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How Mitigating Conflict and Building Lasting Peace Prevents Genocide and Mass Atrocity: A Ugandan Case Study for Central Africa Today

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### Publication Date

2014

Peer reviewed|Thesis/dissertation

UNIVERSITY OF CALIFORNIA

Santa Barbara

How Mitigating Conflict and Building Lasting Peace Prevents Genocide and Mass Atrocity:

A Ugandan Case Study for Central Africa Today

A Thesis submitted in partial satisfaction of the  
requirements for the degree Master of Arts  
in Global and International Studies

by

Hannah Krentler Brown

Committee in charge:

Professor Eve Darian-Smith, Co-Chair

Professor Alison Brysk, Co-Chair

Professor Mark Juergensmeyer

September 2014

The thesis of Hannah K. Brown is approved.

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Dr. Eve Darian-Smith, Committee Co-Chair

---

Dr. Alison Brysk, Committee Co-Chair

---

Dr. Mark Juergensmeyer, Committee Member

September 2014

How Mitigating Conflict and Building Lasting Peace Prevents Genocide and Mass Atrocity:  
A Ugandan Case Study for Central Africa Today

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by

Hannah Krentler Brown

## ACKNOWLEDGEMENTS

This work would have never been possible or as complete without the sincere collaboration of my Ugandan comrades made possible by Rebecca Tinsley and Sophie McCann. In a short period of time the individuals I lived with and worked with in northern Uganda let me into their world in a way I could never have imagined. I am forever indebted to their generosity, magnetic spirit, and unabashed and highly contagious optimism that I am unequivocally drawn to. Never before have I been greeted by more smiles and open arms and I would like to especially recognize Adong, Bimeny, Agnes, Nighty, Christine, Olum, Scovia, Dorine, Anjuleta, John Baptist, and the entire team I worked with in the North. This is for and with them, as we all work for a brighter future.

Of course, I would like to acknowledge the instrumental support of my thesis committee co-chairs, Dr. Eve Darian-Smith and Dr. Alison Brysk. Despite both of their extremely busy schedules, Eve and Alison always found time and energy to comment on my chapter drafts, listen to my questions, and guide me through my concerns. Both Eve's and Alison's commitment to their research, students, and human rights inspire me to no end and I will always be grateful for them. Thank you both for believing in my ambitious plans from the very beginning.

I would also like to give special thanks to everyone involved in the UC Human Rights Collaboration Research Group led by Dr. Keith Watenpaugh, Dr. Alison Brysk, and Dr. Bronwyn Leebaw. Not only has the group been supportive as my thesis project evolved over the past two years, but they pushed me to think differently and see new perspectives I had never been exposed to before. Additionally, being a part of a large group of faculty members and graduate students from across the University of California system who come together to discuss and debate human rights and humanitarian issues was inspiring and provided me with academic institutional hope of a more humane future. And to Natasha Bennett, the other UCSB graduate student member for her unyielding support and kind words as one of my role models—I will never forget the ramen night.

Also, thanks to my fellow global and international studies graduate cohort members in the MAGIS program at UCSB including Felicia, Sergey, Daniel, Sara, Esperanza, Andrew, Juliet, and Kimberly. I am inspired daily by these individuals and I know each one will be successful in all future endeavors they undertake. What a whirlwind it has been and I would not have made it through without cohort support and group solidarity, my sincere love to them all. A special particular recognition to Felicia Graham, my best friend in graduate school, who was always there for our myriad breakdowns and ready to respond with a much needed drink. And a special recognition to Daniel Zorub, my roommate, who was always down for late night chats and provided much needed encouragement.

And to my family. To my mother, Kathleen Krentler, for the final round of editing. To my sister, Sarah K. Brown, for patiently guiding me through my formatting meltdown. And finally to my father, Richard Brown, for the whiskey! I am so grateful for my family always encouraging my dreams and putting up with my many rants. For not thinking I am crazy, but rather for supporting and believing in my highest aspirations.

## ABSTRACT

How Mitigating Conflict and Building Lasting Peace Prevents Genocide and Mass Atrocity:

A Ugandan Case Study for Central Africa Today

by

Hannah Krentler Brown

The central African region is currently experiencing massive conflict, much due to the emergence of violent non-state actors. Anti-state rebel militia groups, predominantly located in the Democratic Republic of the Congo (DRC) and the Central African Republic (CAR), regularly challenge the state's supposed monopoly of violence and engage in immense human rights abuses against civilian populations. Various efforts to address these atrocities have included global governance responses such as International Criminal Court indictments, United Nations peace accords, African Union treaties, bilateral peace talks, and the involvement of international and local civil society. Additionally, efforts to abate conflict comprise of various forms of intervention including military, economic, legal, and relief intervention. Also, upholding international law, including both human rights law and international humanitarian law, and the introduction of post-conflict management have worked to address militia groups in numerous ways with wide-ranging results. Issues involving sovereignty, weak states, international intervention, and neo-colonialism are all brought to the forefront when looking at rebel militia violence in this region. The questions then that this study seeks to answer are: What are some non-conventional issues present in conflict that must be addressed in order to realize long-term sustainable peace? What role

does transitional justice, both at the local and international level, play in conflict resolution and peacebuilding? How can international actors work with local forces to respond in an effectively coordinated way to sexual and gender based violence, war crimes, and forced displacement?

## LIST OF ACRONYMS

AFRICOM – United States Africa Command  
AMISOM – African Union Mission in Somalia  
ARLPI – Acholi Religious Leaders’ Peace Initiative  
AU – African Union  
CAR – Central African Republic  
CBO – Community Based Organization  
CEDAW – Convention on the Elimination of Discrimination Against Women  
CJTF-HoA – Combined Joint Task Force - Horn of Africa  
CPA – Comprehensive Peace Agreement  
DDR – Disarmament, Demobilization, and Reintegration  
DOD – United States Department of Defense  
DRC – Democratic Republic of the Congo  
EOC – Equal Opportunities Commission  
FDLR – Democratic Forces for the Liberation of Rwanda  
ICC – International Criminal Court  
ICTR – International Criminal Tribunal for Rwanda  
IRC – International Rescue Committee  
IDP – Internally Displaced Person  
KY – Kabaka Yekka (King’s Only Party)  
LRA – Lord’s Resistance Army  
MP – Member of Parliament  
NGO – Non-governmental Organization  
NRA – National Resistance Army  
NRM – National Resistance Movement  
NUPI – Northern Ugandan Peace Initiative (USAID)  
NUSAF – Northern Uganda Social Action Fund (World Bank)  
R2P – Responsibility to Protect  
SGBV – Sexual and Gender Based Violence  
SPLA – Sudan People’s Liberation Army  
UGX – Ugandan Shillings  
UNHCHR – United Nations High Commission for Human Rights  
UNICEF – The United Nations Children’s Fund  
UNLA – Uganda National Liberation Army  
UPC – Uganda People’s Congress  
UPDF – Ugandan People’s Defense Force  
USAID – United States Agency for International Development  
VSLA – Village Savings and Loans Associations



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## DEDICATION:

For all optimists who truly believe in and fight for a world that will one day not only experience the absence of war, but also the establishment of humane values and structures. We offer this belief in hope, not assurance, because without hope the future looks bleak.

## **I. Chapter One: Introduction**

“Peace cannot be achieved through violence, it can only be attained through understanding.”  
–Ralph Waldo Emerson

### ***1.1. Thesis Description and Project Background***

The central region of the African continent has faced much turmoil. It is an area where anti-state rebel militia groups have been particularly active. Often, these groups are notoriously known for committing considerable human rights violations including, but not limited to, systematic rape, torture, kidnaping, mutilation, and mass killing. For example, as described by previous Secretary of State Hilary Clinton, the Democratic Republic of Congo (DRC) is the most dangerous place in the world to be a woman as rape is used daily as a weapon of war. An estimated six million Congolese have died in the DRC since 1996 and to this day violent militias and rebel organizations remain rampant throughout the country and region. Numerous multilateral efforts have been attempted to mitigate these groups and the harm they cause; however, presently many militia groups still operate and new ones continue to emerge causing chaos and destruction in their wake.

Various efforts to address these issues embrace global governance responses including International Criminal Court indictments, United Nations peace accords, African Union treaties, and bilateral peace talks. Additionally, efforts include military intervention<sup>1</sup> and all

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<sup>1</sup> Military Intervention: The deliberate act of a nation or group of nations to introduce its military forces into the course of an existing controversy either outside or within of its own sovereign borders. This can include the use of one or many of the following: combat soldiers, intelligence soldiers, technical assistance, equipment assistance, and arsenal assistance.

collateral damage and blowback associated with it. Transitional justice<sup>2</sup>, including law encompassing both human rights law and international humanitarian law, is attempted to thwart violence produced by non-state combatant organizations. Also, peacebuilding<sup>3</sup> and conflict resolution put forth by local, national, regional, and international actors work to address militia violence. Economic sanctions and legal sanctions are implemented to abate human rights abuses and humanitarian aid is distributed to lessen negative effects. Finally, global civil society<sup>4</sup> has sought to address rebel violence as seen through local and national peace organizations and movements, as well as international organizations and movements to address human rights abuses caused by non-state combatants. All efforts have been met with varying degrees of success and failure.

### ***1.1.1. Thesis Focus***

The general questions then that this study seeks to investigate are: What are some non-conventional issues present in conflict that must be addressed in order to realize long-term sustainable peace? What role does transitional justice, both at the local and international level, play in conflict resolution and peacebuilding? How can international actors work with local forces to respond in an effectively coordinated way to sexual and gender based violence, war crimes, and forced displacement?

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<sup>2</sup> Transitional justice: The set of judicial and non-judicial measures implemented in order to amend the legacies of human rights abuses including domestic or international criminal prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms (International Center for Transitional Justice, 2013).

<sup>3</sup> Peacebuilding: Local, national, regional, and international measures targeted to reduce the risk of conflict, or relapsing into conflict, by strengthening domestic capacities at all levels for conflict mitigation and management laying the foundations for long-term peace (United Nations, 2012).

<sup>4</sup> Global civil society: Nongovernmental and non-profit collective action with shared interests, purposes, and values that transcend national boundaries aiming to have a global reach to create change. This can include, but is not limited to, both international and local non-governmental organizations.

This thesis endeavors to explore three issues present in conflict including sexual and gender based violence (SGBV), transitional justice, and displacement. I will argue that all three issues must be addressed by both local and international communities in order to ensure lasting sustainable peace for the affected population.

### ***1.1.2. Acknowledgement of Evident Shortcomings***

Due to numerous constraints this thesis has many limitations and I wish to acknowledge evident shortcomings here. While there are more shortcomings than those listed here, I want to note three in particular. First, while there are many more issues present during conflict that must be addressed beyond SGBV, transitional justice, and displacement, this thesis will focus on these three non-conventional problems in particular. These three were specifically chosen as a focus based off of on the ground observations of predominant issues that need to be addressed in conflict and post-conflict realities. Second, this thesis will only focus on local and international responses and conflict mitigation techniques relating to SGBV, transitional justice, and displacement. While there are a host of responses and conflict mitigation techniques, including national and regional responses, the focus here will remain at the local and international level. However, national and regional aspects relating to conflict mitigation responses will surface at times due to the fact that most responses are interwoven with others and often cannot be completely divorced. Finally, this thesis focuses on one in-depth case study of Uganda. Therefore, while connections and comparisons with other regional nations experiencing conflict will be made, nuances must also be noted and large comprehensive generalizations cannot be concluded.



### ***1.1.3. Assumptions***

Here I wish to acknowledge certain assumptions made throughout this thesis when referring to specific themes or terms. First, when referring to militia or rebel groups I refer specifically to anti-state groups that are working against the nation state. This is in contrast to rebel groups who are working in conjunction with a state, such as the Janjaweed rebel group in Sudan. This is also in contrast to organized paramilitary groups that may be working with or contracted by a national government. Additionally, when referring to human rights abuses I refer specifically to the abuse of civil/political rights as compared to economic/social rights. While I fully wish to acknowledge here the reality and importance of economic/social rights being recognized as human rights, for the purposes of this thesis the focus will remain on civil/political rights.

### ***1.1.4. Significance and Relevance***

The timeliness of this research is crucial because violence in central Africa is at a high. Presently, the DRC, the CAR, and South Sudan are experiencing massive internal displacement due to rebel militia organization violence. For example, since late 2012 the M23 rebel group operating in the DRC has displaced roughly 700,000 individuals.<sup>5</sup> While the M23 has since been militarily defeated by the United Nations (UN) intervention brigade in December 2013, hundreds of thousands remain displaced and other rebel militia groups continue to operate in the eastern region of the country. Not only that, but the Lord's Resistance Army (LRA), whose leader, Joseph Kony, is wanted by the International Criminal Court for crimes against humanity including rape and conscripting children, is

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<sup>5</sup> "DR Congo Overview," Refugees International, last modified 2014, <http://refugeesinternational.org/where-we-work/africa/dr-congo>.

thought to be currently located in north eastern DRC along the porous border with South Sudan. Additionally, on March 24, 2013 CAR rebels known as the Seleka Coalition took over the capital of Bangui forcing then President Francois Bozize into exile in DRC. During this conflict between the former CAR government and the Seleka rebels many people were displaced and it is thought that both sides engaged in human rights abuses. With the deteriorating security situation in CAR, Seleka leader Michel Djotodia acting as the nation's President was forced to resign in January 2014. Catherine Samba-Panza now leads CAR as interim President; however, the conflict remains ongoing and continues to expand based on ethnic and religious dimensions, specifically between the country's Christian and Muslim populations. The situation has been flagged for potential genocidal activity and since the conflict broke out over 935,000 individuals have been internally displaced.<sup>6</sup> Finally, in South Sudan over one million individuals have been displaced due to the ongoing conflict taking place between different government factions loyal to the current President, Salva Kiir, and factions loyal to his former deputy, Riek Machar.<sup>7</sup> According to a UN report, the conflict has not only displaced over a million, but left roughly 3.7 million people at a high risk of food insecurity and an estimated 4.9 million individuals in need of humanitarian assistance.<sup>8</sup> If the research questions posed earlier are left unattended, many more civilians in the central African region are likely to be killed and/or displaced due to rebel militia groups in 2014 alone.

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<sup>6</sup> Ian Booth, "Central Africa Republic displaced number 'doubles'," *BBC News: Africa*, January 4, 2014, <http://www.bbc.com/news/world-africa-25599019>.

<sup>7</sup> "UN: Over one million displaced by South Sudan Conflict," *BBC News: Africa*, March 29, 2014, <http://www.bbc.com/news/world-africa-26798721>.

<sup>8</sup> *Ibid.*

This study seeks to deepen and strengthen current work on non-state violence, in particular the work and examples put forth by Mary Kaldor in her book *New and Old Wars: Organized Violence in a Global Era*. My findings could have an impact on local, national, regional, and international policies regarding responses working to mitigate violence caused by violent non-state organizations. Therefore, not only will policy makers gain from my findings, but civilians affected by militia violence will also benefit. Additionally, in cases where parallels can be drawn, other regions affected by rebel violence, rather than just that of central Africa, can gain from knowledge regarding effective responses to help curb human rights abuses rebel militia groups engage in.

## ***1.2. Methods***

To collect my data I used a multi-method strategy relying on case study, observation and participant observation, formal and informal interviews, and participatory action research. I conducted this research in two countries: 1.) The United States and 2.) Uganda. In the United States I conducted interviews in Washington, D.C. and spent time conducting secondary research in Santa Barbara at the University of California. In Uganda I spent time in the southern capital city of Kampala and in a northern rural town which was greatly affected by the LRA and continues to work through post-conflict transitions and development today.

### ***1.2.1. Case Study***

I used the case study method to approach my work. I chose this method in order to look at a real world practical example of a rebel militia group engaging in human rights abuses,

the LRA. I specifically chose this organization as a prime example in the central African region because they have been active since 1987 and there have been numerous attempts by various local, national, regional, and international actors to abate the violence they engage in. Additionally, because they have been active for over two decades, there is much literature written both about the organization itself and about the successes and failures to stop its violent actions. Using this case study, I draw parallels, where possible, to other militia organizations operating in the region and draw some potential conclusions regarding what an effective local and international response to these groups is to lessen human rights abuses. For example, I look at other case studies of rebel organizations in the region, such as the M23 originating from the eastern DRC, and compare it to my findings with responses to the LRA. Additionally, within the LRA case study, I look at sub-case studies within it to understand specific responses by various actors to the violence they cause. For example, I look at the specific bilateral peace talks held in Juba, South Sudan between the LRA and the Ugandan government to understand why the talks and peace agreements broke down. Additionally, I look at specific Ugandan policies during the conflict, such as forced displacement, to understand the difficulties and nuances surrounding conflict resolution. By looking at these case studies, I draw more comprehensive conclusions about what an effective multilateral approach towards peace and mitigating human rights abuses in the region would look like.

### ***1.2.2. Observation and Participant Observation***

Due to the sensitive nature of this research topic in dealing with rebel organization violence and human rights violations, it cannot be expected that people always responded to questions in formal interviews in a way that truly corresponded with their actual beliefs,

practices, and taken for granted assumptions. Therefore, I used observation and participant observation as a vital method to gain legitimate information while living in Uganda. While in northern Uganda and Kampala I observed and interacted with as many people as possible to better understand how the effects of militia group violence is dealt with at multiple levels. I listened to what citizens were discussing and took notes on anything they discussed related to violence to understand what they believe are the best mechanisms to deal with violence at various levels.

### *1.2.3. In-person Interviews*

The research included formal and informal interviews with local northern Ugandans to understand their opinions on how to best abate militia violence. These interviews are balanced with interviews with local and international aid workers, including individuals associated with organizations like Invisible Children, USAID, Resolve, Enough, the United States State Department, and UNHCHR. While I tried to conduct as many formal interviews as possible, I also conducted many informal interviews where I gathered the most candid and honest answers from people. Additionally, when interacting with survivors of militia violence I conducted informal interviews with trained social workers present due to the sensitive nature of the research topic to ensure I did not put the individual in any psychological or physical harm.

In the United States the research includes formal and informal interviews with scholars and researchers who specialize in non-state violence, African conflict resolution, central African human rights abuses, and responses to violence. In particular, I interviewed three select individuals at the Center for Strategic and International Studies (CSIS) in order to gain a more comprehensive knowledge of how current intellectuals view violence caused by

militia organizations in central Africa and what they believe an effective response at the local and international level would look like to abate human rights abuses.

#### ***1.2.4. Participatory Action Research***

While spending time in northern Uganda I worked with a local community based organization as a participant action researcher. By engaging in this method of research I worked from within an organization to help develop effective bottom-up responses to violence perpetrated by militia groups that are engaged in human rights abuses. By participating in the actions of a local grassroots organization I got an inside look at how violence is dealt with and began to understand how local organic responses to human rights violations are formed and implemented. This method differs from participant observation because while there I took an active role in working with the organization rather than taking a simple observer role. Additionally, at the U.S. Embassy in Kampala I worked as a participant action researcher as I supported the Embassy by researching SGBV in Uganda.

#### ***1.2.5. Data Analysis***

All participant observation, formal and informal interviews, and participant action research conducted both in Uganda and in the United States was generated, collected, and coded into various groups according to subject matter and responses given. All interviews were transferred to computer Word documents so as to easily compare and contrast information given across interviews. Further analysis of these interviews and codes based on key words and phrases given by participants were noted. Additionally, all information collected through participant observation and participant action research was transferred to

computer Word documents to easily code alongside interviews for repeating trends in responses to human rights violations engaged in by rebel organizations in central Africa.

### ***1.3. Relevant Theory and Literature Review***

To understand the proposed study it is important to summarize and highlight key specific theory and literature that has greatly contributed to the understanding of militia violence, central Africa, peacebuilding, and conflict mitigation.

Mary Kaldor argues in *New and Old Wars: Organized Violence in a Global Era* that conflicts seen today arise in the context of autonomous state erosion, an idea that has significantly influenced this work. In particular, she argues that conflicts today occur in the context of monopolies of legitimate organized violence being eroded. In contrast to earlier wars' geo-political or ideological goals, new wars' goals are about identity politics including movements mobilizing around ethnic, racial, or religious identity for the purpose of claiming state power<sup>9</sup>. Kaldor asserts that one leading factor explaining a failure to effectively mitigate violence caused by militia organizations is that these new wars continue to be discussed in old war contexts. Rather, an effective response to new wars has to be based on an alliance between international organizations and local cosmopolitanism advocates to reconstruct legitimacy. Additionally, the excerpt below from her book offers a preeminent introduction to the context of this research.

