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Assessing Uganda's cross-border pursuit of the Lord's Resistance Army

by Clement Ochan

February 2009

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This research is part of a larger study of the effects of armed conflict on civilian populations in northern Uganda, northeastern Uganda, and Southern Sudan undertaken by members of the Feinstein International Center.

This research was supported by the International Development Research Centre (IDRC) and the Canadian International Development Agency (CIDA).



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GLOSSARY

CAR	Central African Republic
CHMT	Cessation of Hostilities Monitoring Team
CoH	Cessation of Hostilities Agreement
CPA	Comprehensive Peace Agreement
DRC	Democratic Republic of the Congo
EDF	Equatorian Defense Force
GoDRC	Government of the Democratic Republic of the Congo
GoS	Government of Sudan
GoSS	Government of South Sudan
GoU	Government of Uganda
IDP	Internally Displaced Person
LRA	Lord's Resistance Army
NIF	National Islamic Front
SAF	Sudan Armed Forces
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SSDF	South Sudan Defense Force
UNAIDS	United Nations AIDS
UNLA	Uganda National Liberation Army
UPDF	Uganda People's Defense Force

Cover photograph, Border crossings from northern Uganda to southern Sudan, by Christopher Carlson

ACKNOWLEDGEMENTS

I am grateful to the civil authorities of Lobone and Nimule *payams* (districts) for their assistance particularly in the data collection process. Their cooperation, punctuality, and advice helped make my work easier than expected. Their roles in community organization and provision of security to the research team were invaluable.

I owe an immense debt of gratitude to the community leaders, chiefs, elders, women, and youth representatives who contributed to my understanding and provided a wealth of information. I appreciate that many others expressed a desire to come for interviews but due to other obligations were unable to do so.

I would like to register my appreciation to all the staff of the following non-governmental agencies and churches: Catholic Relief Services (CRS); Norwegian Church Aid (NCA); Peace and Justice (PJ); Sekina Mission International (SMI); the International Rescue Committee (IRC); Norwegian People's AID (NPA); the Diocese of Torit (DoT) and the African Inland Church (AIC) for their invaluable logistical assistance and giving me access to their facilities.

Last and not least, I am indebted to Professor Dyan Mazurana and Dr. Tim Morris for their technical guidance that helped shape this article.

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EXECUTIVE SUMMARY

In 2002 the governments of Uganda and Sudan agreed to allow the Ugandan Army, the Uganda People's Defense Force (UPDF), to pursue insurgents of the Lord's Resistance Army (LRA) and establish bases inside Sudan. The Sudan People's Liberation Movement (SPLM)—at the time opponents of the Sudanese government and now leading the autonomous Government of South Sudan (GoSS)—was not a party to the agreement, but subsequently welcomed it as an opportunity to protect southern Sudanese in border regions from the depredations of the LRA.

In March 2002, a UPDF base was established in the southern Sudanese border town of Lobone from where soldiers fanned out to search out LRA encampments inside Sudan. In 2004 a larger contingent was stationed alongside the airstrip in Nimule, a border crossing town situated on the eastern side of the White Nile and on the main road between Uganda and the southern Sudanese capital, Juba. While the UPDF contingent in Lobone was withdrawn after six months, the UPDF remains in Nimule at the time of writing. This is a source of ongoing irritation to the GoSS Vice President, Riek Machar, who in June 2008 called on Ugandan President Yoweri Museveni to withdraw all UPDF forces from Sudan.

Local attitudes to the arrival of the UPDF contingents were mixed. SPLA-led efforts to limit the impact of the Ugandan presence in Lobone were more successful than in Nimule where the soldiers arrived unannounced and locals report their behavior has been more undisciplined. Some local people welcomed the commercial opportunities provided by the presence of relatively well-paid UPDF soldiers, hoping to profit from selling them meat, alcohol, and vegetables. Others complained that their presence raised the price of basic commodities and that UPDF personnel, allegedly often working in partnership with SPLA soldiers, have been the main beneficiaries of the UPDF-inspired marketing boom. Local men and church and community leaders believe the presence of UPDF soldiers has encouraged promiscuity and increased rates of HIV/AIDS. There is evidence that some destitute Sudanese women have been forced (by poverty) into survival sexual liaisons with Ugandan troops and that others have chosen to do so. Many doubt whether the UPDF have actively pursued the LRA, or indeed whether this was the main motivation behind its move into South Sudan, and believe the SPLA is better poised to remove the threat they continue to pose.

South Sudan is strategically important to the UPDF which argues that respite from the 22-year-old long rebellion that has wrought havoc in northern Uganda came only after Khartoum allowed the UPDF freedom to pursue LRA leader Jo-

seph Kony into Sudan. This assertion is strongly contested by many southern Sudanese as the LRA continues to cause havoc in South Sudan. The GoSS-brokered 2006 Cessation of Hostilities Agreement between the GoU and the LRA has now expired. LRA leader Joseph Kony has refused to follow up on commitments made by the LRA and sign a final peace agreement with the GoU. During peace negotiations in 2007 and 2008, the LRA continued to kill and abduct south Sudanese and loot their property (although to a lesser extent than before).¹ The LRA moved its encampments to the Democratic Republic of Congo (DRC) from where in the final quarter of 2008 it has carried out a series of attacks, including massacres, which have resulted in the displacement of over 100,000 Congolese and Sudanese and the abduction of hundreds of adults and children. In December 2008, the GoU, the GoSS and the government of the DRC (GoDRC) launched major military operations (Operation Lighting Thunder) against the LRA, destroying five of its main bases. The LRA responded with a series of vicious massacres.

The GoDRC agreed to the UPDF presence in their territory after years of strongly protesting incursions by the UPDF. The DRC's policy change was due to the extent of LRA attacks against Congolese civilians and pressure from the United States. The GoSS agreed to collaborate and provide logistical support for the UPDF operation in the DRC. To date, the UPDF has been reluctant to accede to GoSS requests for its forces to leave Sudan. The UPDF is now carrying out military operations against the LRA in both the DRC and South Sudan and President Museveni has additionally asked the government of the Central African Republic (CAR) to allow the UPDF to pursue the rebels.

