "complicat[ing] our valued relationship."[73] The State Department's *Country Report on Human Rights Practices for*

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[68] State Department, *FY2016 Congressional Budget Justification for Foreign Operations* (Appendix 2). This document states that "given its role in regional geo-politics, the United States has consistently worked with the Government of Uganda to resolve regional conflict and to address the threats they pose to regional security."

[69] See Maria Burnett and Elizabeth Evenson, "Other Half of the Kony Equation: Human Rights Abuses of Ugandans by Rebels and Army Still Being Unearthed," *Washington Times*, April 5, 2012; and, e.g., *Final report of the Group of Experts on the DRC submitted in accordance with paragraph 4 of Security Council resolution 2021 (2011)* [sanctions monitoring report], November 15, 2012, U.N. doc. S/2012/843.

[70] These include Uganda's commitment to maintaining troops in Somalia; its deployment of troops to neighboring South Sudan in connection with that country's civil conflict; ongoing insecurity in Uganda's volatile Karamojong area; and domestic political upheaval since elections in February 2011 returned President Museveni to office, further extending his 25-year tenure and spurring periodic opposition protests, some of which have been suppressed with force. On political tensions in Uganda, see ICG, *Uganda: No Resolution to Growing Tensions*, April 5, 2012. For further information, see the State Department's 2013 Human Rights Report on Uganda.

[71] International Crisis Group (ICG), *The Lord's Resistance Army: End Game?*, November 17, 2011.

[72] Resolve, *Peace Can Be: President Obama's Chance to Help End LRA Atrocities in 2012*, February 2012; see also BBC Monitoring, "Ugandan Defense Budget Increased," July 29, 2011.

[73] The White House, Statement by the President on the Anti-Homosexuality Bill in Uganda, February 12, 2015. See also National Security Council Senior Directors Grant Harris and Stephen Pomper, "Further U.S. Efforts to Protect Human Rights in Uganda," The White House Blog, June 19, 2014.

2014 states that the Ugandan government has restricted speech and press freedoms as well as rights of assembly and association, at times with excessive force.

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. The level of operational and intelligence coordination among the UPDF, host country forces, and civilian communities may be key to success. However, despite efforts by affected countries and multilateral entities to foster regional cooperation, African states have not fulfilled their troop commitments to the AU Regional Task force in full, and the coordination of counter-LRA efforts remains a thorny diplomatic issue. Difficulties related to coordination are attributable to several factors, including competing priorities and a lack of capacity among regional governments and militaries; language and communications gaps; civilian communities' distrust of UPDF capacities and motives; and distrust among political leaders linked to competition over external assistance as well as to recent history—as discussed above. The U.N. Group of Experts on the DRC has noted that the inability of military operations to neutralize transnational armed groups, including the LRA, "continually tests the level of trust" among leaders in the region.[74]

Tensions between the Congolese and Ugandan militaries have been particularly salient, and DRC authorities have prohibited UPDF forces from conducting counter-LRA operations within DRC territory since 2011. Congolese officials alleged at the time that there were no LRA fighters left in DRC, that the LRA was being used by the UPDF as an excuse to plunder Congolese resources and benefit from international military aid, and that Uganda was ultimately uninterested in defeating the group.[75] Yet, reported LRA attacks have continued in northeastern DRC, and DRC security forces have reportedly conducted counter-LRA operations in coordination with their South Sudanese counterparts, with U.S. support.[76] Such accusations point to Congolese sensitivities over Uganda's regional role, its related ability to benefit from U.S. assistance, and its troubled history in DRC. Similar tensions periodically surfaced in CAR prior to the current conflict there, as have civilian-military tensions that may have hindered UPDF operations.[77]

As noted above, the United States has provided some training and assistance to elements of the DRC and South Sudanese militaries engaged in counter-LRA operations; some nonlethal aid was provided to the CAR military prior to the 2013 rebel takeover. These armed forces suffer from limited capacity and competing security priorities. They are also implicated in serious human rights abuses, as particularly illustrated by the current conflict in South Sudan.[78] President Obama has waived in part the application of the Child Soldiers Protection Act of 2008 (P.L. 110-457; CSPA) to facilitate the participation of DRC and South Sudanese troops in counter-LRA operations. Some policymakers may see a need for options for responding to potential human rights abuses by partner militaries in cases where U.S. support is being provided.

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[74] *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.

[75] E.g., Mike Thomson, "Who Can Stop the LRA?" BBC Online, February 16, 2011.

[76] *Washington Post*, "Kony 2013," October 28, 2013, op. cit.

[77] CRS interviews with Ugandan and CAR officials in Bangui and Obo, CAR, March 2011.

[78] South Sudan's military has fractured since December 2013 in the context of the current conflict, and units on both sides have been accused of serious human rights abuses.

Outlook

As the LRA's capacity has weakened amid U.S. military deployments to the region, some anti-LRA advocates have begun to call for a shift in U.S. focus toward preparing for a post-LRA environment. This might include reallocating resources from military operations and life-saving humanitarian relief toward recovery and development efforts. In May 2015, the U.N. Secretary-General suggested to the Security Council that the "lack of funding for protection, reintegration, and development programs in LRA-affected areas remains a serious challenge," noting that several projects in the area had recently closed.[79] Given the areas where the LRA currently operates, any U.S. development assistance could face challenges related to the difficulty of overseeing implementation in remote areas—including in countries, like CAR, where diplomatic access to areas outside of Bangui is limited—and competing priorities for global aid resources. Some advocates have expressed concern that if/when the military objectives of the Strategy have been met, international support for programs in this remote region may fade.

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

- What is the ultimate end-game of U.S.-supported regional military efforts? What possible scenarios need to be considered?
- What safeguards are in place to ensure that U.S. support for counter-LRA operations does not contribute to human rights abuses by partner forces? Are additional safeguards needed?
- What more can be done to encourage African states to fulfill their troop commitments to the AU Regional Task force and improve regional cooperation?
- 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? To what extent are intelligence, surveillance, and reconnaissance (ISR) needs being met? Conversely, do military deployments and ISR allocations for counter-LRA efforts draw assets away from other U.S. missions and priorities?
- If regional operations are successful, what is the appropriate level of funding, if any, for any future humanitarian, recovery, and development assistance?
- Do P.L. 111-172 and the LRA *Strategy* provide a possible model for responding to other groups responsible for mass atrocities?

[79] *Report of the U.N. Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas*, U.N. doc. S/2015/339, May 14, 2015.

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