The processes known as globalization are breaking up the cultural and socio-economic divisions that defined the patterns of politics which characterized the modern period. The new type of warfare has to be understood in terms of this global dislocation. New forms of power struggle may take the guise of traditional

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<sup>9</sup> Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era*, 2nd ed. (Stanford: Stanford University Press, 2006), 80.

nationalism, tribalism or religious fundamentalism, but they are, nevertheless, contemporary phenomena arising from contemporary causes and displaying new characteristics. Moreover, they are paralleled by a growing global consciousness and sense of global responsibility among an array of governmental and non-governmental institutions as well as individuals.<sup>10</sup>

Kaldor's notion that current conflict is inherently different than old understandings of war is important for this research. Looking at local and international responses to militia violence in central Africa, I argue that many responses fail due to the fact that they are tactics to address old wars in a context where new wars exist. From Kaldor I argue that current conflict is about identity politics.<sup>11</sup> At best, identity politics involves psychological discrimination against those labelled differently, but at worst it leads to population expulsion and genocide.<sup>12</sup> Kaldor points out in new wars and conflict today the classic distinctions between internal and external, war and peace, aggression and repression are breaking down. A war crime is at one and the same time a massive human rights violation.<sup>13</sup> This new identity politics rises out of modern state structures disintegrating and eroding, especially centralized authoritarian states which can often be seen through the loss of legitimacy in post-colonial African states.<sup>14</sup> In Uganda's case, when the LRA emerged in 1987 there had never been a peaceful or democratic power transition since its 1962 independence. Incidentally, to this day the nation is yet to see a peaceful and democratic power transition. At this time, there was a lack of legitimacy in the country as past political leaders included

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<sup>10</sup> Ibid, 73.

<sup>11</sup> Identity politics: Social, political, or militaristic movements and organizations that mobilize around a particular identity (ethnic, racial, religious, etc.) for the purpose of claiming power (Kaldor, 123).

<sup>12</sup> Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era*, 2nd ed. (Stanford: Stanford University Press, 2006), 81.

<sup>13</sup> Ibid, 123.

<sup>14</sup> Ibid.



brutal dictators and coup d'états were common. Kaldor argues that the key to controlling violence is the reconstruction of legitimacy.<sup>15</sup> In Uganda's case, many northern Ugandans do not trust the government. This lack of legitimacy could lead to further violence in the future and difficulty in peacebuilding.

In the first place it is important to understand why legitimacy is lacking in many central African governments and why so many anti-state militia organizations continue to thrive and emerge in the region. Kaldor's legitimacy argument leads into Basil Davidson's work in *The Black Man's Burden: Africa and the Curse of the Nation-State*. In this work Davidson explains citizenship and sovereignty in the post-colonial African context. He argues that ultimately much of Africa's current problems can be traced back to Western neocolonial nation statism, where European solutions were implemented to address African challenges. Nationalistic ideals and models were imposed across the African continent by implementing the Westphalian system throughout independence movements as a means of liberation. However, in practice it was not a restoration of Africa to Africa's own history, but rather the onset of a new period of indirect subjection to Europe's history. Alien European governance models were placed throughout the continent, but these unfamiliar models failed to gain legitimacy by many African citizens and therefore new states were unable to protect and promote citizen interests. Throughout the liberation movement most African leaders were European educated, and in general shared many assumptions similar to their colonial rulers, especially when it came to what postcolonial governments should look like. Nation statism's failure in Africa is not due to African defect, but rather to the steady bleeding of African

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<sup>15</sup> Legitimacy: Both consent and even support for political institutions, as well as the notion that these institutions acquire their authority on the basis of operating within an agreed set of rules—the rule of law (Kaldor, 121).

resources into foreign pockets. Ultimately, he argues there is a large gap between African governments and peoples, and until this is addressed serious conflict across the continent will remain. This argument within a Ugandan context was voiced during an interview in Kampala with an international non-governmental organization (NGO) leader. He noted that the most serious issue he has seen over fifteen years working in the region is the stark disconnect between national politicians and general civilians.<sup>16</sup> Due to the large number of individuals living in rural communities and the minimal effect politics in a faraway capital have on them, most of the population cares little about the State but cares much about leaders in their communities. However, it is additionally important to note that some argue the world is shifting into a post-Westphalian system. Therefore, Westphalian ideals pushed on Africa in a world where non-state actors are becoming increasingly important creates a paradox that remains to be seen.

Various actors have worked to respond to human rights abuses including local, national, regional, and international organizations and groups. In particular, law, human rights and international humanitarian law, has been called upon to address global violence. However, drawing on *Non-State Actors and International Humanitarian Law: Organized Armed Groups, A Challenge for the 21<sup>st</sup> Century* edited by the International Institute for Humanitarian Law, challenges to international law's implementation are clear. To start, international law was created with nation-states in mind, therefore making it exceptionally difficult to address non-state actors. International legal theory and the difficulty of its implementation becomes clear in chapter five when discussing the International Criminal Court's (ICC) involvement in Uganda. Additionally, calls for preventing genocide and

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<sup>16</sup> Confidential interview by author, Kampala, Uganda, November 2013.

crimes against humanity have been globally made as highlighted in Alex Bellamy's *Responsibility to Protect* and the creation of the ICC. The Responsibility to Protect (R2P) is based on prevention, reaction, and rebuilding and points towards a protection system involving diplomacy, judicial measures, economic measures, peace operations deployed with local consent, and international assistance to help build responsible sovereignty with appropriate capacity. Vehement arguments against the R2P doctrine include that it weakens state sovereignty. However, it is argued that sovereignty matters only when it is convenient to begin with and what really matters is geopolitics. As seen through the example of the United States condoning Tanzania's invasion of Uganda to oust Idi Amin, but vocally criticizing Vietnam's intervention in Cambodia to eradicate Pol Pot's regime. R2P theory comes into Uganda's case when looking at international involvement, be it the United States or NGOs, in its conflict. R2P is an important doctrine often noted in present day Western intervention rhetoric, therefore it must not be forgotten in Uganda's case.

Specifically in the international law and LRA context, this thesis draws heavily on Kasaija Philip Apuuli's *The International Criminal Court & the Lord's Resistance Army Insurgency in Northern Uganda* and Tim Allen's *Trial Justice: The International Criminal Court and the Lord's Resistance Army*. The ICC was officially created in 1998 and came into full force in 2002. The first major case before the ICC is northern Uganda's situation where Joseph Kony's LRA abducted up to 60,000 individuals, many of them children, and systematically tortured, maimed, and killed innocent civilians. [Note: The conflict's history and the LRA's involvement will be extensively depicted in chapters two and three.] Allen carefully depicts two realities, the legal and normative developments on the world stage on one hand and a highly intricate local conflict of its own on the other. Common objections

against the ICC include that it is biased against Africans, that it may in effect exacerbate violence, and that it is a spoiler in the peace process, all of which is discussed at length in chapter five. The ICC has confronted outright hostility from a wide range of Ugandan groups, including traditional leaders, representatives of Christian Churches, and NGOs. Even the Ugandan government, who invited the Court to become involved initially, has expressed serious reservations. President Museveni has since spoken out about the Court's apparent racism arguing, "the ICC in a shallow, biased way has continued to mishandle complex African issues."<sup>17</sup> However, conversely the ICC has been heralded as a new global institution capable of ending impunity for the world's worst offenses. Chapter five delves into Uganda's specific ICC case and questions whether the ICC's normative justice theory plays out in practice.

In two different texts, *Confronting Past Human Rights Violations: Justice vs. Peace in Times of Transition* by Chandra Lekha Sriram and *Peacebuilding and Rule of Law in Africa: Just Peace?* edited by Chandra Lekha Sriram, Olga Martin-Ortega, and Johanna Herman, the rule of law as an important element of peacebuilding is discussed. The theoretical options available are not simply prosecution or pardon, as the most heated polemics of the debate over transitional justice suggest, but a range of options from complete amnesty or truth commissions (as seen in South Africa) to formal legal prosecutions. The question then is not whether or not accountability can be achieved, but what degree of accountability can be achieved by a given country. It can be argued that pursuing justice risks a destabilizing threat by those threatened with punishment. Therefore, arguing that justice must be foregone in peace's interest. This is often argued in the LRA case because Joseph Kony has made

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<sup>17</sup> "Museveni blasts ICC at UN General Assembly," *The Sudan Tribune*, September 25, 2013, <http://www.sudantribune.com/spip.php?article48177>.

public that he will not surrender until the ICC indictment is removed and he is granted amnesty. However, must governments make a stark theoretical choice between pursuing justice or reaching peace? “Our common sense seems to support both positions: that a voluntarily committed criminal act is deserving of punishment, and that the social consequences of applying this consequence of doing so, far from preventing future crimes, might cause greater social harm than that caused by the crime itself for the absence of punishment. It would be unjust, however, to seek merely to avoid future crimes without taking into account, when applying the penalty, whether the person who committed the misdeed deserves to be punished.”<sup>18</sup> [Note: This will be discussed at length in chapter five.]

When discussing peacebuilding and reconstruction this thesis draws heavily on Thomas Weiss’ *Humanitarian Action in War Zones: Recent Experience and Future Research*. Weiss makes it clear that there is a strong relationship between conflict and rehabilitation, reconstruction, and development. He explains that disarmament, demobilization, and reintegration (DDR) of regular and irregular troops are urgent assignments at the end or near-end of every armed conflict.<sup>19</sup> [Note: See chapter five for extended discussion of DDR in Uganda’s context.] Weiss’ theory that reconstruction and peacebuilding is necessary to create a safe environment where a non-violent climate will emerge is an extremely important assumption moving forward in Uganda’s case. Weiss also explains that to deal with UN shortcomings in dealing with conflict, the UN should subcontract out military services to both regional organizations and major States on the one hand and humanitarian delivery

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<sup>18</sup> Chandra L Sriram *Confronting Past Human Rights Violations: Justice vs. Peace in Times of Transition*, (London: Frank Cass Publishing, 2004), 28.

<sup>19</sup> Thomas Weiss, “Humanitarian Action in War Zones: Recent Experience and Future Research,” in *World Orders in the Making: Humanitarian Intervention and Beyond*, ed. Jan Nederveen Pieterse (New York: St. Martin’s Press, 1998) 58.

services to international NGOs on the other. An effective humanitarian response often requires manpower, resources, and rapid deployment capacity available only to the military.<sup>20</sup> However, while benevolence is inadequate in many circumstances, the provision of military support seems to have caused more problems than it has solved.<sup>21</sup> [Note: Military and NGO involvement in Uganda's humanitarian response will be discussed at points in chapters four, five, and six.]

Weiss also addresses that there are three essential components that must be met before humanitarian intervention occurs, which for the purposes of this study will be noted here as three essential components that should be met before a militaristic response to militia violence:<sup>22</sup>

1. Effective monitoring mechanisms in the field, possibly consisting of UN monitors within the military's command structure as well as an independent political directorate acting on the international community's behalf and may include international civil society and NGOs.
2. Political directorate and observers must also ensure that international standards are respected. Allow totally free media access and other civilian observers.
3. If after agreeing to respect internationally imposed restrictions a subcontractor's forces' behavior diverges from agreed standards, the international community must act as a whistle-blower and other responses must be discussed.

In terms of the response to the LRA in northern Uganda, it is clear none of these conditions were met and therefore the response was not adequate. While after almost twenty years the Ugandan government was effective at pushing the LRA into South Sudan, CAR, and the DRC, it is clear after reading Human Rights Watch's 2005 report "*Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda*, that the Ugandan army

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<sup>20</sup> Ibid, 32.

<sup>21</sup> Ibid, 33.

<sup>22</sup> Ibid, 37.

itself engaged in massive human rights abuses and drove the LRA out by also terrorizing local communities. For example, the government was accused of attacking an IDP camp in the Northern Gulu district in which over 6,000 huts were set ablaze and scores of people died and were arrested.<sup>23</sup> [Note: This situation will be highlighted in chapter three.] Here, it is clear that Weiss' three essential, and somewhat vague, components to military response were not met. The government was not held accountable and there were not effective monitoring mechanisms in the field. However, this also leaves a weak point in Weiss' argument. There was in fact reporting on this event as both Apuuli wrote on the event and Human Rights Watch documented much of the abuse beginning in the late 1980s. Despite this and the apparent "whistle-blowing by the international community" that Weiss speaks of, no effective response resulted. In this sense, it remains to be seen what is to be done if the international community "blows the whistle" on massive human rights abuses but nothing is done to respond immediately.<sup>24</sup>

Although it is beyond this research's scope to seriously discuss regionalization, I wish to note here, and when discussing potential effective responses to militia violence in central Africa, the regionalization's importance. Weiss discusses how important regionalization is because it helps to subcontract out responsibility from one state alone or from the UN, and seeks to contribute to legitimacy in the response. Additionally, to address regionalization I borrow from Richard Gowan's *"Less Bound to the Desk": Ban Ki-moon, the UN, and Preventive Diplomacy*. Here, Gowan notes UN Secretary General Ban Ki-moon's approach

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<sup>23</sup> "Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda," *Human Rights Watch*, Volume 17, No. 12 (A), September 2005, 67.

<sup>24</sup> International Community: Governments, international institutions, and civil society, represented mainly through non-governmental organizations, acting as one cohesive community.

to conflict mitigation and particularly highlights his increased focus on regionalization. For example, by placing UN regional offices around the globe, such as the regional office for Central Africa in Africa's Great Lakes Region, it makes responses to conflict more effective on numerous levels. For example, when the beginnings of conflict seem to be arising the office is much closer and makes it more feasible and faster to send an individual already located in the region to try and prevent further escalation. Also, by having an office in the region with local employees working for the cause, it gains a sense of legitimacy from the individuals involved in conflict. For example, if a native Congolese UN worker arrives to discuss diplomacy with potential Congolese insurgents, he will have more legitimacy and more understanding about the current situation than if a native Canadian UN worker arrives to discuss diplomacy with potential Congolese insurgents.

The research discussion on what makes a potentially effective coordinated local and international response to militia violence in central Africa takes a cosmopolitan theoretical approach. Cosmopolitanism is used by many to address the ideology that all human ethnic groups belong to a single community based on a shared morality. This research draws particularly from Mary Kaldor's cosmopolitan approach to current world conflict. She explains that we must move from a top-down Western diplomacy approach to dealing with conflict to a more cosmopolitan approach. For example, while she explains that it is true that those responsible for violence have to end it, it does not follow that these are the people who also make peace<sup>25</sup>. For example, negotiations with warlords may sometimes be necessary, but they need to take place in a context where alternative non-exclusive political

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<sup>25</sup> Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era*, 2nd ed. (Stanford: Stanford University Press, 2006), 127.



constituencies can be fostered.<sup>26</sup> Local advocates of cosmopolitanism are always possible to identify and it is important in conflict to connect local cosmopolitan advocates with outside support. This would then create legitimacy in the effect of dealing with local cosmopolitan advocates, with international organizational assistance. Noting that cosmopolitanism is no panacea for world conflict, and that all violent situations must be carefully considered on a case-by-case basis, cosmopolitanism can work towards extending the world in a more humane direction, or at least a less unjust and oppressive world for all.<sup>27</sup> To sufficiently address violence a new global social imaginary is needed that includes a world vision where individuals do not engage in extreme forms of violence: “a global imaginary responsive to twenty-first century beliefs, behavioral patterns, and aspirations.”<sup>28</sup> While this need for cosmopolitanism and a global imaginary may seem utopian at present, it is important to remember in the words of American writer Pearl S. Buck, “all things are possible until they are proved impossible—and even the impossible may only be so, as of now.” [Note: The theoretical discussion of cosmopolitanism and a global imaginary will be highlighted again in chapter seven.]

These texts shape the argument set forth when looking at local and international responses to conflict mitigation and peacebuilding focused on SGBV, transitional justice, and displacement. However, to start understanding the conflict’s complex situation, relevant history and background will be laid out in the next chapter to begin the discussion.

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<sup>26</sup> Ibid.

<sup>27</sup> Giles Gunn, *Ideas to Die For: The Cosmopolitan Challenge*, (New York: Routledge, 2013), 12, 39.

<sup>28</sup> Richard Falk, “Toward a Necessary Utopianism: Democratic Global Governance,” in *Achieving Human Rights*, (New York: Routledge, 2009), 23.

## **II. Chapter Two: Background**

When there is peace in the country, the chief does not carry a shield.

–Ugandan proverb

### ***2.1. Uganda as a Model***

Uganda is both unique and representative of conflict in sub-Saharan Africa. While many characteristics classify the conflict in northern Uganda as specific only to one country, certain successful and failed actions taken to suppress the violence and aspects present in the conflict may help illuminate conflict resolution elsewhere.

#### ***2.1.1. Ways Uganda is Unique***

Many aspects of northern Uganda's conflict and conflict resolution process are unique and specific to Uganda. In particular, the historical religious aspects of the LRA and the clear north versus south dichotomy reinforced through post-independence political turmoil make conflict in Uganda a distinctive case study. As will be explained fully later in this chapter, the LRA's evolution and transformation from the Holy Spirit Movement is necessary to understanding the conflict in northern Uganda. Additionally, the religious and spiritual aspect of the LRA remains relevant to the present conflict resolution process as many Acholi community members continue to reference Joseph Kony's magic powers and spiritual possession that he maintains while still hiding out and operating in neighboring CAR and DRC. The religious aspect of the LRA impacts how many Ugandans, be them Acholi or UPDF soldiers, react to the conflict, an important unique feature often overlooked by Western observers. This distinction will be further expanded upon in later chapters.

Another unique aspect of using Uganda as a case study is the clear north versus south dichotomy that was exacerbated in the post-independence era of political calamity. While many countries in sub-Saharan Africa, and around the world more generally, experience internal civil strife, Uganda's case is distinctive as highlighted by numerous successive coups by northerners with an eventual and final coup by a southerner who remains in power today. Understanding the historic lead up to the country's north-south divide, as described in the background in the following section, helps clarify the conflict's longevity and illuminates certain actions taken by the LRA and the UPDF. Additionally, the historic Ugandan north versus south divide persists today as evidenced by economic investment and national service delivery, thus contributing to certain ineffective conflict resolution processes taking place.

### ***2.1.2. Ways Uganda is Representative***

Although many aspects of Uganda's conflict and conflict resolution process are distinctly unique, certain actions and aspects may be extracted in order to aid in abating conflict and human rights atrocities in neighboring central African nations. First, like many fellow African countries and others elsewhere in the world, Uganda's domestic borders were arbitrarily determined by Europeans claiming land and spheres of influence. This resulted in merging many different and extremely diverse ethnic and linguistic groups together in one nation state. This situation already contains obvious challenges to nation building and political equality. Europeans working to manage their colonies intensified natural ethnic and linguistic divisions by favoring specific groups over others. This colonial legacy and reality is not unique to Uganda, many other countries both in Africa and around the world experienced similar situations that affect the nation state to this day.

Additionally, as argued by Basil Davidson in his book *The Black Man's Burden*, alien European political models were instituted across the continent. At the time of independence for African nations, most liberation leaders were European educated and generally shared many of the same assumptions as their colonial rulers, particularly when it came to ideas regarding what postcolonial governments should look like. Because of this situation, many African governments failed to ever gain full legitimacy and recognition from their citizens.<sup>1</sup> Therefore, a gap between African governments and their populations exist as they are unable to adequately protect and promote citizen interests. This reality helps explain the rise of non-state militia violence that is present not just in Uganda, but in many other nations across the African continent. For example, neighboring CAR and DRC are similarly experiencing non-state militia violence with groups engaging in mass torture, rape, killing, and the use of child soldiers. Therefore, a closer look at Uganda's reality may shed light on other comparable situations in order to prevent certain atrocities from continuing to taking place.

## ***2.2. Basics of Uganda***

Given Uganda's location on the East African Rift Valley and its agriculturally desirable environment, the region has always favored human settlement. The territory now known as Uganda was originally a region encompassed by various ethnic clans dominated by indigenous hunter-gatherers, Nilotic-speaking pastoralists, and Bantu-speaking iron-workers and cultivators comprising various clans and empires.<sup>2</sup> The largest regional

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<sup>1</sup> Basil Davidson, *The Black Man's Burden: Africa and the Curse of the Nation-State*, 1st ed. (New York: Times Books, 1992), 12.

<sup>2</sup> Rita M. Byrnes, "Uganda Before 1900," in *Uganda: A Country Study*, (Washington: Library of Congress, 1990), <http://countrystudies.us/uganda/4.htm>.

kingdom was known as the Bugandan Kingdom, led by the *Kabaka* over the Bantu-speaking Baganda people, and was located in present day central and south Uganda. Comparatively, the northern Acholi Nilotic-speaking people were organized in chieftaincies and remained organized in relatively small clans compared to their southern neighbors.<sup>3</sup> British explorer John Hanning Speke arrived in the region in the 1860s and announced in 1862 that he had “discovered” the Nile’s source.<sup>4</sup> Some thirteen years later in 1875 British explorer Henry Morton Stanley reached the Buganda Kingdom and began converting Bagandans to Christianity via the receptive *Kabaka* Mutesa I.<sup>5</sup> This Christian religious transformation and British influence laid the foundation for the conquering of the Ugandan territory by the British and subsequent colonial period from 1894 to 1962.

### ***2.2.1. Colonial History***

After militarily conquering the territory now known as Uganda in the late 19<sup>th</sup> century, the British declared the region a British Protectorate. The Bugandan Kingdom was viewed most favorably by the British for their overall cooperation and compliance compared to other groups and the British immediately implemented a Protectorate wide system of indirect rule.<sup>6</sup> In 1900 Harry H. Johnston, British Commissioner in Uganda, imposed a hut

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<sup>3</sup> Ibid.