This study looks back over the years since 2002 to assess how the SPLA/M authorities and local communities responded to the UPDF presence in South Sudan. It analyzes southern Sudanese perceptions of whether the UPDF supported or hindered efforts to cope with the continuous threat posed by the LRA and the role of the SPLA in protecting them against the LRA. This analysis helps to inform the background to the current stand-off between the GoSS and the GoU about the continued UPDF presence and the best strategy to eliminate the ongoing threat posed by the LRA.

METHODOLOGY

The author and his research assistants collected primary data through in-depth field interviews. Key informants were in part identified with the help of the civil authorities, community, and church leaders. Key informants were then asked to help identify other possible informants. Semi-structured in-depth one-on-one interviews and group interviews were conducted. Secondary data was gathered

1 François Misser, (July 2007). *DR Congo: A Regional Analysis*, Writenet <http://www.unhcr.org/refworld/country,,WRITENET,,COD,456d621e2,46c407a52,0.html>.

through a literature review ranging from academic publications to grey literature.

Individual interview data and observational data was collected at Nimule and Lobone where the UPDF established bases as part of their military operations to root out the LRA from Sudan. The team interviewed community members who provided first-hand information regarding their interactions with and perceptions of the UPDF and its operations. We were also able to gather relevant information regarding SPLA participation in joint operations with the UPDF at the two locations. We also interviewed SPLA/M officials, as well as local officials. Regrettably, we were denied permission to interview UPDF officials or soldiers operating in Nimule, while the UPDF had left Lobone before our research field visits.

While we assessed the cross-border pursuit of the LRA by the UPDF beginning in 2002, the majority of fieldwork was conducted during 2005 and 2006. The author remained abreast of the situation on the ground, including up to the date of the release of this publication.

INTRODUCTION AND HISTORICAL BACKGROUND

The role of the Ugandan army in southern Sudan cannot be analyzed without reference to the protracted civil wars which have brought immense suffering to the peoples of both South Sudan and northern Uganda.

Conflict between northern and southern Sudan started in 1955, a year before Sudan won independence. The first stage of Sudan's civil war ended in 1972 with the signing of the Addis Ababa Agreement, a compromise allowing southerners a degree of autonomy. The second phase of the war started in 1983 when the newly-formed Sudan People's Liberation Army (SPLA), suspicious of growing Islamization and moves towards imposition of *sharia* law, took up arms to contest Khartoum's rescinding of the agreement. By 1989 the SPLA had scored a series of military victories, capturing a number of Government of Sudan (GoS) garrisons and taking control of most of southern Sudan but with the Khartoum regime controlling major towns. A split within the SPLA/SPLM which began in 1991 seriously weakened the movement, allowing Khartoum to regain most of the captured towns. Negotiations brokered by the Intergovernmental Authority on Development (IGAD) led to a ceasefire agreement in 2002. A Comprehensive Peace Agreement (CPA) was signed in January 2005 between the GoS and the SPLM in Nairobi, Kenya. It mandated the establishment of an autonomous Government of Southern Sudan (GoSS) and established a Government of National Unity to rule Sudan for a six-year interim period culminating in a 2011 referendum to decide whether southern Sudan should become independent. The uneasy coalition between the Juba-based SPLM and the dominant National Islamic Front (NIF) regime in Khartoum is under great stress, bedeviled by slow progress in northern military disengagement from the south, likely failure to meet CPA deadlines for holding local, state, national and presidential elections,

disagreement over contested areas, and the failure of the NIF to share oil revenues.

The current conflict in northern Uganda began shortly after the Ugandan President Yoweri Museveni took power through an armed uprising in 1986. The take-over by Museveni's forces, the National Resistance Army (NRA), came after years of turmoil dating back to the regime of Idi Amin in the 1970s. The NRA took power after defeating the national army, then known as the Ugandan National Liberation Army (UNLA). Northerners (primarily Acholi and Langi) comprised a disproportionate part of the UNLA officer corps. Fearing retribution from the victorious NRA, many soldiers fled to the north. Some demobilized, while others crossed the border into Sudan. The NRA pursued them, some NRA soldiers committing gross human rights abuses—including pillage, rape, torture, theft of cattle, and destruction of infrastructure. These events sowed the seeds of rebellion in the north and the late 1980s saw the emergence of a series of resistance movements with varying degrees of popular support. The most durable of the line of resistance leaders was Joseph Kony and the forces he gathered about him became known, after several earlier iterations, as the Lord's Resistance Army or LRA.

Kony based the LRA in southern Sudan in the early 1990s and received overt support from the Sudanese government for much of the decade as part of Khartoum's efforts to destabilize its main regional enemy, the SPLA. From safe bases in southern Sudan, the LRA dispatched raiding units into Uganda to loot goods and medicines and acquire captives to support the rebel force. In turn, the GoU supported the SPLA, creating a proxy war between the two countries. Overt support to the LRA from the Sudanese Armed Forces (SAF) dwindled in the late 1990s due to increased international pressure on the NIF regime in Khartoum.

The presidents of Uganda and Sudan agreed in 1999 to end support for the SPLA and LRA respectively and to restore diplomatic relations. After the September 11, 2001 terrorist attacks, the GoS was keen to disassociate itself from the LRA, deemed a terrorist organization by the US State Department. In early 2002, as part of efforts to improve its international image, the NIF government in Khartoum reached an agreement with Kampala allowing for entry of UPDF forces into southern Sudan as long as they remained south of the 'red line'—some 100 km north of the Ugandan border along the road connecting the towns of Juba and Torit.