<sup>4</sup> John Hanning Speke, *Journal of the Discovery of the Source of the Nile*, (Eugene: Wipf & Stock Publisher, 2007).

<sup>5</sup> Rita M. Byrnes, “Long Distance Trade and Foreign Contact,” in *Uganda: A Country Study*, (Washington: Library of Congress, 1990), <http://countrystudies.us/uganda/5.htm>.

<sup>6</sup> Rita M. Byrnes, “The Colonial Era,” in *Uganda: A Country Study*, (Washington: Library of Congress, 1990), <http://countrystudies.us/uganda/6.htm>.

and gun tax and called upon Bagandan chiefs to act as tax collectors, effectively angering neighboring groups and inciting ethnic tensions.<sup>7</sup>

From the late 19<sup>th</sup> century to the early 20<sup>th</sup> century, the British brought over more than 30,000 Indian army men and laborers in order to aid the British in consolidating the Uganda Protectorate and building the East African Railway from Uganda all the way to the coast in the East African Protectorate (present day Mombasa, Kenya).<sup>8</sup> Throughout the colonial period, the British reserved all business intermediary roles for Indians, arguing their superiority in efficiency, leaving local Ugandans to predominantly work as agriculturalists.

In the 1950s the Uganda Protectorate was characterized by a slow march towards independence evidenced through domestic dissent regarding British colonial policies, West Africa's growing nationalist movements, and Great Britain's post World War II clean-up and retraction from India. British governor Andrew Cohen began preparing the Protectorate for self-rule by eradicating economic colonial obstacles and organizing and implementing British political institutions. The eruption of political parties prior to independence immediately began dividing Ugandans by ethnicity and religion, many parties formed in order to prevent the future nation's domination by the Buganda Kingdom—the *Kabaka* and Protectorate seemed to be polarizing.<sup>9</sup> In an alliance of convenience to defeat other parties, non-Baganda Milton Obote's Uganda People's Congress (UPC) teamed with the Buganda Kabaka Yekka (KY) party to win the 1961 national election and subsequently led Uganda

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<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Rita M. Byrnes, "Power Politics in Buganda," in *Uganda: A Country Study*, (Washington: Library of Congress, 1990), <http://countrystudies.us/uganda/8.htm>.

into independence on October 9, 1962 with Obote as Prime Minister and the *Kabaka* as the mainly ceremonial Head of State.<sup>10</sup>

### ***2.2.2. Post-Independence Political Dysfunction***

Uganda entered their independence era led by a shaky coalition between the KY and the UPC, a party which was precariously held together by many different ethnic and regional groups all vying for more resources.<sup>11</sup> After a brief military uprising against the centralized government in 1964, Obote expanded the army and worked to give it a more prominent role in Uganda as he promoted northerner Idi Amin Dada to lead it.<sup>12</sup> Experiencing a severe vote of no confidence in 1966, Prime Minister Obote turned to the Ugandan military under Amin to aid in consolidating his power. In effect, Uganda saw a new constitution in 1967 which abolished all kingdoms and formally did away with the *Kabaka's* recognition, sending him into exile.<sup>13</sup> The military continued to strengthen and expand with the majority of soldiers being recruited from the north, including the Acholi and Langi ethnic groups and individuals from Amin's own West Nile District.<sup>14</sup>

Fearing that Amin was becoming too powerful, Obote ordered the general's arrest in 1971; however, the informed Amin responded with a revolt and staged a coup d'état, easily

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<sup>10</sup> Ibid.

<sup>11</sup> Phares Mutibwa, "Shaky Start at Independence: The First Four Years," in *Uganda since Independence: A Story of Unfulfilled Hopes*, (Trenton: Africa World Press, 1992), 23-32.

<sup>12</sup> Ibid, 37-41.

<sup>13</sup> Phares Mutibwa, "The Constitutional Crisis of 1966," in *Uganda since Independence: A Story of Unfulfilled Hopes*, (Trenton: Africa World Press, 1992), 58-59.

<sup>14</sup> Phares Mutibwa, "Aftermath of the Constitutional Crisis," in *Uganda since Independence: A Story of Unfulfilled Hopes*, (Trenton: Africa World Press, 1992), 71.

ousting Obote and sending him into exile in neighboring Tanzania.<sup>15</sup> Being illiterate with no educational background and his sole experience in the military, Amin immediately replaced government personnel with military commanders and instituted military tribunals above all other legal systems. In 1972, he expelled the country's entire Asian population and apprehended their property for the army, further crippling the already stressed Ugandan economy.<sup>16</sup> Over the next seven years Amin quadrupled the size of the Ugandan army and engaged in mass torture, disappearances, and executions, on an estimated scale of 300,000 people, to anyone he feared unfaithful to his regime.<sup>17</sup> In a desperate attempt to divert attention from internal woes, Amin rallied the Ugandan military against neighboring adversary, Tanzania. Tanzanian President Julius Nyerere retaliated, with his army and the help of exiled Ugandans united under the Uganda National Liberation Army (UNLA), and took back Kampala in April 1979, sending Amin fleeing to exile in Libya and later Saudi Arabia.<sup>18</sup>

A contentious national election was held in December of 1980 after various interim governments remained in control after Amin's disposal. Despite the election's questionable validity, the UPC party claimed victory and was led again by Milton Obote, who had returned from exile in Tanzania.<sup>19</sup> Obote spent much of his time in office working to quell his challengers with the UNLA, made up of predominantly northern Acholis and Langis. In

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<sup>15</sup> Rita M. Byrnes, "Military Rule under Amin," in *Uganda: A Country Study*, (Washington: Library of Congress, 1990), <http://countrystudies.us/uganda/10.htm>.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Phares Mutibwa, "After Amin: The Era of the UNLF, 1979-1980," in *Uganda since Independence: A Story of Unfulfilled Hopes*, (Trenton: Africa World Press, 1992), 138-144.



response, former Military Commission member Yoweri Museveni and his supporters armed themselves and created the National Resistance Army (NRA) to fight a bush war against Obote and the UNLA.<sup>20</sup> Museveni garnered most of his support from the Bagandans, who maintained serious negative memories from Obote's treatment of them in the 1960s, and Uganda's western region. Obote's military struggle to maintain power over the next five years was arguably more devastating than during Amin's eight year reign.<sup>21</sup> In a last ditched effort similar to the situation in 1971, Obote ordered the arrest of an Acholi commander and fled to Zambia in July 1985 as General Tito Lutwa Okello mutinied and took over the nation ruling from 1985 to 1986.<sup>22</sup> Okello, working to control the country and disband Museveni's NRA with his Acholi army, ultimately failed to garner wider political power and his regime fell in January 1986 to the NRA and he and his army fled north to their ethnic Acholi homeland.<sup>23</sup> Yoweri Museveni declared himself Uganda's Head of State and instituted the National Resistance Movement (NRM) as the political party of the NRA. Museveni remains in power today.

### ***2.2.3. Ethnic and Regional Disparities***

Uganda remains an extremely diverse population with over forty ethnic groups living together inside arbitrary national borders. As noted previously, Uganda can be classified into two main linguistic groups including those in the southern, central, and western parts of the

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<sup>20</sup> Rita M. Byrnes, "The Second Obote Regime: 1981-1985," in *Uganda: A Country Study*, (Washington: Library of Congress, 1990), <http://countrystudies.us/uganda/12.htm>.

<sup>21</sup> Phares Mutibwa, "Obote's Second Regim: 1980-1985," in *Uganda since Independence: A Story of Unfulfilled Hopes*, (Trenton: Africa World Press, 1992), 159-160.

<sup>22</sup> *Ibid*, 163-164.

<sup>23</sup> Rita M. Byrnes, "The Return of Military Rule: 1985," in *Uganda: A Country Study*, (Washington: Library of Congress, 1990), <http://countrystudies.us/uganda/13.htm>.

country belonging to the Bantu-speaking group and those in the northwest, north, and eastern parts of the country belonging to the Nilotic-speaking population. Within the Bantu-speaking majority, of which two-thirds of the population belonged to at the time of independence in 1962, various historical kingdoms exist including Buganda, the largest, Bunyoro, Nkore, Toro, and Busoga.<sup>24</sup> Those in the Nilotic-speaking group include Iteso, Langi, Acholi, Alur, Karamojong, Jie, Madie, and Lugbara.<sup>25</sup>

As British officials declared Uganda their Protectorate in 1884 they regarded the largest and most centralized Kingdom of Buganda with the most respect, turning to them to aid in controlling the rest of the nation. The British did not hesitate to use the name “Uganda,” coming from the Swahili word for Buganda, for their new land despite the fact that although they are the largest ethnic group in the region, Bagandans only represent approximately 16.7% of the population.<sup>26</sup> Uganda’s natural linguistic divide between the Bantu-speaking southerners and the Nilotic-speaking northerners was exacerbated by the British’s favorability towards the Buganda Kingdom as ethnic tensions and rivalries intensified, particularly as Uganda transitioned to independence and political parties were formed. Throughout Uganda’s history since independence and remaining to this day, many political and military leaders rely predominantly on their ethnic groups for popular support.

From the time of independence in 1962 till 1986 when current President Yoweri Museveni came to power through a coup, all Ugandan leaders including Obote, Amin, and Okello represented their northern ethnic groups who were consistently ignored during the

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<sup>24</sup> “Uganda – Ethnic Groups,” African Studies Center, University of Pennsylvania, last modified 2010, <http://www.africa.upenn.edu/NEH/u-ethn.html>.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

colonial era. Additionally, the Ugandan military during this time comprised mostly northerners including Acholi, Langi, and Lugbara soldiers. Many southern and western Ugandans came to resent this unequal division of power, particularly under Obote's second regime from 1980-1985 when the Ugandan military viciously worked to quell southern and western opposition. When Bantu-speaking south-westerer Museveni came to power in 1986, the tables of favorability turned. Presently, very few northerners are represented in government and in military leadership positions. Additionally, economic development differentials between northern and southern Uganda are drastically imbalanced and severe inequalities exist today as northern investment remains paltry.

### ***2.3. Lord's Resistance Army (LRA)***

It is under these historical, geographic, and ethnic circumstances that the Lord's Resistance Army (LRA) came to existence in Uganda. However, the LRA as it is known today represents a militia group that has significantly evolved over time. To understand its involvement in conflict, a look at the LRA's progression from its beginnings is necessary.

#### ***2.3.1. The Holy Spirit Movement***

When Museveni's National Resistance Army (NRA) and subsequent political party, the National Resistance Movement (NRM) came to power in 1986, they disposed of northerner Tito Okello and his Acholi army which fled north. Therefore, at the time of their coup, the NRM's largest opponent and potential threat came from the north, and more specifically, from the Acholis. To squash any backlash or opposition, the NRA was involved in mass killings of Acholi people post-1986. The Holy Spirit Movement arose during this time in

1986 on the basis of protecting and promoting northern Acholi interests in Uganda. Many Acholis felt immediately neglected and mistreated by Museveni's centralized government in Kampala and contended they were being unfairly marginalized and punished by western and southern Ugandans who remained angry at the previous northern leaders.

It is in this stressed national environment that Alice Auma, an Acholi villager from Odek, near Gulu town, claimed to be possessed by a holy spirit named Lakwena. It is believed that this holy spirit, and other gods, reside within nearby rocks on a hill in Aware and that they protect the harmonious coexistence of peace throughout the Acholi community and ensure fruitful harvests.<sup>27</sup> In exchange, the gods demand that community members live together peacefully and that they regularly sacrifice animals and provide gifts of food from the first harvest. When times are peaceful it is believed that there will be good harvest, good rain, and good health; however, when disagreements and violence erupts punishment from the gods will ensue. It is a spirit from this Aware Hill, named Lakwena, that Alice claimed possessed her in the interest of protecting the Acholi people from the NRA abuse.

In order to amass followers to her Holy Spirit Movement, Alice Lakwena convinced Acholis of the spirit within her by using her magical powers to perform miracles. For example, people believed that if they smeared shea nut oil mixed with water she blessed on their bodies that they would become invisible to their enemies and that their bodies would be impenetrable to bullets. If individuals died despite the use of this shea nut oil, others claimed that it was because their faith in the holy spirit Lakwena within Alice was not strong enough. She traveled throughout the Acholi region preaching and gathering the trust of the Acholi people, often aiding in setting up small health clinics to help the wounded.

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<sup>27</sup> Confidential interview by author, Agago District, Uganda, September 2013.

As she continued to accumulate more supporters, the Holy Spirit Movement turned increasingly offensive in order to fight the NRA. Many ex-combatants from Tito Okello's disposed army joined the increasingly militaristic movement and they became determined to move southwards towards Kampala to remove the NRM government. However, many believe that as soon as Alice Lakwena and her followers arrived in Jinja and tried to cross the river Nile, the holy spirit left her body and her powers disappeared. Thus, the Holy Spirit Movement was officially defeated in November of 1987 and Alice escaped into exile in Kenya where she later died in 2007. Most other followers who were not killed retreated back to Acholiland.

### ***2.3.2. Transition to the LRA***

It is in the 1987 chaos of the Holy Spirit Movement's defeat and the continuing brutality of the NRA against the Acholi people that Joseph Kony, directly translated from Acholi Kony means "help," formed the Lord's Resistance Army (LRA) and replaced Alice Lakwena. After Lakwena's departure and Alice's escape to Kenya, Kony, an Acholi also from Odek, claimed a spirit from Aware Hill came to possess him in order to protect the Acholi people and continue fighting the NRA. Many believe that with the spirit coming to possess Kony, he, Alice, and God together represent the Holy Trinity. This gave him a line of direct communication with God and he received the blessing and support from the Acholi community elders who encouraged him to protect his people. Thus began Kony's preaching of the NRA's ruthless treatment of the Acholi population and the need to organize and rise against them to defend their land and their people.

Initially, Acholis willfully joined the army Kony was recruiting and once there were enough preliminary fighters the LRA was officially formed. The majority of individuals

joining the LRA were well trained ex-combatants from ex head of state Tito Okello's army and many in the Acholi community eagerly supplied the soldiers with shelter, food, and medication when needed. In 1988 the fighting between the LRA and the NRA became intensified and the LRA's demand for fighters outgrew the voluntary supply of soldiers. This fighter deficit in 1988 pushed the LRA to begin abducting civilians into its ranks; however, initially they were only forcing one man from each family to join the campaign and were not yet engaging in mass abductions and mass looting.<sup>28</sup>

After two years of fighting, in 1990 the NRM began professionalizing their military, in effect reducing the mass brutality of its NRA soldiers on innocent civilians and changing their military strategies to more counter-insurgency tactics. The NRA now worked to win the hearts and minds of the Acholi people in order to gain the population's trust and consolidate central power. The government forces stopped openly murdering Acholi civilians, began sensitizing the local population on NRM agenda promises, assured improved service delivery, and pledged peace. As the NRA carried these ideas across Acholiland, much of the isolated and rural population began supporting them, ultimately angering Kony. Feeling betrayed by his own people, Kony began lashing out against the Acholi population in retaliation for their seemingly flip-flopped support for the NRA. Not being able to differentiate between those who supported the NRA and those who still supported them, the LRA started baselessly attacking and torturing Acholi civilians, burning huts, looting villages, raping women, and abducting children. The LRA often attempted to maim individuals they came across, cutting off legs so one could not run, slicing off lips so

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<sup>28</sup> Confidential interview by author, Agago District, Uganda, September 2013.

one could not talk, or chopping off ears so one could not hear, allowing the person to return home as a warning to others.

In 1995 the NRM passed a new constitution and the military changed from the NRA to the Ugandan People's Defense Force (UPDF) and fighting dragged on. The war was at its worst levels of violence in the early 2000s as the LRA became desperate to survive and the Ugandan government remained in denial at the severity of the situation. By 2004 the UPDF forcibly removed 1.8 million northerners from their ancestral homes and into Internally Displaced Persons (IDP) camps with appalling conditions in order to cut Kony off from access to people and food. Additionally, the UPDF engaged in slash and burn tactics of villages and land in order to flush the LRA out from their hideouts. It was not until 2005 that the conflict in northern Uganda ended and the LRA was effectively pushed out of Uganda and into neighboring South Sudan (Sudan at the time), the Central African Republic (CAR), and the Democratic Republic of the Congo (DRC). A look at what factors led to the successful end to conflict in Uganda in 2005 will be the topic of subsequent chapters.

### **III. Chapter Three: Key Players and Peace Process**

If you want to go quickly, go alone. If you want to go far, go together.

–African Proverb

#### ***3.1. Domestic Players***

Many different domestic actors contributed to the conflict in northern Uganda and many remain involved today as the peace process continues in Acholiland. A closer look at who the key domestic players are and what their involvement was during the conflict will help one to understand the general peacebuilding context that now exists on the ground. In particular, the two main opposing parties involved in the northern Acholi war including the Ugandan People's Defense Force (UPDF) and the Lord's Resistance Army (LRA) will be discussed, as well as the involvement of local Acholi religious and cultural leaders.

##### ***3.1.1. The Ugandan People's Defense Force (UPDF)***

As explained in chapter two, the official Ugandan military became known as the UPDF in 1995 when the National Resistance Movement (NRM) party in power passed a new constitution, within it changing the name of the national army from the National Resistance Army (NRA) to the UPDF. Therefore, when the war in northern Uganda began in 1986 with the NRM government coming to power and the creation of the Holy Spirit Movement, the national military was the NRA. However, when the war in northern Uganda ended in 2005 with the ultimate retreat of the LRA from Uganda the State military was known as the UPDF. In order to prevent confusion, from this point forward in the chapter, regardless of their official name at the time, the Ugandan national military will be referred to solely as the



UPDF. Not only was the UPDF greatly involved in the conflict in northern Uganda from 1986-2005, they are still currently involved in the ongoing peace process and continuing to search for the LRA in neighboring countries today.

In the early stages of the war in northern Uganda, the UPDF was engaged in brutal fighting against the Holy Spirit Movement and what then subsequently turned into the LRA. Much of the Holy Spirit Movement and the LRA was made up of former soldiers from Tito Okello's disposed army who fled back north when the NRM came to power in Kampala. According to local elder Acholis the UPDF killed indiscriminately and unleashed revenge against the former soldiers and the northern civilian population. As explained previously, to combat popular northern support for the LRA, the UPDF began professionalizing themselves in the early 1990s resulting in many Acholi civilians supporting them rather than the LRA. However, during the 1990s the UPDF continued to engage in unethical human rights abuses including unlawful detentions and rape. For example, one individual interviewed explained that her experience being held by the UPDF was worse than her time as an abductee with the LRA.<sup>1</sup> Captured by the LRA to be a combatant's wife in 1992, she was seized by the UPDF in 1993 in an ambush. Although, rather than be released and returned to her home village, the woman was forced to remain in an underground waiting hole with other former abductees. Barely surviving off of food scraps and living in their own feces, she and the other women were raped daily by UPDF soldiers until Acholi Member of Parliament (MP) Betty Bigombe was visiting the area and discovered the women living in the hole. It was only at this point that she was rescued and delivered to the hands of an NGO

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<sup>1</sup> Confidential interview by author, Agago District, Uganda, December 2013.

who helped her get back on her feet.<sup>2</sup> Additionally, the UPDF was engaged in other crimes throughout the twenty year long war in northern Uganda.

The Ugandan government's formal forced displacement policy of the Acholi people will be discussed at length in chapter six. However, it is important to briefly mention it here when specifically speaking of the UPDF's role during the conflict. In 1996 the UPDF began forcing Acholi villagers into government "protected villages," the Ugandan government's name for Internally Displaced Person (IDP) camps.<sup>3</sup> Individuals were at times given forty-eight hours or less to evacuate their ancestral homesteads and were informed that if they were found outside the IDP camp they would be considered and treated as rebels by the UPDF. By the end of 2002 the number of northerners living in the IDP camps reached approximately 800,000 people and was continuing to grow.<sup>4</sup> The Ugandan government defended the forced displacement by arguing it was a necessary protection policy. Driving individuals into specific locations worked as a specific counter-insurgency tactic by draining resources from the LRA who relied on looting villages for support. Additionally, the UPDF's promise of protection to civilians living in the camps is seriously called into question. Despite supposed security provided for the camps, the LRA continuously attacked IDP camps and continued to kill and abduct civilians. For example, one of the largest attacks occurred on February 21, 2004 in the Barlonyo camp where 330 IDPs were killed by an

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<sup>2</sup> Ibid.

<sup>3</sup> Adam Branch, "Humanitarianism, Violence, and the Camp," in *Displacing Human Rights: War and Intervention in Northern Uganda*, (Oxford: Oxford University Press, 2011), 92.

<sup>4</sup> "Abducted and Abused: Renewed War in Northern Uganda," *Human Rights Watch*, June 15, 2003, <http://www.hrw.org/reports/2003/uganda0703/uganda0703a-05.htm>.