In March 2002, the UPDF launched a massive military offensive in southern Sudan—dubbed Operation Iron Fist—intended to win a conclusive military victory against the LRA. The 10,000 UPDF personnel deployed to Sudan failed to achieve their mission. The LRA fought back using the stockpile of supplies previously received from the GoS and allegedly continuing to receive covert assistance from the SAF and its proxy militias such as the Equatorial Defense Force (EDF) and the South Sudan Defense Force (SSDF). The LRA rebels managed to avoid the more slowly moving UPDF in the rough terrain of southern Sudan with which the LRA, unlike the UPDF, was familiar. The UPDF found it difficult to move its heavy artillery, tanks, and armored personnel carriers into Sudan. Instead of militarily destroying the LRA, the campaign had the effect of driving the LRA back into

Uganda. Operation Iron Fist led to an escalation of hostilities and spread of conflict over a much wider area of southern Sudan and northern Uganda. Many of the most devastating LRA raids and abductions in both Sudan and Uganda took place after the launch of the operation. In April 2002 the LRA attacked Sudanese government-controlled villages and military posts near Juba, the largest garrison town in the south, causing thousands to flee to displaced persons camps. Villagers reported their homes had been looted and burned by the LRA in retaliation for GoS support for the UPDF. The UPDF, overstretched by Operation Iron Fist inside Sudan, offered minimal protection from the renewed LRA attacks to those living in Ugandan settlements for internally displaced persons (IDPs).

Between 2006 and mid 2008, the LRA significantly reduced its abductions and attacks. In 2006, the International Criminal Court (ICC) issued arrest warrants against the top LRA leadership. A formal ceasefire, the Cessation of Hostilities (CoH) Agreement, was reached in August 2006 and negotiations between the GoU and the LRA began, brokered by the newly autonomous GoSS. Expectations that the signing of an agreement between the two sides in June 2007 would be followed by LRA demobilization and a lasting peace agreement have been dashed. In April 2008 Kony failed to show up to sign an agreed Final Peace Agreement. In October 2008 he called for changes to the agreement which would have essentially reopened peace negotiations, something the GoU flatly rejected. According to the LRA a major stumbling block is the ICC indictment, now opposed by the GoU which once called for it. During the peace negotiations, the LRA established new camps in the northeastern region of the DRC and in the south-east of the CAR. After a much welcomed lull during 2006, starting in 2007 and intensifying in 2008 there has been an upsurge in LRA attacks in southern Sudan and northeastern DRC, culminating in a series of massacres of over 800 people and the abduction of at least 160 children in December 2008-January 2009.²

Since 2006, the LRA has accused SPLA troops of jeopardizing the peace process by attacking its positions and has protested moves by UN peacekeepers and Congolese forces towards its hideouts in the DRC's Garamba forest. Human Rights Watch reports that some of the villages subjected to LRA attacks in late 2008 were targeted in part because they provided support for persons trying to escape from the LRA or whose leaders spoke out against them.³

While the SPLA was not a party to the 2002 protocol allowing the UPDF to operate in southern Sudan, it soon supported it, provided logistical assistance to the UPDF, and conducted joint operations against the LRA. In September 2006 the Khartoum government announced that it had pulled out of the arrangement, saying the GoSS would subsequently be responsible for renewal of the protocol. In

2 Human Rights Watch. (2009), *The Christmas Massacres: LRA Attacks on Civilians in Northern Congo*, Human Rights Watch: New York. <http://www.hrw.org/en/reports/2009/02/16/christmas-massacres-0>

3 Ibid.

June 2008 Riek Machar, the Vice-President of the GoSS, asked for withdrawal of UPDF troops, arguing that following the establishment of the semi-autonomous regional government there had been no formal agreement to renew the UPDF mandate to operate outside Uganda. Machar, who has played the lead mediatory role in the protracted GoU-LRA peace talks, said that only the SPLA was able to ensure protection of Sudanese civilians from future LRA attacks. In December 2008, Machar confirmed that he was aware of and supported UPDF attacks on LRA hideouts in the DRC. The SPLA was deployed to the borders of the DRC to prevent LRA incursions.

THE UPDF IN LOBONE

Lobone is a *payam* in Magwi county within the state of Eastern Equatoria, traditionally populated by the Acholi people. Lobone is some 13km north of the Uganda-Sudan border. As a result of the Sudanese civil war, over 80 per cent of the resident population of the Lobone area when the UPDF arrived were IDPs, mainly Dinka from the Sudanese states of Jonglei and Bahr el Ghazal. The indigenous Acholi and other ethnic groups had become a minority in their own land. Although the indigenous Acholi initially welcomed the IDPs in the 1990s, tensions arose when the incomers started to occupy land and take fruit from Acholi-owned trees (reportedly due to hunger). When they protested, some local Acholi were beaten and others allegedly were falsely accused of collaborating with the GoS or rival SPLA factions.⁴ Most thus fled to Uganda. Although land was plentiful insecurity caused by the LRA made it impossible for residents of the three IDP camps to produce enough food to feed themselves. They mainly relied on food assistance distributed by relief organizations, particularly the Catholic Relief Services (CRS).

Lobone is of strategic importance and following the GoS/GoU agreement to allow the GoU to pursue the LRA inside Sudan the UPDF immediately dispatched between two and three thousand soldiers to Lobone where they remained until October 2002. Most of the UPDF forces fanned out towards the frontline, leaving some 700 to protect their camp and supplies in Lobone.⁵ Battalions of soldiers were sent out regularly to search for LRA bases in the mountains of Talanga, some 24 km to the north. Troops coming from Uganda would rest in Lobone before moving up to the front line. On several occasions, the UPDF fired long-range artillery from their Lobone base when they suspected nearby LRA movement. Not only was the noise deafening, but the local population and NGOs feared that if the LRA retaliated civilians would suffer. Informants reported that NGO requests to

4 CRS Compound worker, Lobone interview, 17 June 2006.

5 Civil Administrator, Lobone Displaced Camp, interview, 22 June 2005.

the authorities to ask the UPDF to relocate their artillery were not acted upon.

The SPLA played an active role in settling UPDF personnel and ensuring it could monitor and control their movements. Informants reported that the SPLA positioned itself between the IDP camps and the UPDF contingent. The civil authorities together with the SPLA area commander held a meeting with UPDF commanders to agree on rules concerning interaction with local civilians. Relations between the two forces were good and it was common to see the UPDF officers, SPLA senior officials, and the civil administrators cordially walking and chatting together. UPDF soldiers were advised to behave properly, respect the rights of the local displaced population, and strongly warned against liaisons with local females, particularly married women.

The SPLA and local civil administration left nothing to chance in its efforts to discourage unauthorized contact with the Ugandan soldiers. Community sensitization began two weeks before the arrival of the Ugandan soldiers. Messages were reiterated in churches, public meetings and by officials touring the camps speaking through megaphones.

An interviewee told us:

When the UPDF came, people were informed using megaphone that nobody is allowed to go to the UPDF barracks, and that any person found there would be arrested and punished. The broadcasting was done in Dinka [now the majority language] and Arabic languages repeatedly. That is why they did not get a chance to misbehave.⁶

Uppermost in the minds of the authorities and the local population was the Ugandan army's reputation for spreading HIV/AIDS and the perceived vulnerability of local women. In churches and in public meetings it was reported that every UPDF soldier was HIV positive and that any woman having contact with one would be bound to contract the virus. As one said:

The message they were passing across was that the UPDF was coming with AIDS so people should refrain from them.⁷

There is some evidence to support the perception of our informants that the SPLA and the local authorities were justified in suspecting some (though clearly not all) UPDF personnel of being HIV carriers. In 1992 the HIV prevalence rate in the most affected areas of Uganda peaked at 30 per cent and in 1995 the national adult prevalence rate was 18.5 per cent.⁸ Many of the UPDF personnel sent

6 Former NGO Compound worker, Lobone, interview, 18 June 2006.

7 Civil Administrator, Lobone Displaced Camp, interview, 22 June 2005.

8 Uganda AIDS Commission Secretariats (June 2001): http://www.aidsuganda.org/pdf/20_yrs_of_hiv.pdf

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to southern Sudan had been involved in the war in the DRC where the AIDS epidemic has also reached chronic proportions.

An informant reported that:

There was good understanding between the two armies: Because when the UPDF first came, the UPDF team . . . held a meeting. The first thing the UPDF were shown was the site allocated for their temporary barracks. It was next to the SPLA barrack at Pamaikong (south-east of the main camp). Secondly, the SPLA commander together with the civil authorities briefed the UPDF commander about the lifestyle of the community here in the camp. The UPDF commanders took the same message to their soldiers. The aim of the SPLA allowing them to camp next to them was that for the SPLA to watch their movement. Because if they were to settle away from the SPLA barrack, they might sneak in with women or even women might tiptoe into the barracks.⁹

Two markets were established outside IDP camps in order to prevent UPDF soldiers from entering IDP camps in search of goods to purchase. One of the markets sold a variety of commodities including cooked food while the other sold only beer. It was agreed that the two markets would only operate between 7 am and 5 pm. The SPLA and the civil authorities urged the IDPs to take their wares to sell in these two new markets and encouraged them to raise their prices in order to profit from the relatively well-paid soldiers. UPDF commanders accepted these arrangements.¹⁰ These markets thus provided everything soldiers required—cooked food, beer, soap, chicken, goats, and fresh vegetables. Vendors were warned against selling alcohol to UPDF soldiers who appeared to be drunk.

The authorities encouraged local people to report any abuses of the regulations. Some local chiefs reportedly assigned male youths to support the authorities in monitoring the behavior of UPDF soldiers.¹¹ While this was denied by the police we interviewed, it was reported that youths did enforce the rules about market hours and tipped off the police about cases of drunkenness and UPDF soldiers starting relationships with local women. One woman involved with a soldier was arrested—on dubious legal grounds—as a warning to others. An informant told us that:

A woman who was trying to sneak into the UPDF camp, was arrested but later released. The UPDF soldiers would have spoilt the local women had they been allowed to move freely in the villages. It is because of firmness and tight security by the SPLA that it succeeded.¹²

9 CRS Compound worker, Lobone, interview, 17 June 2006.

10 Civil Administrator, Lobone Displaced Camp, interview, 22 June 2005.

11 Senior Police Officer, Lobone interview, 17 June 2006.

12 Former NGO Compound worker, Lobone interview, 18 June 2006.

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The UPDF presence brought an influx of money into the Lobone IDP camps. Whereas traders of non-essential goods had previously largely depended on custom from NGO staff they now catered to the needs of the Ugandan soldiers. Traders would shuttle between Uganda and southern Sudan to bring in items such as beer and soft drinks which were popular with the UPDF. The presence of the soldiers caused a hike in the price of fruit and vegetables. Meat was in short supply and the price of chickens and goats tripled. Ducks and rabbits, hitherto very cheap, shot up in price. Women who vended *kasesekasese*—a potent alcoholic drink produced in Uganda—made quick profits. It was possible to buy 20 liters of the alcohol in Uganda for UGSH 30,000 and dilute and sell it in Lobone for UGSH 120, 000.¹³ Procedures to tax the profits of traders who benefitted from the UPDF presence were haphazard, giving rise to rumors that bribes were being exchanged.

Success in controlling the movement and interaction between the UPDF soldiers and residents of the IDP camps can be attributed to the combined effort of the SPLA, the local community, the police, and the civil authorities. A respondent expressed the views of many:

What matters here is how they (UPDF) were controlled, which was different from the way they were treated in Nimule, where they were left to move randomly the way they wanted.¹⁴

Another commented that:

Lobone administration was their medicine. Here the UPDF were not given a chance. I think they did a wonderful job, because there was no complication between the UPDF and the population.¹⁵

Ethnic homogeneity was a key factor in enabling the authorities to control the UPDF in Lobone. The fact that the majority of the current resident population are Dinka and that the Dinka language is widely understood by the authorities and the civilian population enabled the astute payam administrator to minimize tensions. Most local respondents told us that they believed the UPDF achieved the objectives that brought it to Lobone. On joint operations with the SPLA, LRA bases in Talanga were discovered and destroyed. They also pointed out that for the six to seven months the UPDF forces were in Lobone, the IDP camps were not attacked by the LRA and the rebels did not come closer.

Informants attributed the relatively low number of incidents and confrontations caused by sexual liaisons to proximity to the Ugandan village of Aweno-Olwi.