LRA attack.<sup>5</sup> UPDF soldiers supposedly protecting the camps not only failed to prevent LRA attacks, but some also engaged in rape and other sexual violence against IDPs. This is highlighted in a UNICEF report from June 15, 2005 which noted that the most common form of violence in the Pabbo IDP camp was rape, mostly by UPDF soldiers.<sup>6</sup> These examples underscore that the UPDF's protection of IDPs living in camps was weak at best. Besides the protection of civilians, the UPDF played a role in the conflict by engaging in specific military plans to defeat the LRA and drive them out of the North.

In 2002 the UPDF launched Operation Iron Fist, a military campaign aimed at attacking LRA hideouts and camps to defeat the LRA who were then operating from southern Sudan and continuing their assaults on northern Uganda. However, this campaign unfortunately led to the LRA abandoning their Sudanese bases and arriving back in Uganda in full force, ramping up their abductions, killings, and lootings against northern civilians and even spreading their insurgency to regions previously not affected by the LRA.<sup>7</sup> Following many diplomatic initiatives and attempts at peace negotiations which failed due to mutual distrust and skepticism, as will be discussed in depth later in this chapter, the UPDF continued to work to fight off the LRA through military means and push them out of Uganda. By the end of 2005, with the culmination of other contributing factors that will be noted in this chapter as well, the UPDF had effectively driven the LRA out of northern Uganda. Although, it should be recognized that the UPDF continues to search and to try to defeat the militia group

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<sup>5</sup> "Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda," *Human Rights Watch*, Volume 17, No. 12 (A), September 2005, 10.

<sup>6</sup> "Suffering in Silence: A Study of Sexual and Gender Based Violence (SGBV) in Pabbo Camp, Gulu District, Northern Uganda," *UNICEF*, June 15, 2005, <http://www.unicef.org/media/files/SGBV.pdf>.

<sup>7</sup> "Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda," *Human Rights Watch*, Volume 17, No. 12 (A), September 2005, 9.

today as they move through the jungles of the Central African Republic (CAR) and the Democratic Republic of the Congo (DRC).

### ***3.1.2. The Lord's Resistance Army (LRA)***

While the evolution of the LRA stemming from Alice Lakwena's Holy Spirit Movement was investigated in chapter two, a closer look at the militia group's actions during the conflict in northern Uganda is necessary to understand the specific case and peace process in the country after the war ended. According to international humanitarian law that outlines the laws of war, the situation in northern Uganda is categorized as an internal armed conflict. Therefore the Geneva Conventions of 1949, the Second Additional Protocol of 1977 to the Geneva Conventions, and customary international humanitarian law all apply to it.<sup>8</sup> Under these laws, both the UPDF and the LRA are prohibited from any attacks against civilians and each party is required to treat all those whom they have in detention humanely. As part of the United Nations and a member of the African Union, the Ugandan government is technically bound as well by international and regional human rights law. On the other hand, while supposedly held accountable by international humanitarian law during combat, the LRA is not bound by international human rights law because they do not represent a recognized State and seemingly operate without legal consequences. Therefore, the LRA engage in serious egregious international humanitarian and international human rights law without great concern. In particular, this section will highlight the LRA's involvement in the targeting of civilians and abduction, torture and mutilations, and rape and other sexual offenses.

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<sup>8</sup> Ibid, 14.

The targeting of civilians and abductions was one main human rights abuse that the LRA continuously engaged in throughout the conflict in northern Uganda. In order to unceasingly grow their army and replace killed soldiers, the LRA was notoriously known to attack villages, IDP camps, and travelers throughout the North. Depending on the need for soldiers or sex slaves and depending on the individuals the LRA would encounter, the militia group abducted some, killed others, and maimed the rest to leave behind as a warning and example of what the



Photo 1 by author: “Site in memory of 60 civilians massacred by LRA on October 12, 2002.” Agago District.

group was capable of. Estimates of between 20,000 and 30,000 children are believed to have been abducted during the twenty year long war.<sup>9</sup> Once abducted, any individual attempting to escape would normally be brutally killed in front of recruits to deter further escape attempts.<sup>10</sup> Additionally, young new recruits were often made to kill indiscriminately in order to prove their courage; if they refused, they were killed. For example, one twelve year old boy who was abducted from a school house at night where he was sleeping was made to kill three civilians the LRA came across in a field. The individuals were instructed to lay on the ground on their stomachs at which point the boy was forced to hit them with their own hoes until they died.<sup>11</sup>

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<sup>9</sup> “Abducted: The Lord’s Resistance Army and Forced Conscription in Northern Uganda,” *Berkeley-Tulane Initiative on Vulnerable Populations*, June 2007, 20.

<sup>10</sup> Confidential interview by author, Agago District, Uganda, September 2013.

<sup>11</sup> *War Dance*, dir. Sean Fine and Andrea Nix Fine, 2008.

Another main human rights abuse that the LRA engaged in during the northern war was the use of torture and mutilation. In a grand effort to instill and insight fear amongst Acholi civilians and UPDF soldiers who would come across the survivors and deceased, the LRA would use civilian torture and mutilation to create sense of terror across the North.

Abductees would often go through regular nonlethal beatings on a daily basis, particularly if militia members believed they were not keeping pace with the rest of the infantry. In a Human Rights Watch report one interviewee noted, “The rebels



Photo 2 by author: “In memory of 28 civilians massacred on October 22, 2002.” Agago District.

kept hitting my chest and my waist. They hit my chest with the butt of a gun while at the same time using tree branches to hit me. Up to now I feel chest pain and I was often beaten until I was unconscious.”<sup>12</sup> The LRA was also known to mutilate individuals in order to brutally disfigure civilians in an attempt to deter northern cooperation with the Ugandan government. At times, people’s hands, feet, noses, ears, lips, and breasts were cut off. For example, if a sex slave was caught with another soldier than the one she was assigned to, an LRA commander may chop her lips off so she could no longer kiss anyone.<sup>13</sup> Additionally, in some instances civilians were tortured and slowly killed for not informing the LRA soldiers where their children were hiding. For example, one thirteen year old girl was left orphaned with three younger siblings after she discovered that both of her parents had been

<sup>12</sup> “Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda,” *Human Rights Watch*, Volume 17, No. 12 (A), September 2005, 20.

<sup>13</sup> Confidential interview by author, Agago District, Uganda, December 2013.

tortured, decapitated, and boiled in pots for refusing to give away their children's hiding spot.<sup>14</sup>

One last major human rights abuse that the LRA engaged in, despite many others that will not be discussed due to this paper's scope, includes rape and other sexual offenses. Rather than engage in rape and sexual abuse while attacking civilians, the LRA mostly committed these offenses after abducting women into their ranks. In fact, Human Rights Watch researchers failed to document a single case of rape committed by the LRA when attacking IDP camps or civilians traveling in the region.<sup>15</sup> However, after abduction many young and adult women were raped and gang raped by LRA soldiers and were often distributed as sex slaves to LRA commanders. Many of these women birthed children by LRA soldiers and it is believed that in 2006 Joseph Kony himself had twenty-seven wives and forty-two children.<sup>16</sup> Additionally, one predominant reason that the LRA targeted extremely young females as sex slaves was because it is believed they had an awareness of the HIV epidemic. Therefore, they preferred younger girls who they believed were less likely to have already engaged in sexual encounters.<sup>17</sup>

### ***3.1.3. Local Acholi Religious and Cultural Leaders***

In addition to the UPDF and the LRA, local Acholi religious and cultural leaders were engaged throughout the war in working to mitigate the conflict between the two parties in

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<sup>14</sup> *War Dance*, dir. Sean Fine and Andrea Nix Fine, 2008.

<sup>15</sup> "Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda," *Human Rights Watch*, Volume 17, No. 12 (A), September 2005, 21.

<sup>16</sup> Beatrice Debut, "Portrait of Uganda's Rebel Prophet, Painted by Wives," *Mail & Guardian*, February 10, 2006, <http://mg.co.za/article/2006-02-10-portrait-of-ugandas-rebel-prophet-painted-by-wives>.

<sup>17</sup> "Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda," *Human Rights Watch*, Volume 17, No. 12 (A), September 2005, 22.

order to bring the violence to an end. In particular, this section seeks to highlight the individual role that MP Betty Bigome played during the conflict in northern Uganda and the role of the Acholi Religious Leaders' Peace Initiative (ARLPI). While this section will be underscoring the roles played by Bigome and ARLPI, it is not the intention to overlook the equally necessary and key roles by other local individuals and groups involved in conflict mitigation in northern Uganda. To investigate the full reality of civil society involvement during the war is beyond this paper's reach. However, it is important to acknowledge the participation and compassion shown by Acholi civilians from individuals engaged in radio announcements working to forewarn individuals of violence, like northern Uganda local Lacambel, down to village neighbors taking in orphans after massacres occurred.

Betty Bigome, an Acholi and the current State Minister for Water Resources, is the former chief negotiator between the LRA and the Ugandan government during the war through her previous position as State Minister for Northern Uganda. Under this role Bigome was tasked with negotiating with the LRA in an effort to end the conflict peacefully in a mutual laying down of arms. From 1988 when she took her Minister position until 1994 when the peace talks broke down, she continuously reached out to top LRA rebel leaders to bring them and government ministers together face-to-face to discuss a peaceful end to the violence. On the November 25, 1993, within the context of an agreed upon ceasefire, middle ranking officers from the LRA, Acholi community elders, and government representatives met at Pagik in Gulu District to start negotiations.<sup>18</sup> During these peace talks, the LRA demanded general amnesty for all combatants and made clear that they did not want to be seen as "rebels" who were "surrendering," but rather "people" who were

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<sup>18</sup> Billie O'Kadameri, "LRA/Government Negotiations 1993-1994," *Conciliation Resources*, 2002, <http://www.c-r.org/accord-article/lra-government-negotiations-1993-94-2002>.



“returning home.”<sup>19</sup> Peace negotiations continued and on January 11, 1994 all parties met again, including LRA leader Joseph Kony himself. Included in these talks, Kony requested time and a longer ceasefire to regroup his members in order to peacefully come out of the bush to receive amnesty. The peace negotiations began to deteriorate as UPDF and LRA leaders seemed to have a mutual disrespect for each other. Additionally, Bigome noted that she never felt like she had strong support from the Ugandan government for the talks in the first place.<sup>20</sup> Despite the serious tension, a ceasefire agreement was signed between the LRA and the UPDF on February 2, 1994. However, while visiting Gulu four days later on February 6, President Museveni made a public speech explaining that the LRA had taken advantage of the talks and continued to kill their own people. He announced a public ultimatum to the LRA saying that they had seven days to surrender or otherwise face the Ugandan military.<sup>21</sup> The LRA did not surrender, but rather set up permanent bases in southern Sudan and began attacking northern villagers once more, thus completely destroying any further prospects for a peace agreement. Bigombe continued to maintain contact with the LRA in hopes that the talks would be revived; however, after two years of renewed attempts Bigombe was defeated in parliamentary elections in 1996 and left her government position.

Another prominent domestic player in the peace efforts during the conflict in northern Uganda was the ARLPI. Formed in 1997, the ARLPI was a forum that brought together both Christian, predominantly Anglicans and Catholics, and Muslim leaders in northern Uganda

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<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

to discuss the possibility of building peace throughout the region.<sup>22</sup> According to the organization's mission statement, they are "an interfaith organization that works for peace and development by transforming violent conflict through dialogue, negotiation, mediation and reconciliation in order to promote sustainable peacebuilding and development in Northern Uganda."<sup>23</sup> During the conflict, ARLPI leaders would visit with both UPDF and LRA commanders in order to push for a peaceful resolution to end the violence and acted as mutually trusted mediators between the two parties. For example, key ARLPI religious leaders were invited to speak with President Museveni in July 2002 and given authorization to work as contacts between the UPDF and the LRA.<sup>24</sup> Additionally, throughout the Juba Peace Talks, which will be discussed later in this chapter, ARLPI members often acted as advisors and important observers to the peace process. Other NGOs and civil society organizations noted the importance of local Acholi religious and cultural leaders in working towards a peaceful resolution to the conflict. For example, one Save the Children officer working in Uganda during the conflict explained, "Cultural leaders have the advantages of reaching all the people including the rebels quicker. The fibre of the people is embedded on the cultural leadership. They listen more to [them] than to the politicians. The cultural

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<sup>22</sup> Patrick William Otim, "The Role of the Acholi Religious Leaders Peace Initiative in Uganda's Peacebuilding," *The Beyond Intractability Project*, March 2009, <http://www.beyondintractability.org/casestudy/otim-role>.

<sup>23</sup> "About Us: Mission Statement," The Acholi Religious Leaders Peace Initiative, last modified 2014, <http://www.arlpi.org/about-us>.

<sup>24</sup> Patrick William Otim, "The Role of the Acholi Religious Leaders Peace Initiative in Uganda's Peacebuilding," *The Beyond Intractability Project*, March 2009, <http://www.beyondintractability.org/casestudy/otim-role>.

leaders should be facilitated and involved in peace talks. Where government tries to do things without them they miss 70% of the success.”<sup>25</sup>

### **3.2. International Involvement**

Besides the plethora of domestic players engaged in the conflict in northern Uganda, international involvement did occur albeit on various levels. In 2003 then United Nations (UN) Under Secretary General for Humanitarian Affairs, Jan Egeland, commented that it was a “moral outrage” and explained “I cannot find any other part of the world that is having an emergency on the scale of Uganda, that is getting such little international attention.”<sup>26</sup> The UN played little to no role in working to end the conflict in northern Uganda and the UN’s Security Council failed to put Uganda on its agenda and pass a resolution in an effort to reduce the violence taking place.<sup>27</sup> The Ugandan ambassador to the UN would at times try to downplay the harsh reality that existed on the ground in Uganda by arguing that more international attention would simply give more credibility and notoriety to the LRA rebel group and that the conflict was an internal issue that must be handled by the Ugandan military.<sup>28</sup> However, despite the UN’s noninvolvement other international governments and

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<sup>25</sup> Christopher Kibol Ebong, “Northern Uganda: Cultural leaders want a role in the peace process,” *ActionAid Denmark*, last modified August 2005, <http://www.actionaid.dk/sw9469.asp>.

<sup>26</sup> “Uganda Conflict ‘Worse than Iraq’,” *BBC News: Africa*, November 10, 2003, <http://news.bbc.co.uk/2/hi/africa/3256929.stm>.

<sup>27</sup> “Northern Uganda: Children Paying with their Lives for UN Security Council Inaction,” *Oxfam International*, last modified December 19, 2005, <http://www.oxfam.org/es/node/452>.

<sup>28</sup> Brian Smith, “UN hints at possible intervention in northern Uganda’s conflict,” *International Committee of the Fourth International (ICFI)*, last modified November 3, 2004, <http://www.wsws.org/en/articles/2004/11/ugan-n03.html>.

groups did play a significant role. In particular, Sudan and South Sudan, the United States, and international NGOs greatly influenced the conflict in northern Uganda.

### ***3.2.1. Sudan and South Sudan***

Both Sudan and South Sudan played significant roles in the conflict in northern Uganda. Although South Sudan did not become an independent state until July 9, 2011, it has been relatively autonomous since July 9, 2005. Prior to 2005 it was operating under the auspices of the Sudan People's Liberation Army (SPLA). Until 2005, Sudan had been engaged in civil war on and off since 1955. In 1956 Sudan officially gained independence from Britain creating a unified Sudan.<sup>29</sup> However, when the northern government failed to incorporate the South sufficiently and tried to create a Muslim Arab state, African Christian southerners retaliated leading to a seventeen year long civil war ending in 1972<sup>30</sup>. In 1983 civil war broke out again after the northern government declared an all Sudanese Islamic state. In 1989 as the civil war raged on, a military coup led by Omar al-Bashir took over power. After twenty two years of fighting, over two million deaths, and over four million southern Sudanese displaced, the Comprehensive Peace Agreement (CPA) was signed between the North and the South in 2005.<sup>31</sup> Throughout the Second Sudanese civil war, both sides were engaged in supporting proxies in the ongoing conflict in northern Uganda, largely affecting the situation south of their border.

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<sup>29</sup> Bamber Gascoigne, "History of The Sudan," in *History World*, last modified 2001, <http://www.historyworld.net/wrldhis/PlainTextHistories.asp?historyid=aa86>.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

Omar al-Bashir's government in Sudan has been accused throughout the conflict in northern Uganda of supporting the LRA both financially and militarily by arming the group with more sophisticated weapons.<sup>32</sup> Since 1996, the LRA had been setting up bases in South Sudan in which they could easily cross over the border to attack parts of northern Uganda. It is also believed that receiving support from al-Bashir was a contributing reason why the 1994 Bigombe initiated peace talks failed.<sup>33</sup> Prior to receiving assistance, the LRA stood no chance of a military victory over the UPDF. However, with backing from the Sudanese State they would be able to continue engaging in aggressive combat. In 2004, two years after the Sudanese government declared they had stopped giving weapons to the LRA, Ugandan MPs and returned LRA soldiers accused al-Bashir of continuing Sudan's assistance.<sup>34</sup> Although it is often generally accepted that Sudan stopped assisting the LRA in 2005 after they signed the CPA with South Sudan, there continues to be accusations made today that al-Bashir's regime still supports the group by providing money and refuge within their borders.<sup>35</sup> In one interview a large NGO representative working on LRA issues noted that people should not be so quick to believe the LRA are no longer getting any help from foreign and regional governments such as Sudan.<sup>36</sup> He commented, "Someone is still supporting them and

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<sup>32</sup> "Guns Out of Control: The continuing threat of small arms," *IRIN: Humanitarian News and Analysis*, May 2006, <http://www.irinnews.org/in-depth/58968/8/uganda-interview-with-a-former-lra-soldier-moses-rubangangeyo>.

<sup>33</sup> Billie O'Kadameri, "LRA/Government Negotiations 1993-1994," *Conciliation Resources*, last modified 2002, <http://www.c-r.org/accord-article/lra-government-negotiations-1993-94-2002>.

<sup>34</sup> Joshua Kato, "Uganda: Who arms the LRA rebels?" *Norwegian Council for Africa*, March 3, 2004, <http://www.afrika.no/Detailed/4968.html>.

<sup>35</sup> "Joseph Kony and the LRA in Sudan," *Voice of America*, May 16, 2013, <http://blogs.voanews.com/state-department-news/2013/05/16/joseph-kony-and-lra-in-sudan/>.

<sup>36</sup> Confidential interview by author, Kampala, Uganda, November 2013.

offering them a place to go when they need help. Darfur is a safe space for them.”<sup>37</sup> On the other side of the conflict, the SPLA was not complacent in receiving support from the Ugandan State.

During the time al-Bashir’s government in Khartoum was supporting the LRA in the conflict in northern Uganda, President Museveni’s government in Uganda was accused of supporting the SPLA operating in southern Sudan against the Sudanese State.<sup>38</sup> In 2012 the Uganda government publically admitted, for the first time, to supporting SPLA activities during Sudan’s Second Civil War. The Ugandan State Minister of Foreign Affairs remarked that he “was proud of [his country’s] contribution to the creation of a South Sudanese State.”<sup>39</sup> The full extent of the relationship between the SPLA and the Ugandan government remains unclear, suggestions range from Uganda’s simple moral support for the group to strong financial and direct military backing.<sup>40</sup> For example, President Museveni claims that the support was moral and that Uganda offered humanitarian assistance to the SPLA and south Sudanese civilians.<sup>41</sup> However, others, like the Sudanese government, argue that the UPDF was involved in direct military missions aiding the SPLA against the Sudanese military.<sup>42</sup> Whatever the level of assistance, it is clear that the Ugandan State was aligned

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<sup>37</sup> Ibid.

<sup>38</sup> “Sudan accuses Uganda of facilitating SPLA operations,” *Pana Press*, January 23, 2003, <http://www.panapress.com/Sudan-accuses-Uganda-of-facilitating-SPLA-operations--13-472293-17-lang1-index.html>.

<sup>39</sup> “Uganda does not regret supporting SPLA during Sudan war, minister says,” *Sudan Tribune*, May 12, 2012, <http://www.sudantribune.com/spip.php?article42572>.

<sup>40</sup> Anthony Vinci, *Armed Groups and the Balance of Power: The International Relations of Terrorists, Warlords, and Insurgents*, (New York: Routledge: 2008), 106.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

with the SPLA and the Sudanese State was aligned with the LRA. The CPA, signed in 2005 between Sudan and the SPLA and effectively giving the SPLA autonomy over South Sudan, is arguably a contributing factor to why it was the year 2005 that the LRA was ultimately pushed out of northern Uganda as support for each side was considerably diminished.