13 CRS Compound worker, Lobone interview, 17 June 2006.

14 Civil Administrator, Lobone Displaced Camp, interview, 22 June 2005.

15 Former NGO Compound worker, Lobone interview, 18 June 2006.

Thirteen kilometers inside Uganda, Aweno Olwi had long been a weekly market where vendors from Uganda and Sudan bought and sold basic commodities. The presence of the UPDF in Lobone caused the market to expand to include prostitution and beer.¹⁶ Ugandan women built structures where they sold beer and *kasesekasese* and offered sexual services. Since the UPDF movement within Lobone was closely monitored, it was easier for them to cross the border and go to Aweno-Olwi where they could interact more freely with Ugandan women.

In general, fears expressed before the UPDF soldiers came to Lobone that they would cause problems among the local population and promote immorality were not realized. The Dinka have a strong cultural commitment to maintaining moral values, tending to strictly control sexual relations between outsiders (i.e., non-Dinkas) and Dinka females. Dinka identity is in large part constructed around their ability to protect the honor of their women (which often translates into strict control of Dinka women's sexual and social behavior). Marriage between non-Dinka men and Dinka women is rare, whereas Dinka men marry freely from other peoples. A non-Dinka who gets involved with a Dinka female can expect to be beaten. One respondent told us that:

*To us as Dinka, we don't expect our women to go to any strange men; this is our way of keeping our identity as Dinkas.*¹⁷

Due to the level of poverty in the camps the civil authorities were concerned that their women would be vulnerable to UPDF soldiers using cash to lure them and then spreading HIV. There were a number of widows as well as wives of SPLA soldiers living in the IDP camps. The civil authorities and the police claimed that they were protecting the 'human property' of their fallen heroes and their brothers in the war front.

THE UPDF IN NIMULE

Nimule, also a *payam* in Magwi county, is a border town on the junction of the White Nile and Anyama rivers. Home to the Madi, the town is also inhabited by IDPs that are members of other southern Sudanese ethnic groups including the Acholi, Lotuko, Bari, Dinka, and several others. When the town was captured by the SPLA in 1989, most of the local Madi people fled Sudan and became refugees in Uganda. Some returned although the war in Sudan was still continuing, preferring home life to living as refugees. As in Lobone, there was a significant displaced population of IDPs. Some 19,000 were settled in Mugali I and II and roughly 7,000 in Masindi camp. Mugali I and II are located about 24 kilometers north east of Nimule town and Masindi about four kilometers north east from the main town.

16 CRS Compound worker, Lobone interview, 17 June 2006.

17 Senior Police Officer, Lobone interview, 17 June 2006.

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There were two other camps: Olikwi, about two kilometers to the east of Nimule town, had a population of 3,646 returnees mainly from the Madi people¹⁸, and Jelle camp situated a few kilometers along the Juba road. Nimule is a bustling town with numerous small businesses. Cross-border trade and population movement means the Ugandan shilling and Sudanese pound are both used.

Nimule hosts a large population of displaced people of Dinka origin, who fled the civil war in the Bor region of Jonglei in the 1990s. An NGO survey in April 2006 indicated that more than half the residents of Nimule are of Dinka origin.¹⁹ Efforts to encourage their repatriation have not succeeded. Local people say resentment toward the Dinka is based not only on their acquisition of land, but also the fact that key positions in the military, police, and customs are held by Dinka, not by local Madi people.

In 2004, a unit of UPDF forces was sent to Nimule to track down the LRA. They were settled just next to the airstrip about one kilometer from the main town. Unlike in Lobone, the local authorities and traditional leaders did little to prepare communities for the arrival of the UPDF forces. The civil population was not warned in advance that the UPDF were coming and UPDF personnel were not given the briefing their colleagues received in Nimule about how to interact with the local, IDPs and returnee populations. This resulted to a number of tensions between the UPDF and residents.

Local informants in Nimule said that the UPDF failed miserably in hunting down LRA rebels. Officials interviewed in Nimule thought the UPDF were incompetent, a force sticking to conventional tactics, patrolling in armored vehicles and unable/unwilling to find and engage the LRA (detailed below).

Relationships between the UPDF and SPLA in Nimule were unstable. At times the two armies conducted joint operations against the LRA but mostly argued about tactics. An SPLA (a Lokoya Community leader) interviewee spoke for many when he said that UPDF soldiers were not as skilled as they should have been in engaging the LRA. He said:

There are incidents when the UPDF turned their arms on us rather than fighting the LRA. For example, it happened to us that when we escorted them [UPDF] and felt the place we were in was dangerous, we warned them that the place was bad, so we had to re-plan an exit, they insisted that we go forward. Suddenly, we fell in an LRA ambush, we were shot at and scattered. To our dismay the UPDF started to shoot at us and killed seven of our soldiers. We escaped through a stream called Lufro. We were so scattered that every one ran on his own way. After reaching the SPLA base, we reported the incident to Commander Obuto Mamur. He then came and he asked the UPDF to explain why and how the incident occurred. They said it was just an accident,

18 SRRC database 2005.

19 *Sudan Tribune*, "Boomtown Sudan's Nimule under strain", <http://www.sudantribune.com/spip.php?article22344>

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*they didn't know they had fallen in an ambush. I have experienced a lot of this kind of situations with the UPDF because I used to work with them during the operations.*²⁰

A group of SPLA soldiers expressed similar sentiments, accusing the UPDF soldiers of laxity in pursuing the LRA. They claimed that whenever UPDF soldiers engage the LRA, they don't fire directly at them but instead pretend to be trying to capture the LRA soldiers alive. Another SPLA soldier who took part in a joint operation with the UPDF to follow the LRA recounted his first hand experience:

These people [UPDF] on Dec. 8th 2005, I went with them, to follow the enemy [LRA]. When we got the LRA, instead of fighting them, the UPDF said no we do not want to fight the LRA. Moreover it was me who escort them and showed them the LRA hideout and we could see some LRA rebels drinking water. To my surprise, the UPDF soldiers pretended not to have seen the LRA. In a group of seven we moved nearer the LRA and I made sure that they saw them. Instead of attacking the LRA, they decided that we go back to the group of soldiers we left behind.