### ***3.2.2. The United States***

The United States was also involved in the conflict in northern Uganda and continues to remain involved today as the LRA remains at large in neighboring central African countries. The United States was involved in numerous ways during the war in northern Uganda including militarily as well as working through conflict resolution and development channels. In particular, the United States became more involved in the Ugandan conflict after the situation became more internationalized in the early 2000s. As political scientist and Uganda expert Sandrine Perrot puts it, there was “a major shift in Uganda’s diplomatic landscape” when the conflict in northern Uganda became internationalized and attention shifted “from ‘invisible children’ to highly visible teenagers.”<sup>43</sup>

After the September 11 terrorist attacks on the twin towers in New York City and the Pentagon near Washington, D.C., in December 2001 the United States added the LRA to its Terrorist Exclusion List. According to the United States government this list was created to protect the safety of the United States and its citizens.<sup>44</sup> After this inclusion, the United States Department of Defense (DOD) backed the Ugandan government’s military operation

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<sup>43</sup>Sandrine Perrot, “Northern Uganda: a ‘forgotten conflict’, again? The impact of the internationalization of the resolution process,” in *The Lord’s Resistance Army: Myth and Reality*, ed. Tim Allen and Koen Vlassenroot (London: ZedBooks, 2010), 188-190.

<sup>44</sup> “Uganda: LRA, ADF on American terrorist list,” *IRIN: Humanitarian News and Analysis*, December 7, 2001, <http://www.irinnews.org/report/28973/uganda-lra-adf-on-american-terrorist-list>.

against the LRA and later subsequently established the Combined Joint Task Force – Horn of Africa (CJTF-HoA) in 2002 headquartered in Djibouti.<sup>45</sup> On the basis of expanding their counterterrorism agenda, the DOD created the CJTF-HoA with the mission to “defeat violent extremist organizations, conduct focused military-to-military engagement to strengthen East African partner national militaries, and conduct crisis response and personnel recovery.”<sup>46</sup> Through the CJTF-HoA the United States military helped, and continues to help today, train UPDF soldiers. Today, some of these soldiers are being trained for combat with the African Union Mission in Somalia (AMISOM), while others are being trained to fight and hunt down the LRA in neighboring CAR and DRC. Besides being involved in Uganda militarily during the conflict in the North, the United States was also involved in conflict resolution and development practices.

Both U.S. State and non-state actors were involved in the mediation process between the LRA and the Ugandan government. For example, former United States President Jimmy Carter was asked in 1999 with his Conflict Resolution Program to work and rebuild diplomatic relations between the Ugandan and Sudanese States in hopes of stopping the resource flow to the LRA and forcing them to the negotiation table.<sup>47</sup> Additionally, the United States Agency for International Development (USAID) worked to try and contact top LRA leadership in hopes of negotiations.<sup>48</sup> At the same time, USAID supported the

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<sup>45</sup> Adam Branch, “AFRICOM: Militarizing Peace,” in *Displacing Human Rights: War and Intervention in Northern Uganda*, (New York: Oxford University Press, 2011), 219.

<sup>46</sup> “About the Command,” *Combined Joint Task Force Horn of Africa*, last modified 2014, <http://www.hoa.africom.mil/about>.

<sup>47</sup> Sandrine Perrot, “Northern Uganda: a ‘forgotten conflict’, again? The impact of the internationalization of the resolution process,” in *The Lord’s Resistance Army: Myth and Reality*, ed. Tim Allen and Koen Vlassenroot (London: ZedBooks, 2010), 190.

<sup>48</sup> *Ibid*, 191.



Northern Uganda Peace Initiative (NUPI) in order to advise the Ugandan government on conflict resolution in 2004, before the violence in the North ended. Throughout this time, USAID was also involved in supporting organizations, like the World Food Program, by providing humanitarian assistance to individuals living in IDP camps. However, it is also argued that much of the money flooding into Uganda, especially in the early 2000s, was wasted and lost due to corruption in the Ugandan government. According to Transparency International's Corruption Percentage Index, in 2000 Uganda was ranked 80<sup>th</sup>, causing some to argue that rather than spend donor money carefully on reducing conflict in the North the Ugandan State squandered most of the money for themselves.<sup>49</sup>

### ***3.2.3. International NGOs***

The last foreign involvement this chapter will discuss is that of international NGOs. Large foreign NGOs were involved in northern Uganda throughout the conflict; however, a surge of NGO involvement occurred in the early 2000s as the conflict became internationalized. Whether contributing to humanitarian relief efforts, supporting conflict resolution attempts, or engaging in political activism in the United States to push legislation affecting the violence in northern Uganda, international NGO involvement remains strong in the North through today. NGO involvement in the Ugandan conflict took many forms, although this section will focus on the so-called "Washington Lobby," American groups related to the conflict in northern Uganda but who operate primarily from the United States.

According to an NGO representative working in Uganda, the "Washington Lobby" related to the conflict in northern Uganda includes Resolve, Invisible Children, and

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<sup>49</sup> "Transparency International Releases the Year 2000 Corruption Perceptions," *Transparency International: Archive Site*, last modified September 13, 2000, [http://archive.transparency.org/policy\\_research/surveys\\_indices/cpi/previous\\_cpi/2000](http://archive.transparency.org/policy_research/surveys_indices/cpi/previous_cpi/2000).

Enough.<sup>50</sup> These three American based international NGOs in particular work to push Uganda specific U.S. legislation, often working to increase the U.S. military component in the fight against the LRA, as well as working to push for more funding to support the peace process and development on the ground in the North. Much of the three organizations' advocacy focuses on the mobilization of American youth to spread awareness of the conflict in general, as well as call upon their government representatives to support northern Uganda specific legislation. Often using mass media campaigns and college student groups across the country to spread their message, these three have been successful at making "Kony" a household name in the United States. However, whether those same individuals who recognize Kony's name are familiar with what the LRA stands for or that there was a twenty year long war in northern Uganda is a different story.

When posed the question, "what is the best role that international NGOs can play in supporting countries in conflict and what was the greatest mistake made by international NGOs in the conflict in northern Uganda," answers from NGO representatives varied. According to an individual from Resolve, the best thing an American NGO can do is to push for change in U.S. policy that would support the demobilization and defeat of the LRA.<sup>51</sup> Additionally, he said that he thinks there should be stronger support by international NGOs for institution building in order to promote representative institutions for democracy. A different individual, from Invisible Children, noted that international NGOs can be most supportive by promoting an active and engaged civil society both in the United States and around the world that helps locals implement their projects for conflict resolution and

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<sup>50</sup> Confidential interview by author, Kampala, Uganda, November 2013.

<sup>51</sup> Confidential interview by author, Kampala, Uganda, October 2013.

development.<sup>52</sup> Finally, a representative from Enough noted that the biggest mistake made by international NGOs was not pushing the Ugandan government enough to stop forcing people into IDP camps.<sup>53</sup> This practice in particular, and international NGOs' involvement in maintaining the IDP camps during the conflict will be discussed and analyzed at length in chapter 6. Finally, the individual from Enough also commented apologetically that overtime international involvement in the crisis had changed to focus more on the military aspect. He believed that the U.S. government, and international NGOs based in the United States, should be more focused on pushing the peace process and peace talks in order to find an alternative to continued violence.

### ***3.3. Juba Peace Talks***

The 2008 failed Juba Peace Talks were the last time a peaceful end to the LRA conflict was approached. Even though the LRA was not active in northern Uganda during the time that the Juba Peace Talks broke down, the LRA continued to operate in other neighboring countries much as they continue to do so today. An analysis of the environment leading up to the talks, as well as a look at the talks themselves, will give a clearer picture of why the peace talks may have failed and what could have been done differently to have reached a successful non-violent end to the insurgency.

#### ***3.3.1. Lead Up to Talks***

Leading up to the Uganda peace talks in Juba, Sudan and the SPLA had signed the CPA which ended the long-term civil war between the two parties resulting in a semi-autonomous

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<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

South Sudan as of July 9, 2005.<sup>54</sup> Some of the main issues that the new government in South Sudan had to address following their newfound autonomy were related to the problems that the conflict in northern Uganda had caused in their country, including the presence of both LRA and UPDF soldiers operating in South Sudan. When South Sudan President and long-time President Museveni friend and ally John Garang's helicopter crashed and killed him at the end of July 2005, other South Sudanese leaders moved into power. These new leaders had a history of engaging with the LRA and were less connected with Museveni.<sup>55</sup> The new leadership from Salva Kiir and Dr. Riek Machar opened up potential space to reinstate peace talks between the LRA and the Ugandan government. In particular, the new South Sudanese government wanted to see a peaceful end to the conflict in northern Uganda because without consent the Sudanese government in Khartoum had allowed refuge for the LRA within its borders and had also allowed the UPDF to enter and attack their positions.

In order to ensure the LRA's commitment and involvement in the Juba peace process, the South Sudan government conceded four main points: (1) they acknowledged that the LRA had a legitimate cause (2) they noted that the Ugandan government had not worked hard enough to resolve the conflict (3) they promised to support the ICC withdrawing the arrest warrants issued for the top leaders of the LRA, and (4) they vowed their full commitment in making the peace talks successful.<sup>56</sup> Realizing they had no true alternatives, the LRA agreed to join the peace talks. However, ensuring the Ugandan government's participation was more difficult. President Museveni seemed to vacillate between whether

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<sup>54</sup> Ronald R. Atkinson, "The realists in Juba"? An analysis of the Juba peace talks," in *The Lord's Resistance Army: Myth and Reality*, ed. Tim Allen and Koen Vlassenroot, (London: ZedBooks, 2010), 208.

<sup>55</sup> Ibid, 209.

<sup>56</sup> Ibid, 210-211.

Uganda was supportive of renewed LRA peace talks or not. For example, at one point he noted that “I don’t think any previous overtures to the LRA have yielded positive results [and] I don’t think they are interested in dialogue,” yet on another occasion he noted that he was ready for an open dialogue with them and that if they cooperated they would have a safe space in Uganda, regardless of the ICC indictments.<sup>57</sup> However, in late June 2006, Museveni promised to send a delegation to negotiate at the Juba peace talks, despite the fact that the LRA had not been attacking northern Uganda since 2005.

### ***3.3.2. Ultimate Breakdown***

The peace talks officially started on July 14, 2006 in Juba, South Sudan. The talks progressed and after much disagreement, the LRA and the Ugandan government signed a Cessation of Hostilities Agreement in August of that year.<sup>58</sup> All seemed on track till Sudanese President al-Bashir publically stated, while visiting Juba to celebrate the CPA’s second year anniversary, “We are prepared to constitute a joint force to eliminate the LRA. We do not want them.”<sup>59</sup> This considerably angered the LRA and they refused to re-sign the Cessation of Hostilities Agreement that was expiring in February 2007 and they refused to send their delegation to continue the talks after the Christmas holiday.<sup>60</sup> Therefore, by the end of 2006 an LRA leader and the head negotiator, Vincent Otti, announced that the LRA would not rejoin peace talks.

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<sup>57</sup> Ibid, 212-213.

<sup>58</sup> Ibid, 214.

<sup>59</sup> “Al-Bashir wants Ugandan rebels out of Sudan,” *The Sudan Tribune*, January 10, 2007, <http://www.sudantribune.com/spip.php?article19694>.

<sup>60</sup> Ronald R. Atkinson, “‘The realists in Juba’? An analysis of the Juba peace talks,” in *The Lord’s Resistance Army: Myth and Reality*, ed. Tim Allen and Koen Vlassenroot (London: ZedBooks, 2010), 215.

However, due to tireless efforts by other sub-Saharan African nations including South Africa, Mozambique, Kenya, and Tanzania, and the United Nations, the push to put the Juba peace process back on track continued.<sup>61</sup> The talks ultimately resumed in May 2007 and many serious steps forward occurred including the signing of a “comprehensive solution” agreement to end the war and a formal agenda on accountability and reconciliation. Simultaneous, the LRA was experiencing internal militia conflict and Joseph Kony murdered his second in command, Vincent Otti, who was also serving as lead LRA negotiator at the time.<sup>62</sup> Following Otti’s death, the talks halted until January 2008 when discussions resumed to a productive start. In April 2008 all that was left for the final peace agreement outlining the agenda was Kony’s and President Museveni’s signatures. However, on May 25, 2008 before he signed Kony announced that the LRA officially rejected any peace agreement with the Ugandan government. He went on to say that he would never turn himself into the ICC or the Ugandan government, he would rather die in the bush.<sup>63</sup> Additionally, it is critical to remember that at this time the LRA had not been affecting northern Uganda for almost three years. Most individuals in northern Uganda were no longer living in IDP camps or in fear of attack on a daily basis.

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<sup>61</sup> Ibid, 218.

<sup>62</sup> “Otti ‘executed by Uganda rebels’,” *BBC News: Africa*, December 21, 2007, <http://news.bbc.co.uk/2/hi/africa/7156284.stm>.

<sup>63</sup> Ronald R. Atkinson, “‘The realists in Juba’? An analysis of the Juba peace talks,” in *The Lord’s Resistance Army: Myth and Reality*, ed. Tim Allen and Koen Vlassenroot (London: ZedBooks 2010), 220.

### ***3.4. Issues in Conflict: Peacemaking as More***

Often when thinking of conflict resolution and peacemaking, formal peace talks and international or bilateral treaties first come to mind. If formal negotiations are held and an agreement between all concerned parties occurs, the conflict formally ends and peace is announced. However, true conflict resolution and peacemaking is much more. Many issues exist in conflict situations that must be addressed in order for true peace to be realized in a sustainable and long-term manner. Included in these conflict issues that must be addressed are sexual and gender based violence (SGBV), peacebuilding and transitional justice, and displacement. The below sections will briefly introduce each of these issues in the context of conflict in northern Uganda as an introduction to the following three chapters looking at each one in depth.

#### ***3.4.1. Sexual and Gender Based Violence (SGBV)***

SGBV is almost always present in violent conflict. SGBV is often used as a weapon of war that can destroy families and tear communities apart. In northern Uganda's case, SGBV was present during the conflict between the LRA and the UPDF in many different forms from the abduction of young girls as sex slaves to the targeting of IDPs as rape victims. A host of responses to SGBV in Uganda by both domestic and international actors have occurred to varying levels of success. If SGBV is not addressed through conflict resolution and peacebuilding mechanisms while simultaneously working to reduce other violence within the community, long-term sustainable peace will not be possible due to the fact that SGBV remains a serious problem throughout communities long after violent conflict has abated. Steps to reduce SGBV both during conflict and after conflict, including creating safe

spaces, tackling corruption, and engaging in gender mainstreaming, are crucial in moving towards a more successful inclusive peace.

### ***3.4.2. Peacebuilding and Transitional Justice***

Peacebuilding encompasses a wide range of meanings, practices, and actions. It can include anything and everything from governmental development strategies, NGO humanitarian assistance, transitional justice, and disarmament, demobilization, and reintegration (DDR) schemes. All of these examples, plus more, arguably contribute to a community and a nation's long-term peace. However, how a nation or a community embarks on this peacebuilding process and who is and is not included in it can seriously affect its outcomes and determine whether sustainable peace can truly be achieved. This section will focus specifically on the Ugandan government and the international community's focus on DDR and ICC legal prosecution in Uganda's peacebuilding as compared with the local Acholi community's and some NGO's push for traditional justice mechanisms for inclusive peacebuilding. A look at this dual narrative's real consequences relating to the actual attainment of both peace and justice in Uganda will be analyzed in hopes of understanding the normative arguments surrounding them, while at the same time understanding their pragmatic effects. To pursue both peace and justice in relation to the situation in northern Uganda, a comprehensive transitional justice approach incorporating aspects from the national DDR process, the ICC indictments, and traditional Acholi justice is necessary. No panacea in relation to peacebuilding or transitional justice exists, where certain direct actions will always definitively lead to long-term sustainable peace. However, a mixture of local, national, and international level responses to transitional justice and peacebuilding is more likely to create a holistic approach creating long-term peace.



### ***3.4.3. Displacement***

At the end of northern Uganda's twenty year long war roughly 1.8 million northerners, mostly Acholis, had been displaced from their ancestral homes. Some were abductees, many fled to urban centers in other parts of the country, a few escaped the country all together, and most, almost 1 million of them, spent years living in "protected villages," the Ugandan government's euphemism for Internally Displaced Persons (IDP) camps. This forced displacement and organization of almost the entire Acholi region into IDP camps by the UPDF not only contributed to the dire humanitarian situation in northern Uganda, but also ensured lasting hardship for a whole population. Local Acholi civilians, humanitarian aid groups, and international governments responded differently to the displacement and IDP camp reality. The effects of forced displacement did not only have consequences during the actual campaign, but also in the conflict's aftermath as it continues to affect post-conflict reconstruction and conflict resolution today. This section seeks to discuss how governments and the international community can learn from the northern Uganda case when responding to conflict and post-conflict reconstruction.

## **IV. Chapter Four: Sexual and Gender Based Violence (SGBV)**

“Since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed.”  
–UNESCO constitution.

### ***4.1. What is the Problem?***

Sexual and gender based violence (SGBV) has strong negative physical, psychological, economic, and social consequences affecting all individuals living in impacted communities. While SGBV affects both males and females, women and girls disproportionately suffer from violence men inflict upon them. According to the World Health Organization, over one third of women worldwide have experienced sexual violence in their lifetime.<sup>1</sup> While all societies throughout the globe experience SGBV and the adverse costs associated with it, regions experiencing conflict are especially vulnerable to high rates of SGBV. These trends will continue unless SGBV is directly addressed and included in peacebuilding and conflict resolution efforts.

#### ***4.1.1. SGBV in a Conflict and Regional Context***

SGBV is not a new phenomenon. However, as globalization has sped up since the 1980s with increased international access to information technology and communications, knowledge of SGBV has been amplified. While SGBV takes many forms and can include anything from domestic violence to denying economic opportunities, rape has been particularly highlighted in the media as an issue that is seen throughout the world. As former

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<sup>1</sup> “Violence Against Women: Intimate partner and sexual violence against women,” *World Health Organization*, last modified October 2013, <http://www.who.int/mediacentre/factsheets/fs239/en/>.

BBC journalist Rebecca Tinsley notes, “I have interviewed many more women in Sudan, Uganda and other parts of Africa, and it’s clear that their harsh treatment is not a war-time exception: it reflects their status in society.”<sup>2</sup> For example, in recent years news stories reporting on gang rape in India, a democratic country not currently experiencing a post-conflict transition, has gained international reach, brought the issue of SGBV to the forefront, and has created a push by international civil society to begin addressing the problem. However, while it is critical to recognize that SGBV is not unique to conflict scenarios, to remain within this paper’s scope a brief look at SGBV in three SSA countries, including Rwanda, Liberia, and the DRC, experiencing post-conflict and conflict transitions is useful in relation to Uganda’s present situation.

Rwanda, a small landlocked country in central Africa bordering Uganda, experienced a 100 day genocide in 1994 that resulted in an estimated 800,000 individuals killed, roughly 20% of the country’s total population.<sup>3</sup> During the genocide the Interahamwe, the chief Hutu perpetrators, specifically used SGBV against their victims and survivors. In a 1996 United Nations report, UN Special Rapporteur on Rwanda Rene Degni-Segui commented that during the genocide “rape was the rule and its absence the exception.”<sup>4</sup> The genocide perpetrators purposefully released hospitalized AIDS patients in order to form them into rape squads,

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<sup>2</sup> Rebecca Tinsley, “If this is what it feels like to be a woman, what does it mean to be a man?” *Open Democracy*, June 30, 2014, <http://opendemocracy.net/transformation/rebecca-tinsley/if-this-is-what-it-feels-like-to-be-woman-what-does-it-mean-to-be-man>.

<sup>3</sup> “Rwanda: How the genocide happened,” *BBC News: Africa*, May 17, 2011, <http://www.bbc.co.uk/news/world-africa-13431486>.

<sup>4</sup> Special Rapporteur of the Commission on Human Rights “Report on the Situation of Human Rights in Rwanda,” *United Nations*, January 26, 1996, 16, U.N. Doc. E/CN.4/1996/68.

forcing them to target Tutsi women.<sup>5</sup> Additionally, at times sexual mutilation took place after rape in the form of damaging women's genitals with machetes, sharpened sticks, acid, and boiling water.<sup>6</sup> Both of these practices working specifically to destroy Tutsi women's reproductive capabilities, preventing the creation of future Tutsi generations. Violence of this kind during conflict has obvious long-term negative consequences for the entire nation which, if left unaddressed, leaves the population more vulnerable to future potential conflict. After the genocide ended and a new government was established, both a national and international judicial system was set in place to address crimes committed during the genocide. While many challenges still remain, both the traditional Rwandan Gacaca court system and the United Nations instituted International Criminal Tribunal for Rwanda (ICTR) have achieved some success at documenting, recognizing, and prosecuting crimes related to SGBV during the genocide.<sup>7</sup> Furthermore, in August 2006 the majority female Rwandan Parliament passed a bill on the Prevention, Protection and Punishment of Any Gender Based Violence.<sup>8</sup> While SGBV persists in Rwanda, transitional justice and relevant legislation is a necessary precursor to civil society and grassroots work related to SGBV.

Liberia is another SSA nation experiencing a post-conflict transition. During the Liberian Civil War, 1989-1996 and 1999-2003, roughly 500,000 individuals were killed and child soldiers were used extensively by all involved parties. Estimates of between 25% and 75% of

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<sup>5</sup> Mark A. Drumbl, "'She makes me ashamed to be a woman': The Genocide Conviction of Pauline Nyiramasuhuko," *Michigan Journal of International Law* (2011).