Although the respondent said they were well armed and could have fought the LRA, the UPDF stopped them from firing as they claimed they had to return for reinforcements.

*We discussed and were insisting to go and fight the LRA. From there the UPDF soldiers told us that they have to go for reinforcement, an order that we heeded. After that we spent seven days. After seven days, we went back and failed to get LRA. That incident touched me and made me to be angry about behavior of the UPDF. This is why I say UPDF were sent here just to stay in one place not to clear this LRA so that the people have peace. So that incident really annoyed me so much. This made me to decide in my heart that if this is the way soldiers can behave, I would not join the army. If it were me commanding the forces, I would have ordered attack on the LRA.*²¹

In Nimule many informants spoke scathingly of the UPDF. One told us:

The UPDF presence in the area is completely useless. They are not protecting the residents from the LRA, who are displacing the local communities while UPDF are just watching. What is their work? And what do we expect from them? If the LRA can still move freely and the UPDF are around we will begin to question the purpose of their being in the area. We actually thought that the presence of UPDF in the area has got nothing to do with the security of the people in the area. When the LRA attack a place, the UPDF only pursued them for about five km then they came back

20 Lokoya Community leaders, interview, 21 March 2005.

21 Lokoya Community leaders, interview, 21 March 2005.

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*instead of following them properly. ...It is my view that the presence of the UPDF in Nimule is only encouraging more insecurity in the area.*²²

A local priest pointed out that the presence of the Ugandan soldiers had worsened security:

*Before the coming of UPDF the LRA would move about without killing people. But since the UPDF soldiers came the LRA soldiers are behaving like wounded buffaloes. It is like the LRA have realized that they are being followed. Now they kill anybody who crosses their path. It is like they want to die with as many people as possible. That is why the situation instead of improving, it is getting worse.*²³

Our findings echo those reported by Small Arms Survey researchers:

*The animosity towards the UPDF in Eastern Equatoria is striking. Locals and international security observers alike accuse them of having orchestrated attacks made to look like LRA actions, an explanation that has also been used by the LRA to clear themselves of blame. Often, however, even the locals have trouble telling one armed group from another. Others point out that the UPDF started sponsoring EDF 2, a successor of the EDF, to maintain insecurity in Eastern Equatoria and to clear the LRA from the area. Witnesses describe how South Sudanese and former LRA fighters were recruited into the 105th battalion of the UPDF to enter Sudan and fight the LRA with its own people. The 105th is also said to be one of the more successful UPDF battalions in engaging the LRA militarily. Locals say that it was used to set up attacks made to look like LRA activity and that its soldiers were still very active in the area in the spring of 2007. While it remains almost impossible to substantiate such claims, they underline the murky and lawless environment. While there is little doubt that individual soldiers or units have abused their military power, it is hard to establish the institutional motivation.*²⁴

The UPDF are also accused of focusing on drinking and womanizing. The popularity of the UPDF soldiers with the local women and girls appears to stem from the fact that they were almost the only wage earners in a highly impoverished region. Soldiers took advantage of their economic might to lure the local women and girls into sexual liaisons. There were many incidents involving UPDF soldiers and local women which went unreported. Among those that were reported, one

22 Catholic Diocese of Torit Priest, interview, Nimule, 19 March 2006.

23 Pastor of the Nimule Evangelical Free Church of Sudan, interview, Nimule 17 March 2006.

24 Mareike Schomerus (2007), "The Lord's Resistance Army in Sudan: A History and Overview", Small Arms Survey, Geneva, p. 31 <http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0C54E3B3-1E9C-BE1E-2C24-A6A8C7060233&lng=en&id=87841>

included a case in March 2004 of a UPDF soldier who paid UGSH 50,000 to sleep with the wife of an SPLA soldier. He was arrested, convicted of adultery, sentenced to six months in jail and ordered to pay a fine of seven head of cattle or its equivalent (UGSH 960,000, \$480). The soldier paid the fine and was released, while the woman was sent back to her husband.²⁵ In another incident a UPDF soldier found in bed with a wife of an SPLA soldier was brought before the local SPLA commander, not the county judge. The offending UPDF soldier had to pay UGSH 860,000 which was to be deducted from his monthly salary by his commander. The SPLA is not supposed to play a judicial role but in this, and other cases, it was alleged that senior officers prevented cases going to court so that they could illicitly take a proportion of the fines paid by UPDF soldiers.²⁶

UPDF REPORTEDLY RELUCTANT TO ENGAGE THE LRA IN SOUTH SUDAN

A Nimule court member, formerly with the SPLA, reported that joint SPLA-LRA operations led members of the SPLA to doubt the sincerity of the UPDF claim to want to eradicate the LRA. They noted that most of the UPDF forces stationed in Nimule were Acholi, the ethnic group from which most LRA fighters are drawn. The SPLA speculated that these UPDF troops seemed hesitant to attack their fellow Acholi. One informant asked:

What are the UPDF soldiers here for if they don't kill the LRA? How can one catch an enemy with a gun? Secondly, some UPDF soldiers were overheard saying in their Acholi language that "a dog cannot bite a fox." This means they are the same people, therefore can not harm each other.²⁷

Critics have suggested that it has not been in the interests of the GoU to ensure that the LRA is defeated. The GoU has presented its war with the LRA as part of the global war on terror and received financial and military support from the United States and other Western donors. Rumors abound among people in Nimule that in order to continue these flows, it was necessary for the UPDF to spin out the campaign.

What is beyond doubt is that the UPDF was extensively engaged in natural resource extraction during its participation in the DRC civil war. Ugandan military support for the rebellion of Laurent-Désiré Kabila which eventually led to the overthrow of the regime of Mobutu Sese Seko was accompanied by plundering of DRC's natural resources—coltan, diamonds, timber, and gold. The Congolese civil

25 Nimule Payam Court Panel, interview, 18 March 2006.

26 Magwi County Court member, interview, 26 March 2006.

27 Nimule Payam Court member, interview, 18 March 2006.

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war served both to enrich members of the ruling Ugandan political elite whilst simultaneously serving their national political ends.²⁸

Some UPDF forces have reportedly looked for similar opportunities to engage in lucrative illegal activities in southern Sudan. An interviewee told us:

You see when the UPDF were here [in Lobone], they were saying, they would just die here without benefiting since there was nothing to go back with to Uganda, unlike in Congo, where they got many things including American dollars, gold, and many others. That is why they started to look for other ways of making quick money.²⁹

In 2007 the Small Arms Survey alleged that the UPDF was focusing on logging of teak trees in the Palotaka area of Sudan's Eastern Equatoria region instead of prosecuting the war against the LRA. Teak, a tropical hardwood used mainly in building ships and manufacturing outdoor furniture, is valuable because it has natural oils that makes it water resistant. The Small Arms Survey report quotes local leaders:

Since the UPDF came to Sudan, they never had a face-to-face confrontation with the LRA. It is like the LRA has been given safe passage. People wonder why the UPDF is here. If their presence in Sudan can still aggravate tension with the LRA, why can they not move behind fire lines? The UPDF should be asked politely to leave. Their presence is not very wise to reach a tangible peace with the LRA.³⁰

Our informants further accused the UPDF of seizing Sudan's natural resources. Under the guise of using helicopters to transfer wounded personnel back to Uganda the UPDF carried mahogany logs:

Helicopters would go from here [Lobone] to Talanga. Talanga has a flat place where a helicopter can land safely. After the UPDF completed the road work between here [Lobone] and Talanga, the helicopter began to frequent that area and it was later reported to civil authorities in [Lobone] that they were ferrying mahogany logs from the area before they were stopped.³¹

28 See, for example, Peter Danssaert and Brian Johnson Thomas (2006), "Greed and Guns: Uganda's Role in the Rape of the Congo", IPIS, Antwerp. http://www.smallarmssurvey.org/files/portal/spotlight/country/afr_pdf/africa-uga-drc-2006.pdf

29 CRS Compound worker, Lobone interview, 17 June 2006.

30 Mareike Schomerus (2007), "The Lord's Resistance Army in Sudan: A History and Overview", Small Arms Survey, Geneva:30-31 <http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0C54E3B3-1E9C-BE1E-2C24-A6A8C7060233&lng=en&id=87841>

31 Former NPA cook/SPLA soldier.

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Another informant told us that:

The UPDF helicopter used to come here at Lobone to pick up the injured UPDF soldiers. But later, they claimed that it was quite cumbersome carrying the injured soldiers up to here in Lobone, so it would be better for the helicopter to pick the casualties and the victims from Talanga. So the UPDF gunship was to go up to Talanga for that purpose. So when the helicopters started to land there, it took some motorized hand saws for felling timbers. There, they started to cut down mahogany in form of logs. So each time the helicopter went there, it would come back filled with logs and the logs were flown either direct to Gulu or Kampala [in Uganda].³²

An informant told us it was not just traders who profited from the sale of lucrative items such as cigarettes, meat, and alcohol, the UPDF equally benefited:

Those traders would take cattle to the front line, slaughter them and sell the meat to the UPDF soldiers there. Others would take other commodities like beer, biscuits and Kasesekasese. In fact the trade at the front line created scarcity of these commodities in Lobone. For example, while a bottle of beer in Lobone by then was UGSH 1,500, at the front line it was UGSH 2500; a 300ml bottle of Liralira [a popular local alcohol] was UGSH 1500 in Lobone, it was UGSH 2000 at the front line. The business was lucrative, even UPDF themselves were engaged in this business, carrying those precious commodities and selling them to their fellow colleagues at the front line. When it was becoming too much, the SPLA stopped the activities because the UPDF was forgetting what they were there for. They were picnicking rather than following the LRA.³³

Another reported that:

Those who were here in Lobone on standby being sent to the frontline to replace their colleagues, would buy and take with them Kasesekasese to sell to their own colleagues. They bought a 300ml bottle of kasesekasese at UGSH 1,500 and then sold it at 4,000 at the front line. Again, they would buy a packet of cigarettes at UGSH 2,000 and sell it at the front line at UGSH 5,000. The two commodities were quite scarce and precious at the cold and mountainous front line in which they operated.³⁴

It should be noted that the SPLA has not fared much better than the UPDF when it comes to offering protection to civilians in Nimule. After the signing of the Comprehensive Peace Agreement in 2005 between the GoS and the SPLA/M, the

32 CRS compound worker, Lobone interview, 17 June 2006.

33 Former NGO compound worker, Lobone interview, 18 June 2006

34 CRS compound worker, Lobone interview, 17 June 2006

LRA changed tactics and increased the frequency of its attacks on the local population in southern Sudan. These attacks generated panic and increased displacement among the local population in Magwi County, especially within Pageri, Nimule, and Mugali *payams*. Between March and May 2005 there were at least four LRA attacks around Nimule to which the SPLA did not respond. LRA cross-border attacks, killings and abductions of populations in and around Nimule continued throughout 2006–2008. The joint UPDF/SPLA attack on December 14, 2008, and subsequent military operations, has resulted in the LRA moving into South Sudan and increasing its attacks there. In view of the failure of the SPLA to protect them civilians, including local leaders and elders, have repeatedly asked the SPLA authorities for weapons to defend themselves but their requests have been turned down.

Many people we spoke with resent what they perceive to be the attitude of Dinka SPLA soldiers that it is the duty of the Madi and the Acholi, and not the SPLA, to defend their tribesmen. The SPLA, they feel, is punishing the Madi and the Acholi as they did not enthusiastically support the SPLA in their first years of struggle and are now being effectively left to fend for themselves against a brutal and well armed LRA.