<sup>6</sup> "Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath," *Human Rights Watch Women's Rights Project*, 1996, <http://www.hrw.org/reports/1996/Rwanda.htm>.

<sup>7</sup> Rebecca L. Haffajee, "Prosecuting Crimes of Rape and Sexual Violence at the ICTR: The Application of Joint Criminal Enterprise Theory," *Harvard Journal of Law & Gender*, Vol. 29, 2006, 201-221.

<sup>8</sup> "Gender-based violence bill passes in Rwandan Parliament," *Relief Web*, August 7, 2006, <http://reliefweb.int/report/rwanda/gender-based-violence-bill-passes-rwandan-parliament>.

the entire fighting forces in Liberia were children.<sup>9</sup> In a survey conducted after the first Liberian Civil War, 49% of those interviewed reported experiencing at least one sexual act of violence by a soldier or fighter.<sup>10</sup> In another survey conducted after the second Liberian Civil War, 27% of the interviewees indicated having witnessed sexual violence against women and 7% indicated having witnessed sexual violence against men.<sup>11</sup> The United Nations estimates that around 40,000 women or more were raped during Liberia's civil war and former President Ellen Johnson Sirleaf, the first female elected president in an African country, wrote in her autobiography about being threatened with rape while imprisoned.<sup>12</sup> Now more than ten years after the civil war has ended, over 200 cases of SGBV are reported every month and 40% of the reports are children under twelve.<sup>13</sup> In order to help mitigate SGBV, with help from the United Nations, Liberia has adopted a National SGBV Plan of Action, formed the SGBV National Taskforce, and instituted a SGBV Unit to investigate specific issues of violence and establish outreach services for survivors.<sup>14</sup> While SGBV still remains a serious issue in Liberia, the creation of a national Plan of Action, Taskforce, and Unit is a step in the right direction towards long-term peacebuilding and accountable conflict resolution.

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<sup>9</sup> Esther Pan, "Liberia: Child Soldiers," *Council on Foreign Relations*, August 29, 2003, <http://www.cfr.org/liberia/liberia-child-soldiers/p7753>.

<sup>10</sup> Shana Swiss, et. al., "Violence Against Women during the Liberian Civil Conflict," *Journal of American Medical Association* 279 (1998): 625-629.

<sup>11</sup> "War Related Violence," *Harvard Humanitarian Initiative, Peacebuilding Data*, last modified 2014, <http://www.peacebuildingdata.org/research/liberia/results/civil-war/war-related-violence>.

<sup>12</sup> Karin Landgren, "A Promise is a Promise: Time for Action to End Violence Against Women," *The Huffington Post*, March 7, 2013, [http://www.huffingtonpost.com/karin-landgren/a-promise-is-a-promise-ti\\_b\\_2819886.html](http://www.huffingtonpost.com/karin-landgren/a-promise-is-a-promise-ti_b_2819886.html).

<sup>13</sup> Ibid.

<sup>14</sup> Olajumoke Yacob-Haliso, "Investigating the Role of Government Legislation and its Implementation in Addressing Gender-Based Violence Among Returnee Refugee Women in Liberia," *Wagadu: A Journal of Transnational Women's and Gender Studies* 10 (2012): 132-149.

As mentioned previously in chapter one, the DRC is noted as the most dangerous place in the world to be a woman as rape is used daily as a weapon of war.<sup>15</sup> According to an article published in 2011 in the American Journal of Public Health, more than 1,100 women are raped every day in the DRC, about an average of 48 females aged 15-49 raped every hour.<sup>16</sup> Additionally, Human Rights Watch reported that sexual violence in the DRC had doubled between 2008 and 2009 and warned that any gathered numbers would likely be conservative because of underreporting due to stigma and shame associated with reporting.<sup>17</sup> In interviews with Congolese rebel militia soldiers, numerous explanations are given for why rape is used so often.<sup>18</sup> Some refer to the fact that the militias operating are not properly trained and are not professionalized like other groups. Others explained that “raping gives us a lot of pleasure, when we rape we feel free” and many justify their acts by noting they were following orders to rape women and they themselves would have been killed if they did not comply.<sup>19</sup> Rape is one of the most successful and cheapest weapons of war that is used to shatter communities and tear relationships apart. Often times when a woman is raped by someone other than her husband, her husband then rejects her upon her return to their home. Thus, when rape occurs on a mass scale in societies, the entire societal structure of that community can be turned on its head. SGBV must be one of the issues seriously addressed in DRC’s conflict or

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<sup>15</sup> Judith Wanga, “Why Congo is the world’s most dangerous place for women,” *The Guardian*, March 27, 2010, <http://www.theguardian.com/lifeandstyle/2010/mar/28/congo-women-danger-war-judith-wanga>.

<sup>16</sup> “Rape of women in DR Congo ‘tops 1000 a day’,” *Aljazeera News: Africa*, May 12, 2011, <http://www.aljazeera.com/news/africa/2011/05/2011511231649539962.html>.

<sup>17</sup> Ibid.

<sup>18</sup> Maddy Sauer, “When we rape we feel free: Congo soldiers’ shocking stories,” *MSN News*, June 12, 2013, <http://news.msn.com/world/when-we-rape-we-feel-free-congo-soldiers-shocking-stories>.

<sup>19</sup> Ibid.

peacebuilding and conflict resolution will not be successful. These few examples of SGBV across SSA are meant to highlight the fact that SGBV is a growing phenomenon in post-conflict and conflict countries that must be further addressed.

#### ***4.1.2. SGBV in Conflict Mitigation***

Conflict resolution processes rarely specifically identify SGBV as an issue that must be addressed in order for peace to be achieved. Often in the past, violence against women during war has been viewed as inevitable, some kind of collateral damage that is an unfortunate consequence of war. However, SGBV must be addressed in order for long term sustainable peace to be realized. Negative consequences of SGBV affect both males and females in communities long after hot conflict has abated, as will be discussed in detail later in this chapter. Therefore, without serious consideration of alleviating SGBV during conflict mitigation processes true peace will not be reached. Given the fact that females represent approximately 50% of the world's citizens and individuals in any particular community, for a society to be truly productive and peaceful there must be an absence of SGBV.

#### ***4.2. Situation in Uganda***

SGBV is of serious concern in Uganda. Physical, psychological, economic, and social gender inequality permeates all aspects of Ugandan life. Be it unequal economic compensation for a professional woman working in Kampala or violent abuse for a rural woman living in the North, the entire post-conflict Ugandan nation is negatively affected by SGBV. An overall picture of gender equality for the entire country and a look at SGBV specifically in northern Uganda will help contextualize proper potential responses.

#### ***4.2.1. Uganda's Overall Gender Equality Reality***

Gender equality in Uganda is controversial and difficult to understand: women represent one-third of parliament, but one in forty-nine women will die in childbirth in their lifetime; females represent half of university enrollment, but according to a 2011 survey 70% of men and 60% of women think it is okay for a husband to beat his wife.<sup>20</sup> Uganda has made many strides towards gender equality; however, many female activists voice their opinion that the government focuses on quantity over quality. Topics including affirmative action, generational differences, culture, religion, and policy implementation affect gender equality in Uganda and must be examined in order to understand Uganda's reality.

On September 24, 2013 Ugandan President Yoweri Museveni declared in a speech at the 68<sup>th</sup> United Nations General Assembly (UNGA) that Uganda had “already achieved” the Millennium Development Goal of effectively promoting gender equality.<sup>21</sup> Media and rights activists quickly seized upon the President's statement, igniting a robust debate over how far Uganda has come—and how far the country still needs to go—to assure women are treated equally in the eyes of the law and in the eyes of their fellow male Ugandans. While government officials may claim success in the area of women's rights, activists believe that the government has fallen far short of protecting women's rights. Uganda's 1995 constitution establishes affirmative action as an instrument for correcting gender inequality: “Women shall have the right to affirmative action for the purpose of redressing the imbalances created by

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<sup>20</sup> Ruth Ojiambo Ochieng, “Uganda: Survey – More Women Think Domestic Violence is Justified,” *All Africa, The New Vision*, March 16, 2013, <http://allafrica.com/stories/201303170207.html>.

<sup>21</sup> Yoweri Kaguta Museveni, “Statement By H.E. Yoweri Kaguta Museveni President of the Republic of Uganda at the 68<sup>th</sup> United Nations General Assembly,” *Uganda Media Centre*, September 25, 2013, <http://www.mediacentre.go.ug/content/statement-two>.



history, tradition or custom.”<sup>22</sup> Affirmative action plays a key role in Uganda in increasing the number of women who participate in politics and enroll in higher educational institutions. With the help of the affirmative action policy, women constitute one-third of Uganda’s Parliament and are given 1.5 bonus points when accessing university admission. It should be noted that in 2011 females represented 50.1% of the undergraduate student population at Uganda’s leading educational institution, Makerere University.<sup>23</sup>

Uganda’s affirmative action policy for Parliament put the country at 22<sup>nd</sup> worldwide for women’s participation in politics in 2013 compared to the United States’ rank of 80<sup>th</sup>.<sup>24</sup> However, when examined more closely, women parliamentarians continue to bear significant inequalities. Known as the add-on system, one parliamentary seat per district is reserved for women in addition to regular constituent seats that may be contested by all. Although special woman MP seats represent an entire district and regular seats represent a smaller geographic region, all seats are allocated the same resources to conduct business. This severely hampers women MPs’ ability to travel throughout their District and adequately staff employees to assist them. Many Ugandans believe this creates an unfair disadvantage for woman MPs who are regularly criticized for failing to adequately respond to the needs of constituents.

Additionally, many perceive culture or religion as the biggest hindrance to Uganda’s achievement of gender equality. One Ugandan individual representing a civil society organization dedicated to female empowerment noted that she believes Ugandan culture hurts women because a patriarchal system exists which prevents women from becoming

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<sup>22</sup> “The Constitution of the Republic of Uganda,” *Parliament of Uganda*, last modified 1995.

<sup>23</sup> “About Us” *Makerere University Pamphlet*, last modified 2011.

<sup>24</sup> “Women in National Parliaments,” *International Parliamentary Union*, last modified December 1, 2013, <http://www.ipu.org/wmn-e/arc/classif011213.htm>.

empowered.<sup>25</sup> She went on to explain that in her opinion many misinterpret religion, in effect justifying inequalities against women. For example, many men use the Quran to validate polygamy; however, she explained that men with multiple wives existed only in certain circumstances and all women were treated equally, compared to some Ugandan men who practice polygamy and abuse their wives. Additionally, a representative from a Ugandan legal organization explained that practices like Female Genital Mutilation (FGM) are justified in the name of preserving culture and that most people act in accordance with how they were raised.<sup>26</sup> Therefore, she remarked, until grassroots women are reached through sensitization and education, injustices will continue. Certain men, who support inflicting discriminatory practices on women, are not alone in their campaign, as many women reinforce inequality as well. One interviewee explained that older, rural, and more traditional women are some of the strongest advocates of FGM, citing fears of social stigma attached to noncompliance and reasoning that it is the younger women's duty to continue this traditional practice. Also, many women activists utilize this reasoning when explaining the failure of Uganda's Marriage and Divorce Bill earlier this year, which would have made marital rape illegal and covers many other marriage, divorce, and gender issues which will be discussed later in this chapter. Commenting on the Marriage and Divorce Bill, a former female MP said that "women are their own worst enemy" and that the Bill's failure highlights the fact that, in her opinion, many women MPs act indebted to their party and are too young, inexperienced, and uneducated, which affects how they vote.<sup>27</sup>

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<sup>25</sup> Confidential interview by author, Kampala, Uganda, October 2013.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

#### ***4.2.2. Northern Uganda's Gender Equality Reality***

While Uganda as a whole experiences SGBV, northern Uganda is particularly susceptible to high levels of SGBV due its relative low levels of development, recent history of violent conflict, and high poverty rates. This section will briefly highlight the reality of SGBV in northern Uganda during the conflict between the LRA and the UPDF and the reality of SGBV in the North's post-conflict reconstruction phase.

##### ***4.2.2.1. SGBV in the North during Conflict***

Conflict situations, including issues like displacement, exacerbate existing violence and often present new forms of violence against women that can continue after conflict has ended. During the war in northern Uganda between the LRA and the Ugandan government, SGBV was a serious issue that affected many, predominantly women and girls. Both the LRA and the UPDF engaged in SGBV, albeit in different ways. Additionally, besides direct SGBV acts by both the LRA and the UPDF, very high SGBV levels existed in IDP camps across the North.

The form of SGBV that the LRA predominantly engaged in was large scale abductions of women and girls to act as sex slaves for rebel soldiers. These women and girls were given as “wives” to LRA members and repeatedly raped on a daily basis.<sup>28</sup> Additionally, they carried extra gear not taken by other soldiers when the group moved locations, often amounting to extremely heavy weight across long distances.<sup>29</sup> As noted in chapter three, the LRA did not engage in large scale acts of rape while attacking IDP camps or northern villages. This

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<sup>28</sup> “Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda,” *Human Rights Watch*, Volume 17, No. 12 (A), September 2005, 21.

<sup>29</sup> *Ibid.*

suggests that the LRA was not using rape specifically as a weapon of war to destroy communities, but rather engaged mainly in abductions, mutilations, and torture to disband societies. Also, many previous LRA soldiers note that Joseph Kony himself forbade rebels to engage in rape while attacking civilians.<sup>30</sup> Because many soldiers were superstitious that Kony was aware of everything, they refused to break orders and engage in rape unless specifically sanctioned by an LRA commander to do so. Finally, one specific reason the LRA targeted women and girls was to ensure the physical production of an army base. The children that women bore by LRA soldiers were turned into soldiers themselves as soon as they were old enough to carry a weapon.

The UPDF also engaged in SGBV, but predominantly in the form of rape. The UPDF usually raped IDPs living in the camps they were meant to be protecting.<sup>31</sup> The large number of rapes the UPDF committed against northern Ugandan civilians is consistent with the army's lack of discipline and accountability. For example, in April 2004 the UPDF increased its presence at the Kitgum-Matidi IDP camp in response to heightened LRA activity in the surrounding region. However, IDPs noted that this supposed extra protection turned out to be a nightmare for them because during this time rapes in and around the camp greatly increased.<sup>32</sup> UPDF soldiers also took advantage of the fact that they were often the only individuals in the IDP camps that had money. Thus, they were able to easily entice young girls, and at times married women, with small amounts of food or money in return for sexual favors.<sup>33</sup> Due to this kind of SGBV that the UPDF was engaging in during the war in the

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<sup>30</sup> Ibid, 22.

<sup>31</sup> Ibid, 32.

<sup>32</sup> Ibid, 33.

<sup>33</sup> Ibid, 34.

North, like the LRA it does not seem that they were using mass rape as a direct weapon of war. But rather, they were engaging in rape surrounding the SGBV culture built out of the violent war environment.

According to a report by the United Nations Children’s Fund (UNICEF), SGBV was the most common form of violence that took place in IDP camps in northern Uganda during the war.<sup>34</sup> Overcrowded and harsh camp conditions contributed to higher levels of SGBV in IDP camps compared to lower rates when individuals lived in their rural homesteads. Additionally, one community elder noted that the impoverishment of displaced persons, among many other factors as well, aided in causing breakdowns in traditional moral values leading to increased SGBV levels.<sup>35</sup> Many former IDPs interviewed acknowledged a severe rise in SGBV that began with the institution of camps. One individual explained that many people suffered psychosocial trauma from being forced from their ancestral homes, from having their friends and/or children abducted, or from having returned from the bush themselves. She noted, “To deal with this trauma, some people became angry and took out their aggression on their wives. Others turned to alcohol to numb their memories, but this too increased domestic abuse.”<sup>36</sup> This relationship between SGBV and alcoholism will be further evaluated in the next section on SGBV in the North after the conflict ended. To further highlight the relationship between IDP camps and SGBV, in a survey conducted on SGBV in February 2014 in Agago District Northern Uganda, 84% of female respondents and 80% of male respondents said yes when asked if they thought being in an IDP camp during the war contributed to the high rates of

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<sup>34</sup> “Suffering in Silence: A Study of Sexual and Gender Based Violence (SGBV) in Pabbo Camp, Gulu District, Northern Uganda,” *UNICEF*, January 2005.

<sup>35</sup> “Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda,” *Human Rights Watch*, Volume 17, No. 12 (A), September 2005, 34.

<sup>36</sup> Confidential interview by author, Agago District, Uganda, December 2013.

domestic violence in their community. [Note: An in depth look at IDP camps and displacement will take place in chapter six.]

#### ***4.2.2.2. SGBV in the North after Conflict***

SGBV has serious lasting consequences and heightened SGBV rates during conflict often continue long after the violence dissipates. Negative effects in post-conflict communities can include emotional and mental health consequences, exclusion from education, detrimental physical health, negative impacts on children, and a continued cycle of violence, to name some. Entire communities, both males and females, are negatively affected by SGBV and if SGBV is not taken seriously and steps to address it are not built into conflict resolution and peacebuilding processes, societies will continue to suffer. In a topline needs assessment survey conducted in Agago District, Northern Uganda in February 2014, the bleak reality of SGBV in post-conflict northern Uganda becomes clear.

To begin with a general understanding of the interviewees' situations, 41% of the respondents are in polygamous marriages, all live in rural northern Uganda, and the average weekly household income is 11,295 UGX (Ugandan shillings), which equates to \$0.64 per day. In a local organization's 2011 survey of the same community, it was found that since 2004 72% of the community said they had witnessed killings, 80% said they had witnessed torture or beatings, and 81% said a family member or close friend had been abducted or disappeared. Additionally, 94% of female respondents and 88% of male respondents acknowledged that women work more hours than men do on a daily basis. 63% of women answered yes to having had experienced violence in the home and 20% of women answered yes (along a scale from once to more than 10 times) to having been forced to have sex with their spouse during the last 12 months. 37% of women and 54% of men said that the husband

makes all decisions in the household for reasons including culture/tradition/religion which says men should be in charge and women should be subservient, men insist that women are stupid/useless/not able to make decisions, men have more power than women, and because men paid a dowry for women and therefore she must obey him.

Alcohol and SGBV have an extremely strong relationship that came across when analyzing the needs assessment survey results. 54% of women who indicated they suffered some kind of abuse from their spouse said that the perpetrator is usually under the influence of alcohol when abuse occurs. When asked what they believe the main causes of SGBV are in their community, 77% of women respondents answered alcoholism and 72% of men respondents answered alcoholism. When asked why SGBV increased during the time of the IDP camps, 29% of women said alcoholism in the camps led to domestic violence, followed by 22% of women that said due to the overcrowded nature of camps there was an increase in SGBV. In response to what do you think are the causes of trauma in your community, 43% of women said alcoholism while 50% of men said alcoholism. However, there seems to be a disconnect between these figures and the following figures. When asked how to reduce domestic violence in their community, only 12% of women said to reduce alcoholism and only 11% of men said to reduce alcoholism. This may in part be due to the fact that a significant number of individuals engage in alcohol brewing as a livelihood activity and it often is their main source of income, 20% of those surveyed said their primary source of income is through brewing alcohol. While these figures do not do nearly enough to truly express the dire situation of high SGBV levels in northern Uganda, they attempt to underscore certain issues related to SGBV that continue in post-conflict communities when conflict resolution and peacebuilding fail to adequately address the issue.

### ***4.3. Responses to SGBV***

A host of responses from diverse actors have been attempted to address and reduce SGBV rates in Uganda. However, not all have had effective results in achieving their stated goals. To understand what strategies have experienced success and which have failed, a closer look at specific SGBV responses is required.

#### ***4.3.1. Domestic Responses***

One policy the Ugandan government has implemented to increase the number of female Parliamentarians is an affirmative action add-on system. Leading female advocates and interviewees conceded affirmative action's role in promoting women's participation since Uganda's independence. However, advocates claim that while affirmative action has bolstered women's representation in sectors such as politics and education, it does little to contribute to women's empowerment. One Ugandan lawyer and female activist explained that ideally affirmative action is meant to empower women to take leadership on their own terms. For example, she clarified that once women MPs successfully acquire affirmative action seats, theoretically they should then feel empowered to stand for regular constituent seats. However, this situation rarely occurs in practice and most women continue to run exclusively for women designated seats.

At the policy level, affirmative action has certainly protected women's rights from a legislative standpoint. However, many gender equality aspects have not reached rural women—the large majority of Ugandan women. A Ugandan NGO female activist noted that elite women parliamentarians are disconnected from Ugandan women's needs. Also, she



explained that they continuously fail to cross party lines to unite in solidarity as women MPs for legislation that would empower and support the average Ugandan woman. However, while most Ugandans interviewed criticized aspects of the country's affirmative action policy, all also acknowledged its necessity. One former female MP explained that affirmative action is a necessary evil giving "women more participation without influence."<sup>37</sup>

Another way the Ugandan government has responded to SGBV and gender inequality is to pass the Anti-Pornography Bill and shelve the Marriage and Divorce Bill. The Anti-Pornography Bill, proposed by Uganda's ethics and integrity minister, "seeks to create the offense of pornography which is blamed for sexual crimes against women and children including rape, child molestation and incest."<sup>38</sup> The Bill, passed in December 2013 and signed into law on February 6, 2014, defines pornography as "any representation, through publication, exhibition, cinematography, indecent show, information technology or whatever means, of a person engaged in real or simulated explicit sexual activities."<sup>39</sup> The "indecent show" words grabbed international attention when described by the minister as revealing dresses or skirts for women, thus in effect banning women in Uganda from wearing miniskirts.<sup>40</sup> Activists argue that rather than further protect women from SGBV, the Bill criminalizes and blames women who, by wearing short skirts, are "asking for it" and cause the violation against them to occur. Additionally, Uganda's Marriage and Divorce Bill, which

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<sup>37</sup> Confidential interview by author, Kampala, Uganda, October 2013.

<sup>38</sup> "Parliament passes Anti-Pornography Law," *Parliament of the Republic of Uganda*, last modified 2014, <http://www.parliament.go.ug/new/index.php/about-parliament/parliamentary-news/325-parliament-passes-anti-pornography-law>.

<sup>39</sup> Ibid.

<sup>40</sup> Francis Kagolo and Priscillar Alinda, "Uganda bans miniskirts, pornography," *New Vision*, February 18, 2014, <http://www.newvision.co.ug/news/652677-uganda-bans-miniskirts-pornography.html>.

would have updated laws surrounding marriage and divorce and which covered a wide range of issues including bride wealth and female circumcision, was shelved again in 2013 after its initial creation in 1964.<sup>41</sup> Clause 114, which specifically made marital rape illegal, gained the most attention and many argue was the main reason the Bill cannot pass. Common objections surrounding the Bill include that it undermines traditional and religious understandings of marriage and that once married, sex is a required duty.<sup>42</sup> These two Bills highlight the Ugandan government's views and steps towards, or rather against, reducing SGBV.

Uganda has signed and ratified the international Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on the Rights of Women. Also, Uganda's constitution recognizes women's role in society and clearly lays out women's rights. Uganda's official gender policy, revised in 2007, is progressive and aims to institutionalize gender as a key concept in development and government work. In section 2.1 it states that "The Constitution of the Republic of Uganda guarantees equality between women and men before and under the law in the spheres of political, social and cultural life."<sup>43</sup> Additionally, under the Equal Opportunities Act 2007, the Equal Opportunities Commission (EOC) was established to eliminate discrimination and inequalities against all. However, despite these commendable efforts and existing gender sensitive policy, implementation problems and loopholes remain. For example, while the Equal Opportunities Commission Act exists to redress imbalances against marginalized groups, Section 15(6)(d) of the Act prevents the EOC from investigating behavior regarded

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<sup>41</sup> Rosie Hore, "I Don't: Uganda's Controversial Marriage and Divorce Bill is Left on the Shelf," *Think Africa Press*, September 19, 2013, <http://thinkafricapress.com/uganda/i-dont-controversial-marriage-and-divorce-bill-left-shelf>.

<sup>42</sup> Ibid.

<sup>43</sup> "The Uganda Gender Policy," *Ugandan Parliament*, last modified 2007.

as “immoral and socially harmful [or] unacceptable by the majority of the cultural groupings and social communities in Uganda.”<sup>44</sup> Therefore, cultural and historical injustices, such as domestic violence including marital rape and abuse, based on the majority’s conceptualization of morality remains. One local Ugandan female activist noted, “When policy is made, local actors must carry it out; however, many rural populations don’t understand and lack sensitization.”<sup>45</sup>

Uganda has made positive steps towards promoting gender equality. However, President Museveni’s statement at the United Nations General Assembly was too bold and does not adequately reflect the current status of gender equality and female empowerment in the country. While affirmative action policies have proven to increase women’s representation in politics and higher education, many rural women do not benefit from gender specific legislation due to women MPs’ failure to work collaboratively and push rural women’s issues. In turn, many rural women lack political will and therefore fail to demand more rights and protection from their parliamentarians. This results in a cycle of inaction and failed legislation, as evidenced by the challenges and controversy surrounding the Marriage and Divorce Bill. Generational discrepancies, urban and rural differences, culture, and religion, all play strong influencing roles when understanding Uganda’s gender equality. Additionally, while strong gender sensitive policy already exists, proper implementation remains to be seen and legal loopholes are rampant. Although many challenges to achieving gender equality exist, Uganda is headed, albeit slowly, in the correct direction towards

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<sup>44</sup> “Equal Opportunities Commission Act,” *Ugandan Parliament*, last modified 2007.

<sup>45</sup> Confidential interview by author, Kampala, Uganda, November 2013.

eliminating imbalances. In the words of one female activist, “Uganda is going in the right direction, but sometimes people go to sleep.”<sup>46</sup>

#### ***4.3.2. International Responses***

In addition to domestic responses to reducing SGBV in Uganda, international responses have also occurred. In particular, many international NGOs operating in Uganda engage in promoting gender equality and reducing SGBV. Two key activities that NGOs engage in surrounding SGBV include general community sensitizations and Village Savings and Loans Associations (VSLA). In particular, these two activities have been promoted by both large scale international NGOs and small local community based organizations (CBOs) across Uganda, and throughout the entire developing world more generally.

In the SGBV needs assessment survey conducted in Agago District, northern Uganda, in February 2014, when asked how to reduce domestic violence 53% of female respondents and 46% of male respondents said advocacy/awareness raising/community sensitizations for men and women on SGBV, women’s rights and women’s equality. This was the most common response by a far margin as the second most common response was 31% of women and 24% of men answering counseling services should continue between husbands and wives. In response to whether you are aware of existing laws addressing SGBV/domestic violence, 32% of female respondents and 17% of male respondents said no and 17% of women and 18% of men did not answer the question. Therefore, the survey’s data suggests there is both a need and a desire from the rural northern Ugandan populations for more community sensitization surrounding SGBV and gender equality. However, what should this sensitization look like? Most SGBV sensitizations involve NGO or CBO workers conducting workshops, teach-ins,

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<sup>46</sup> Confidential interview by author, Kampala, Uganda, November 2013.

or dialogues with local community members to raise awareness regarding international human rights, domestic and international law relating to SGBV and gender equality, information on what an SGBV survivor can do, and SGBV prevention tips. One observed disconnect between this sensitization activity and SGBV is in relation to alcohol. For example, while there is a push to conduct community sensitization surround SGBV, there is less push to do the same surrounding alcohol abuse. However, as explained in the previous section, there is a strong correlation between alcohol abuse and SGBV. Therefore, community SGBV sensitizations must include information about alcoholism in order to have a serious effect on SGBV rates.

Another activity NGOs and CBOs commonly engage in regarding SGBV and gender equality is VSLA. Organizers form local community members into groups of roughly thirty individuals to meet on a weekly basis. Each week a group facilitator, usually an NGO worker, meets with the group to mentor members about money saving, human rights, or health and every week each member is responsible for bringing between UGX 100 and 500 shillings (\$0.04 and \$0.20), or more if they can, to contribute to the group. Every week the money is collected and saved until the end of the year when individual group members can ask to take a small loan from the collected money for entrepreneurial purposes. VSLA groups are meant to empower women, and thus reduce SGBV, by providing simple savings and loan facilities to a group that does not have easy access to formal financial services. Besides providing small loans, the VSLA groups also act as an important psychosocial support network for individuals to discuss issues they may be having within their families or community. While VSLA groups have proven to be extremely successful and many interviewees noted their extreme thankfulness at having this kind of support group and outlet to attend each week, some voiced that their husbands were upset at them for attending the group each week and some were even

forbidden from going.<sup>47</sup> While VSLA groups are usually open to both male and female individuals, most group members are female. Due to the fact that men are extremely important actors when working to reduce SGBV, more emphasis needs to be put on including men in any activities regarding gender equality.

Many criticisms exist surrounding NGO work on SGBV in developing countries, much having to do with pushing Western notions of human rights and law on communities. However, rather than spend time discussing and addressing these mainstream and often unhelpful condemnations, this section will focus on less recognized NGO and CBO shortcomings. One of the single largest issues surrounding attempts to reduce SGBV and promote gender equality in communities regards problems with monitoring and evaluating programs. When organizations conduct community sensitizations, how can they truly monitor behavior change? NGOs and CBOs usually rely heavily on foreign donors to fund their program activities and in return for large sums of money provided, foreign donors expect clear results. Often, NGOs provide program results to donors through monthly or quarterly reports where donors can easily and quickly see what contribution their funds have on the ground. However, serious community behavior change surrounding SGBV and gender equality is not possible to evaluate over a short period. Rather, behavior change must be monitored over the long-term. Unfortunately, the present foreign donor/NGO relationship based on short-termism does not provide for long-term sustainable SGBV activities and their proper evaluation. Additionally, many interviewed NGO workers expressed frustration over the fact that their foreign donors are increasingly providing them with smaller sums of money and expecting

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<sup>47</sup> Confidential interview by author, Agago District, Uganda, September 2013.

them “to perform miracles.”<sup>48</sup> One individual who previously worked for a large NGO operating in Tanzanian refugee camps noted that at one point they were expected to work on child protection, SGBV, and public health for all individuals living within the refugee camp on the same budget that they had in previous years where they were only responsible for one of those issues. She expressed, “At the end of the day, it’s the beneficiaries who suffer most and the donors think they’re getting more bang for their buck.”<sup>49</sup>

#### ***4.4. A Look to the Future: What can be done?***

SGBV remains a serious problem throughout the world and particularly for communities suffering from conflict and post-conflict realities. While there are serious obstacles to navigate and setbacks do occur, optimism is plentiful and clear steps can and should be taken to increase gender equality in Uganda including the creation of safe spaces, tackling corruption, and gender mainstreaming.

##### ***4.4.1. Creating Safe Spaces***

One common desire voiced by Ugandan interviewees was the need for a space where SGBV survivors could go to where they knew they would be safe from further abuse. Due to the fact that most rural Ugandan women are dependent on their husbands for shelter and money, many individuals suffering from SGBV feel they cannot escape their partner when he is being violent because they have nowhere to go. Some women explained that if they were able to escape to a safe space they would be able to return to their husbands within 24 or 48

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<sup>48</sup> Confidential interview by author, Kampala, Uganda, December 2013.

<sup>49</sup> Ibid.

hours after he had a chance to calm down and they would be more likely able to discuss the issue at hand without violence. These safe spaces could take a number of forms from a larger official shelter with many rooms to more humble rooms and/or huts that were left vacant for individuals in need.

Additionally, shelters could provide much more than just a safe space for SGBV survivors. As shelters expand they could provide much more for individuals in need such as psychosocial support, health unit referrals, assistance with official police procedures if the individual wants to take legal action, and small meals. One main issue voiced by interviewees was the need for assistance in navigating options a survivor has after abuse takes place. How to fill out a police form and where one can seek assistance can be a confusing and overwhelming process. Therefore, shelters could support individuals on a more complex basis. Specific rules including time limits would need to be implemented at the shelter to ensure that individuals returned to their homes when possible. Another suggestion voiced from interviewees was the idea of a trained social worker shelter staff member returning with the SGBV survivor to their home along with a police officer to ensure that the individual did not walk directly back into the violent abuse. Therefore, partnerships with local authorities, including police and health professionals, and individuals working at these “safe spaces” would be crucial for long-term sustainability.

Safe space shelters for SGBV survivors would also provide foreign donors a clear and tangible activity that NGO and CBO workers would be able to more easily monitor. For example, data including how many individuals used the shelter, how many individuals were helped with filling out police forms, how many health referrals were made, how many follow-ups with returned clients were conducted would all easily fit into monthly and quarterly



reports to placate donors' constant need for updates. Not only this, but as the program continued to grow the shelter would be able to conduct their own public community sensitizations on SGBV and gender equality and begin to take over larger long-term behavioral change activity that would ensure long-term SGBV reduction. Therefore, in the end, donors would be pleased with clear monitoring of the NGOs activity, SGBV survivors would have a safe space to go in times of need, and the community as a whole would benefit from increased awareness surrounding gender equality with the potential for long-term behavioral change.

#### ***4.4.2. Tackling Corruption***

Corruption in Uganda is rampant. As one local Ugandan friend liked to joke, "If someone is stealing money or there is corruption to be seen, you know a Ugandan is present!" An October 2013 Human Rights Watch report titled, "Letting the Big Fish Swim," highlights corruption throughout Uganda. One quote from Uganda's Auditor General John Muwanga read, "Someone will ask, 'Will it pay?' If it will, one will steal. If it won't pay, one won't steal. It should be too expensive to steal. This is why corruption is happening on a grand scale. They must steal enough to stay out of jail."<sup>50</sup> Shortcomings in anti-corruption processes makes it more difficult to combat SGBV and corruption must be tackled more seriously.

In addition to the information previously mentioned, the SGBV needs assessment survey also highlighted the failed access to justice that many individuals experience in relation to SGBV. In response to what challenges have you faced in accessing justice, 61% of women and 83% of men respondents said they did not have the money to pay bribes to the

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<sup>50</sup> Maria Burnett, "Letting the Big Fish Swim: Failures to Prosecute High-Level Corruption in Uganda," *Human Rights Watch*, October 21, 2013, <http://www.hrw.org/reports/2013/10/21/letting-big-fish-swim-0>.

court/police. When asked about Police Form 3, the required form that must be submitted to the police when reporting a SGBV case, 59% of women said they were not aware of it and what it was for while 22% of men said they were not aware of it and what it was for. Of those who were aware of it, 57% of women and 86% of men said they could not access it because they had trouble coming up with the money necessary to get the form. Although Police Form 3 is required by law to be free of charge, often local authorities charge a UGX 5,000 (\$2.00) bribe for each form requested. Keeping in mind that the average income of those interviewed was equivalent to \$0.64 per day, this bribe clearly keeps justice out of reach from most.

Tackling corruption on a larger country wide scale is necessary in Uganda. However, addressing nationwide corruption is also out of this paper's scope. Keeping this in mind, there are clear small scale steps that the Ugandan government and NGOs/CBOs could take to combat corruption disrupting SGBV legal actions. First, local Ugandan MPs should demand independent audits of all police activity within their constituencies. This would make the likelihood of free and fair assessment more probable. Second, local NGO and CBO workers should provide services to accompany individuals seeking legal action to the police station. Many interviewees explained that police officers often take advantage of the fact that some requesting Police Form 3 are illiterate and are not familiar with basic laws. Therefore, if an NGO or CBO worker familiar with the process and procedures accompanied them, it would make the probability of the police officer requesting a bribe significantly less likely. In essence, stronger oversight is required to combat corruption and ensure access to justice for SGBV survivors.

#### ***4.4.3. Gender Mainstreaming***

Gender Mainstreaming is a critical UN endorsed and globally accepted approach and strategy that promotes gender equality in all aspects of life.<sup>51</sup> According to the UN, mainstreaming “involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities—policy development, research, advocacy/dialogue, legislation, resource allocation, and planning, implementation and monitoring of programmes and projects.”<sup>52</sup> One of the most effective ways to work towards gender equality and towards female empowerment is to ensure that all activities and programs within government and organizations take gender factors into consideration.<sup>53</sup> Because gender inequality is institutionalized, a comprehensive and integrated approach to gender which includes both males and females coordinating their ideas is needed to ensure long-term sustainable change.<sup>54</sup>

Additionally, gender mainstreaming moves away from the notion that gender issues are women’s issues. Because of the structural inequality that exists and because of dominant power dynamics maintaining control, many often assume that gender is synonymous with women. However, this is a common misconception and men must be included within gender mainstreaming just as much as women are or gender inequality and SGBV will persist. For example, during northern Uganda’s IDP camp era in the war between the LRA and the UPDF,

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<sup>51</sup> “Gender Mainstreaming,” *United Nations Entity for Gender Equality and the Empowerment of Women*, last modified 2014, <http://www.un.org/womenwatch/osagi/gendermainstreaming.htm>.

<sup>52</sup> Ibid.

<sup>53</sup> Armita Pedramrazi, “3 Ways Gender Mainstreaming can Change the Way we do Development,” *Positive Community Impact (PCI) Global*, April 15, 2014, <http://www.pciglobal.org/endpoverty/3-ways-gender-mainstreaming-can-change-the-way-we-do-development/>.

<sup>54</sup> Ibid.

some male IDPs noted they felt emasculated because they could no longer adequately provide for their families and could not prevent UPDF soldiers from raping their women. When the IDP camps were dismantled and NGOs began providing programs such as VSLA, they targeted women rather than men. While this did provide a sense of empowerment for women and provided many positive outcomes, male interviewees explained that they wanted to feel more included in VSLA and that they believed men should be targeted as well. When men are not included, gender inequality persists and the cycle of SGBV continues. As Rebecca Tinsley puts it, “There are clear links between sexual violence and women’s status in society, but the other side of this coin—the definition of masculinity—is just as important to the transformation of gender roles that underpins safety, security and equality.”<sup>55</sup>

Every time the Ugandan government is looking at potential legislation to pass or reforming laws and every time NGOs/CBOs are designing new programs and activities, how everything will affect both men and women must be taken into serious consideration. If a program may have potential negative consequences for women as compared to men, this must be highlighted and debated to brainstorm how to mitigate those negative consequences. When governments and organizations do not engage in gender mainstreaming, gender inequalities continue as inequity is built further into law and programs. For example, if a government decides to conduct Truth and Reconciliation Commissions in the wake of conflict, it may be necessary to hold special women-only hearings to ensure safe spaces for women to feel comfortable sharing their testimonies.<sup>56</sup> Therefore, all conflict resolution and peacebuilding

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<sup>55</sup> Rebecca Tinsley, “If this is what it feels like to be a woman, what does it mean to be a man?” *Open Democracy*, June 30, 2014, <http://opendemocracy.net/transformation/rebecca-tinsley/if-this-is-what-it-feels-like-to-be-woman-what-does-it-mean-to-be-man>.

<sup>56</sup> Rashida Manjoo and Calleigh McRaith, “Gender-Based Violence and Justice in Conflict and Post-Conflict Areas,” *Cornell International Law Journal* 44 (2011): 31.

processes must include gender mainstreaming to consider how the conflict resolution process and peacebuilding activities will weigh differently on women and men. By ensuring gender is taken into consideration, both males and females will be better able to move past conflict.

## **V. Chapter Five: Peacebuilding and Transitional Justice**

“The prevention of war is too important to be left to the politicians.”

–David P. Barash

### ***5.1. An Introduction to the Issue***

Peacebuilding encompasses a wide range of meanings, practices, and actions and can include everything from governmental development strategies, NGO humanitarian assistance, transitional justice, and disarmament, demobilization, and reintegration (DDR) schemes. All of these examples, plus more, arguably contribute to a community, and more generally a nation's, long-term peace. However, how a nation or a community embarks on this peacebuilding process and who is and is not included in it can seriously affect its outcomes and determine whether sustainable peace can be achieved. This chapter will focus specifically on the Ugandan government and the international community's focus on DDR and International Criminal Court (ICC) legal prosecution in Uganda's peacebuilding as compared with the local Acholi community's and some NGO's push for traditional justice mechanisms for inclusive peace. A look at this dual narrative's real consequences relating to the attainment of both peace and justice in Uganda will be analyzed in hopes of understanding the normative arguments surrounding them and of understanding their pragmatic effects.

#### ***5.1.1. Setting the Stage***

The question of peacebuilding in Uganda started long before the actual cessation of violent conflict. Early on during the war between the LRA and the UPDF a discussion of returned and captured militia abductees was necessary. Would all returned and captured non-UPDF

soldiers be officially arrested, jailed, and formally tried in national courts? Remembering that throughout the twenty year war an estimated 60,000 individuals were abducted, half being children, the reality of formal trails for all was unrealistic.<sup>1</sup> Additionally, would individuals, many of whom were under 18 at the time of abduction, who were forcibly taken against their will be tried? What of those individuals made to engage in activities they themselves deemed immoral? Who bears responsibility when abducted soldiers are simply fulfilling orders to save their own lives? Since the Nuremburg Trials similar questions have filled the transitional justice and peacebuilding space. In Uganda, these questions ultimately resulted in the Amnesty Act of 2000. While the Amnesty Act is highly supported by most Ugandans and by the international community as a step in the right direction, it has failed to fully address justice.

In light of the Amnesty Act's lack of justice, in 2002 President Museveni invited the ICC to begin investigating crimes committed by the LRA in Uganda. The ICC is generally supported by the international community, in particular by the United Nations, as an answer to ending impunity for war criminals. In 2005 after three years of investigation the ICC indicted the top five leaders of the LRA on multiple crimes against humanity with counts including sexual enslavement, rape, the forced enlisting of child soldiers, cruel treatment, and attacks against civilian populations, to name some.<sup>2</sup> The combination of both the ICC's indictment of the five main LRA leaders and the national Ugandan DDR process termed through the Amnesty Act seemed sufficient for the Ugandan government and for Western governments involved in supporting the nation's domestic peace process. However, both the

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<sup>1</sup> "Abducted: the Lord's Resistance Army and Forced Conscription in Northern Uganda," *Human Rights Center University of California Berkeley and Payson Center for International Development Tulane University, Berkeley-Tulane Initiative on Vulnerable Populations*, June, 2007, 3.