TENSIONS AND REQUESTS FOR WITHDRAWAL OF UPDF

Tensions between erstwhile allies came to a head around an incident alleged to have taken place in the village of Nyongwa in Pageri Payam in Western Equatoria in mid June 2008. Armed raiders stole provisions from households of ex-refugees who had recently been repatriated from Uganda and abducted a man later found dead. The GoSS Vice-President Riek Machar accused the UPDF of masquerading as LRA rebels and carrying out the raid. Citing the discovery of a UPDF back-pack as evidence, he said that GoSS President Salva Kiir had instructed the SPLA chief of staff, General Oyai Deng Ajak, to inform Ugandan authorities that the UPDF should leave the country. Machar said that there was no operational protocol to keep the UPDF in southern Sudan, that the agreement they had reached with the Khartoum government had expired in 2006, and that the SPLA is now an organized army able to take charge of security in the territory of southern Sudan.³⁵

Captain Chris Magezi, the UPDF's official spokesman, reflected Kampala's surprise at the announcement, saying that:

The UPDF has had good relations with the SPLA and civilians during the last six years. The two armies share intelligence information and conduct joint operations against the LRA. We also have a history of solidarity in the resistance against Arabisation of the black southerners. Uganda has also hosted several Sudanese refugees

35 *Sudan Tribune*, July 5, 2008 www.sudantribune.com/spip.php?article27745

*for decades. Why then would the UPDF now choose to hurt the people of South Sudan? ... Our stay or departure from South Sudan will be discussed at the highest political level between Kampala, Khartoum and Juba.*³⁶

Uganda's International Affairs Minister Okello Oryem reported that the GoU has not received any official communication requesting withdrawal of UPDF forces and challenged the GoSS understanding of the agreement allowing UPDF forces to operate in Sudan. He was quoted in the Ugandan press as saying that:

*When the North and the South signed the Comprehensive Peace Agreement in [January] 2005, it became automatic that UPDF could then go beyond the four degrees latitude (also known as the 'red line') to pursue LRA in all places in Southern Sudan.*³⁷

The Ugandan press quoted South Sudan's President Salva Kiir as saying the GoSS had not expelled the UPDF from its territory, thus further showing the rift between Kiir and Machar. To date, UPDF units remain inside southern Sudan's territory as part of military operations against the LRA. They are also positioned within the territory to possibly provide safe passage for the rumored impending surrender of LRA deputy commander Okot Odhiambo.³⁸

CONCLUSION

Seven years after the agreement to allow the UPDF to operate in southern Sudan it is clear that their presence has not improved security for either Sudanese or Ugandan civilians. Operation Iron Fist and successive military operations have failed to dislodge the LRA from Sudanese territory. From bases in the DRC and the CAR the LRA remains able to move freely in Eastern and Western Equatoria. After a period of relative calm following the 2006 ceasefire a rejuvenated LRA is using brutal terror tactics of abduction, rape and massacres even of those seeking sanctuary in religious institutions.

In retrospect, it is hardly surprising that the UPDF's cross-border operation has been such a dismal failure. The GoS's strategy in allowing UPDF entry to Sudan was deeply cynical. In 2002 the Khartoum regime was keen to shed its international image as a sponsor of terrorism. Formally abandoning support for the LRA and apparently encouraging pursuit of the rebels was clearly in the NIF's interests as Khartoum sought to demonstrate it was an active partner in the war on terror.

36 *New Vision*, July 16, 2008 www.newvision.co.ug/D/8/459/639393

37 *The Independent*, http://www.friendsforpeaceinafrica.org/index.php?option=com_content&task=view&id=231&Itemid=110

38 *New Vision*, February 20, 2009 <http://www.newvision.co.ug/D/8/12/670905>

The territory inside the 'red line' on the eastern side of the Juba-Torit road which the UPDF was not to cross was SPLA-controlled so UPDF soldiers would pose no military threat to the GoS. The red line allowed LRA rebels to cross into GoS controlled territory knowing they would not be pursued by the UPDF.

Uganda's motives were similarly couched in the new global terror discourse. Museveni was keen to secure US patronage and to present the UPDF's struggle against the LRA as an anti-terror war. In 2002, the GoU passed a Suppression of Terrorism Act, which imposed mandatory instant death penalties for terrorists and collaborators of terrorists. The United States then significantly increased military aid to Uganda as a partner in the global war on terror. Many suspect that it is not in the interests of the UPDF to secure a clear-cut military victory against the LRA for this would lead to cessation of generous military aid.

Minority groups and communities without connections to those in power in Juba and Kampala are particularly at risk. Testimonies gathered during this research confirm the widespread judgment that the SPLA is incapable of protecting the Acholi, the Madi, and other ethnic minorities from the LRA and has been unwilling to pressure Dinka IDPs into returning land to its original owners. There is a widespread perception that the SPLA is unwilling to help members of those communities who did not welcome its arrival and support its struggle.

The International Crisis Group warned in late 2008 that the LRA was entrenched along the borders of DRC, Sudan, and the CAR, terrorising communities while engaged in lucrative illegal trade in gems, gold and ivory.³⁹ It has potential to spoil prospects of regional peace. Should the NIF wish to disrupt either the national elections scheduled for later this year or the scheduled 2011 referendum on whether South Sudan should secede—both of which are mandated under the terms of the CPA—then the LRA is poised to again serve the GoS as a vital proxy and counterweight to the military force of the SPLA.

All the region's conflicts are linked. Western donors should urgently invest in peace dialogues, supporting civil society initiatives to reconcile communities and ethnic groups, rather than continuing to generously fund the UPDF. Policymakers need to acknowledge that:

- The UPDF is not pursuing the objectives cited in 2002 by the GoU to justify military intervention outside its borders.
- The SPLA should protect all southern Sudanese communities from LRA attacks as not doing so will further alienate non-Dinka populations.
- There is a real risk that the north-south Sudanese civil war could reignite.
- The LRA retains capacity to wreak untold havoc on civilian populations.

39 International Crisis Group. (10 December 2008) "Northern Uganda: The Road to Peace, With or Without Kony." International Crisis Group: Brussels. *Africa Report N°146* <http://www.adh-geneva.ch/RULAC/news/146-northern-uganda-the-road-to-peace-with-or-without-kony.pdf>

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- The populations at risk from the LRA now include southern Sudan, western and northern Uganda, northern and eastern DRC, and southern CAR.
- Given that the LRA has been conducting operations in South Sudan throughout the peace negotiations and in the aftermath of Operation Lighting Thunder, it is imperative that that SPLA seal its border with the DRC and actively pursue LRA rebels that have crossed into and are currently attacking civilians inside South Sudan.