<sup>2</sup> Luis Moreno Ocampo, et. al., "Pre-Trial Chamber II: Warrant of Arrest for Joseph Kony Issued on 8 July 2005 as Amended on 27 September 2005," *International Criminal Court*, September 27, 2005, 12-19.

ICC indictment and the national DDR process have failed to adequately incorporate traditional Acholi peacebuilding and conflict resolution processes as well which would make long-term peace more likely.

Some NGOs operating in northern Uganda and certain local Acholis have both made arguments for the inclusion of traditional Acholi reconciliation, reintegration, and justice techniques and practices in the peace process. Arguments include that Western ideals of justice, law, and reintegration are not sufficient to truly address the issues of returning abductees and that until traditional techniques for mitigating conflict are integrated a lasting peace is not achievable. Many Acholi feel that the Ugandan government's reintegration packages offered to returned soldiers is not enough to address their reintegration into society. Additionally, for reasons which will be discussed later in this chapter, some Acholis do not want the top LRA leaders formally arrested and would rather continue to try and address the conflict through traditional conflict resolution techniques and community dialogues.<sup>3</sup> However, significant critiques of these traditional practices themselves are also significant and must be looked at seriously. In Tim Allen's words, "some of those spoken to were adamant that public rituals were useless, or could make things worse by concentrating polluting spirits" and that donors and local elites would use this "pseudo-traditional system" to gain influence.<sup>4</sup>

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<sup>3</sup> Confidential interview by author, Agago District, Uganda, September 2013.

<sup>4</sup> Tim Allen, "Bitter roots: the 'invention' of Acholi traditional justice," in *The Lord's Resistance Army: Myth and Reality*, ed. Tim Allen and Koen Vlassenroot (London: Zed Books, 2010), 249, 253.



## ***5.2. Peacebuilding through DDR and ICC Indictments***

While it would be unfair and inaccurate to argue that the Ugandan government and Western governments focus all of their peacebuilding through DDR and support for the ICC indictments, these two actors predominantly use both DDR and the ICC indictments to push transitional justice in relation to peacebuilding. Therefore, a closer look at the reality of the two and the consequences experienced on the ground is a necessary starting point.

### ***5.2.1. DDR in Uganda: The Reality***

As noted by one Ugandan government official at the National DDR Stakeholders Conference hosted by the Amnesty Commission and held in Kampala, Uganda on November 6<sup>th</sup>, 2013, “Uganda has been good at D and D, but R is much more difficult.” Since 2005 the Ugandan military, with the help of the African Union, regional partners, and international assistance, has effectively kept the LRA out of northern Uganda. Additionally, the LRA has been demobilized to now consist of an estimated 200 individuals.<sup>5</sup> Most returned LRA combatants have been successfully disarmed, weapons are reported to be surrendered from the now civilians, and no large number of weapons are missing or unaccounted for.<sup>6</sup> This leaves only the “R,” the most difficult process in DDR that is crucially necessary to ensure long-term sustainable peace.

Formal reintegration of returning LRA combatants was addressed in Uganda’s 2000 Amnesty Act. Under the Amnesty Act any Ugandan individual who previously engaged in war against Uganda since January 26, 1986, “shall not be prosecuted or subject to any form

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<sup>5</sup> Confidential interview by author, U.S. Embassy, Kampala, Uganda, November 2013.

<sup>6</sup> Ibid.

of punishment.”<sup>7</sup> [Note: the only exception are the five ICC indicted LRA leaders which will be discussed further in the next section.] Ugandans who fit this ex-combatant qualification must immediately present themselves to the nearest Army/Police Unit, local government authority, or community religious leader, renounce their involvement against the Ugandan State, turn over any weapons, and then receive an official Amnesty Certificate.<sup>8</sup> This will then make them eligible for reinsertion support to complete their formal and State certified reintegration process. Reinsertion packages to returned combatants include: the equivalent of \$122 USD, medical costs up to \$10.50 USD, one mattress, one blanket, one jerry can, one plastic washbasin, two pots, two sets of clothing, two hoes, one machete, five kilos of bean seeds, and five kilos of maize seeds.<sup>9</sup> In addition to the fact that problems exist within the contents of the reinsertion packages themselves, such as bad seeds that nobody else wanted, many issues related to reintegration remain.

As far as government is concerned, once a returned LRA combatant receives their Amnesty Certificate and reinsertion package from the Ugandan government they are officially reintegrated into society. However, as of November 6<sup>th</sup>, 2013 less than 8,000 individuals out of almost 30,000 who have been granted amnesty had received their reinsertion packages due to lack of resources.<sup>10</sup> Additionally, at the National DDR Stakeholders Conference local civil society present in the audience voiced their frustration. Many argued that the Ugandan government had failed to incorporate Acholi and female opinions regarding reintegration, and

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<sup>7</sup> Leah Finnegan and Catherine Flew, “Disarmament, Demobilization, and Reintegration in Uganda,” *Center for International Cooperation and Security, Saferworld*, July 2008, 4.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid, 17.

<sup>10</sup> National DDR Stakeholders Conference, Africana Hotel, Kampala, Uganda, November 6, 2013.

that as they are the ones that have suffered most from this conflict their voices should be front and center.<sup>11</sup> Questions surrounding whether the reinsertion packages and an amnesty certificate were really enough to deem individuals “reintegrated” into society arose as well and some comments pointed to the lack of assistance provided to other war survivors who do not fit the ex-combatant profile.

### ***5.2.2. The ICC in Uganda: The Reality***

In addition to the formal national DDR process taking place, transitional justice, “the set of judicial and non-judicial measures that have been implemented by different countries in order to redress the legacies of massive human rights abuses”, in Uganda includes the ICC’s involvement.<sup>12</sup> The Ugandan government referred the LRA to the ICC on December 16, 2003 in an official submission stating, “Having exhausted every other means of bringing an end to this terrible suffering, the Republic of Uganda now turns to the newly established ICC and its promise of global justice.”<sup>13</sup> Following the referral, lead prosecutor Luis Moreno Ocampo and his team at the ICC began investigating the situation in northern Uganda. On July 8, 2005 arrest warrants for the five main LRA leaders were issued on twenty-one counts of war crimes and twelve counts of crimes against humanity.<sup>14</sup> LRA leader Joseph Kony, his deputy Vincent Otti, and commanders Raska Lukwiya, Okot Odhiambo, and Dominic Ongwen were the first individuals the ICC ever indicted. The expectation was that with such

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<sup>11</sup> Ibid.

<sup>12</sup> “What is Transitional Justice?” *International Center for Transitional Justice*, last modified 2014, <http://ictj.org/about/transitional-justice>.

<sup>13</sup> “Referral of the Situation Concerning the Lord’s Resistance Army,” *International Criminal Court*, December 16, 2003, 3-4.

<sup>14</sup> Luis Moreno Ocampo, et. al., “Pre-Trial Chamber II: Warrant of Arrest for Joseph Kony Issued on 8 July 2005 as Amended on 27 September 2005,” *International Criminal Court*, September 27, 2005, 12-19.

clear violations of crimes against humanity committed, prosecutions and convictions would be straightforward.<sup>15</sup> However, the northern Uganda case was clearly more complicated than initially perceived.

Nine years after the initial ICC indictments, two have died and three are still at large. Lacking the means, the necessary legal framework, and sufficient enforcement mechanisms to enter into sovereign territory and formally arrest the three remaining fugitives, the ICC can do little but condemn the LRA and vocally support the military campaign against them. Although amnesty remains in place for all other LRA members, the Ugandan government feels strongly that the leaders must face arrest to reach justice. However, criticisms of the ICC's involvement in Uganda are rampant. Many groups, including the Amnesty Commission of Uganda and various Ugandan religious groups have spoken out against the ICC's involvement, noting that the threat of prosecution will worsen the situation.<sup>16</sup> Other criticisms include that the ICC indictment only addresses one side of the war. The charges are only directed at the LRA and completely ignore all UPDF crimes. Additionally, the LRA has vocalized that they will not sign any peace agreement with the Ugandan government unless the ICC withdraws its indictments.<sup>17</sup>

While not the focus of this paper, it is important to point out that many broader ICC criticisms also exist. For example, it lacks effective implementation in a world system consisting of nation-states and it needs a proper enforcement mechanism. Additionally, criticisms that it engages in selective prosecution and investigation resulting in

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<sup>15</sup> Kasaija P. Apuuli, "The International Criminal Court & the Lord's Resistance Army Insurgency in Northern Uganda," in *The Resolution of African Conflicts: The Management of Conflict Resolution & Post-Conflict Reconstruction*, ed. Alfred Nhema and Paul T. Zeleza (Athens: Ohio University Press, 2008), 52-72.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

ne imperialism and racism exist, pointing to the fact that to date all thirty-two indictments have been for Africans. Some critics claim that the Court has insufficient rights of the accused, while others exclaim it unintentionally provides a safe haven for war criminals and doles out lenient sentences for grave crimes committed. For example, Congolese Thomas Lubanga, the first person the ICC arrested, was convicted in 2012 on charges of conscripting children under the age of fifteen and using them “to participate actively in hostilities,” he was only given a fourteen year sentence.<sup>18</sup>

### ***5.2.3. DDR and ICC Shortcomings and Opinions***

In most conversations and interviews with local Acholis, individuals were grateful for the amnesty law ensuring that returning militia soldiers would not be arrested and prosecuted. However, congruently most were unhappy with the government’s determination of what “reintegration” meant and felt that not enough was done to support them. For example, one individual explained, “Reintegration is not just a piece of paper and some material things, what does reintegration actually mean to the community and how will that person live again amongst his people?”<sup>19</sup> Another highlighted that further investment in the region as a whole would be most helpful and that government sponsored vocational schools with job opportunities are what proper reintegration would look like.<sup>20</sup> Additionally, some interviewees disagreed that the top LRA leaders should be arrested at all.

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<sup>18</sup> “Situation in the Democratic Republic of the Congo in the Case of the Prosecutor v. Thomas Lubanga Dyilo,” *International Criminal Court*, Trial Chamber 1, March 14, 2012, 7.

<sup>19</sup> Confidential interview by author, Agago District, September 2013.

<sup>20</sup> Ibid.

Interview after interview with local Acholi villagers, most of whom were not ex-combatants themselves but knew individuals who were or had family members who had never returned after abduction, revealed that some did not want to see any LRA militia members arrested. One older woman explained, “They are our children out there. If Kony is arrested, maybe the others will never come back.”<sup>21</sup> It was made clear that many did not feel it was necessary to formally prosecute Joseph Kony and the other leaders to experience justice and live in peace. Rather, time and again interviewees expressed a simple desire to have an explanation for why such severe violence continued for so long. These observations are reinforced in a 2010 UC Berkeley Human Rights Center survey conducted in northern Uganda where they found that 45% of those interviewed desired peace through amnesty alone while 15% desired peace through trials.<sup>22</sup> However, while 45% believed in peace through amnesty alone, only 6% believed that the ICC had actually hindered the peace process.<sup>23</sup> Additionally, some referenced their belief in Kony’s spirit possession for reasons why they do not want to see him arrested explaining that if he is prosecuted the spirit within him will further punish them and make the Acholi population suffer more.<sup>24</sup>

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<sup>21</sup> Ibid.

<sup>22</sup> Phuong Pham and Patrick Vinck, “A Population-Based Survey on Attitudes about Social Reconstruction and Justice in northern Uganda,” *Human Rights Center, University of California, Berkeley, School of Law*, December 2010, 3.

<sup>23</sup> Ibid, 4.

<sup>24</sup> Ibid.

As Kony and the rest of the LRA leaders remain at large, it is unclear what would exactly happen were he caught tomorrow. The United States has invested significant help to find Joseph Kony and the two other living LRA leaders by providing 100 military advisors as well as some civil servants focused specifically on finding them. Additionally, they have announced a \$5 million reward for information relating to their whereabouts. It is generally assumed if any are caught alive they would be transferred to the Hague for their subsequent ICC trial. However, the United States is not party to the ICC and the African Union and the Ugandan government have been vocally dismissive of the Court in recent years. Additionally, in an interview with a U.S. Embassy official in Kampala, it was noted that while he was personally supportive of the ICC indictment of the three remaining LRA leaders, he

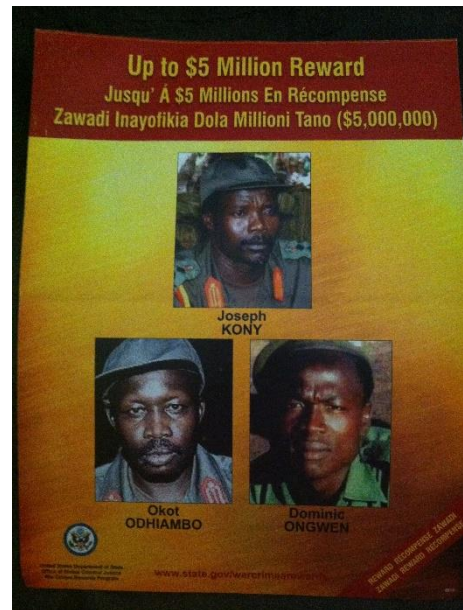


Photo 3 by author: Public Flyer  
Provided by the U.S. Embassy, Kampala

believed the Ugandan legal system would be able to handle the trial themselves.<sup>25</sup> The Ugandan government's and the ICC's push, backed by the U.S., for the arrest of the remaining LRA leaders in order to promote justice seems misfit when many of those most directly affected by the war disagree with formal prosecution. As an alternative to transitional justice in the form of DDR and ICC indictments, some promote traditional practices that would focus on conflict resolution and reconciliation for a lasting peace.

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<sup>25</sup> Confidential interview by author, U.S. Embassy, Kampala, Uganda, October 2013.

### ***5.3. Peacebuilding through Traditional Acholi Justice***

Some in the Acholi population and some NGOs argue that traditional Acholi justice must be further incorporated into Uganda's national peacebuilding process for sustained long-term peace to be realized. However, what this would look like, who would be included and excluded, and whether it would accurately represent Acholi tradition are all important questions that are not easily answered. A further look into what traditional Acholi justice actually is and what its critiques are remain important to move closer towards a comprehensive peacebuilding process.

#### ***5.3.1. What is Traditional Acholi Justice?***

Traditional Acholi justice promoters argue that this form of transitional justice represents a consensus amongst the entire Acholi population of what "a local articulation of universal standards of justice and human rights" looks like.<sup>26</sup> One of the most espoused reports backing Acholi traditional justice is anthropologist and former Oxfam Uganda head Dennis Pain's 1997 *The Bending of Spears: Producing Consensus for Peace and Development in Northern Uganda*. In this report Pain argues that traditionally conflict in Acholiland was addressed by local elders who guided the resolution process by engaging in ceremonial practices bringing both parties together. He writes, "The practice of reconciliation lies at the heart of a traditional approach to the situation...far beyond the limited approaches of conservative western legal systems and a formal amnesty for offenses against the state."<sup>27</sup> Pain asserts that due to the northern conflict and subsequent displacement, these traditional networks and values have

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<sup>26</sup> Adam Branch, "Ethnojustice: The Turn to Culture," in *Displacing Human Rights: War and Intervention in Northern Uganda*, (Oxford: Oxford University Press, 2011), 164-169.

<sup>27</sup> Dennis Pain, "The Bending of Spears: Producing Consensus for Peace and Development in Northern Uganda," (London: International Alert, 1997), 2.



broken down and been replaced with Western ideas of justice and conflict resolution.<sup>28</sup> Therefore, he and others promoting these ideas believe conflict resolution is not working effectively and international donors, foreign governments, and the Ugandan government should work to support traditional Acholi justice.

Most of the focus on traditional Acholi justice surrounds one main local ritual known as *mato oput* (drinking the bitter root). In an interview with local Acholis regarding this practice, it was explained as a ritual that takes place between two parties when someone has been killed at another's hand, whether intentional or not. Elders from the perpetrator's community go and visit the elders of the victim's community and try to persuade them to accept peace and compensation, this may be a back and forth exchange until the affected community agrees to make peace.<sup>29</sup> Once all elders accept peace, both parties sit down together and drink from one communal pot that contains part of a bitter tree representing the pain the community has suffered. While drinking together they talk and confess about what suffering occurred in the past, in a sense the relationship between the two communities start over and peace is reached.<sup>30</sup> The two parties then sit and agree together what compensation will be paid by the one community to the other. Traditionally, this compensation will take the form of a young girl from the perpetrator's community given to the affected clan with the idea that a relative of the deceased will marry her and produce a child to replace the killed individual.<sup>31</sup> This explanation of *mato oput* runs synonymous with Adam Branch's and Tim Allen's description of the practice as well, except that Tim Allen clarifies that the communal drink is "a

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<sup>28</sup> Ibid, 54.

<sup>29</sup> Confidential interview by author, Agago District, Uganda, December 2013.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

concoction made from the blood of sacrificed sheep and a bitter root.”<sup>32</sup> Only after this ritual takes place can both communities truly experience both peace and justice in their entirety.<sup>33</sup>

While not as referenced as *mato oput*, other traditional Acholi justice techniques exist as well including *gomo tong* (bending the spears), *lwako pik wang* (washing away the tears), *mayo tipu* (cleansing the spirit), *tamu kir* (cleaning for an abominable act), and *mayo piny* (cleaning a specific area).<sup>34</sup> One particular practice described in an interview that relates directly to conflict resolution and the returning of former abductees is *nyono tong gweno* (stepping on eggs). As explained, this practice occurs when an individual returns to a community when he or she has been gone a long time, usually when off fighting in the bush. The returning individual may have brought back bad spirits with them, therefore when he or she begins coming into contact with others from the community harm may come.<sup>35</sup> To be cleansed and welcomed back to the community the returning individual must step on branches laid over eggs, breaking them. Only then will they be free from bad spirits and be able to fully reintegrate into society.<sup>36</sup>

### ***5.3.2. Traditional Acholi Justice and its Critiques***

Traditional Acholi justice promoters argue that a return to local conflict resolution mechanisms must take place to realize peace and justice in its entirety. Pain’s report in 1997

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<sup>32</sup> Tim Allen, “Bitter roots: the ‘invention’ of Acholi traditional justice,” in *The Lord’s Resistance Army: Myth and Reality*, ed. Tim Allen and Koen Vlassenroot (London: Zed Books, 2010), 245.

<sup>33</sup> Confidential interview by author, Agago District, Uganda, December 2013.

<sup>34</sup> Tim Allen, “Bitter roots: the ‘invention’ of Acholi traditional justice,” in *The Lord’s Resistance Army: Myth and Reality*, ed. Tim Allen and Koen Vlassenroot (London: Zed Books, 2010), 246, 251.

<sup>35</sup> Confidential interview by author, Agago District, Uganda, December 2013.

<sup>36</sup> *Ibid.*

was highly read and caught the attention of others espousing the same ideas. For example, in 2005 an influential report came out by the Liu Institute for Global Issues and circulated at the Gulu District NGO Forum called *Roco Wat I Acholi: Restoring Relationships in Acholi-land: Traditional Approaches to Justice and Reintegration*.<sup>37</sup> Additionally, the World Bank references the importance of traditional approaches to justice in their Northern Uganda Social Action Fund Project (NUSAF).<sup>38</sup> Others, including Caritas (a Catholic aid agency) and USAID's Northern Ugandan Peace Initiative (NUPI), also were among those who emphasized the importance of local traditional approaches to conflict resolution and "by mid-2005, dozens of *mato oput* ceremonies were being performed, occasionally attended by a host of aid workers and journalists."<sup>39</sup>

Promoting culturally held traditional practices over Western imposed notions of peace and justice sounds ideal on the surface. However, when uncovered deeper a less rosy picture emerges. Tim Allen points out that the only reason *mato oput* is particularly singled out compared to the dozen or so other traditional practices associated with conflict resolution is because it was the focus of Dennis Pain's influential 1997 report that sparked the entire international donor promotion of traditional Acholi justice.<sup>40</sup> Additionally, when independent researchers and other NGOs went to investigate Pain's findings, most concluded differing results noting that many disagreed over who the true traditional leaders were, whether or not the traditional structures were such a key priority, and whether elders themselves knew how

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<sup>37</sup> Adam Branch, "Ethnojustice: The Turn to Culture," in *Displacing Human Rights: War and Intervention in Northern Uganda*, (Oxford: Oxford University Press, 2011), 155.

<sup>38</sup> *Ibid*, 157.

<sup>39</sup> Tim Allen, "Bitter roots: the 'invention' of Acholi traditional justice," in *The Lord's Resistance Army: Myth and Reality*, ed. Tim Allen and Koen Vlassenroot (London: Zed Books, 2010), 248-249.

<sup>40</sup> *Ibid*, 245.

to carry out these old practices.<sup>41</sup> Non-Acholis who suffered from the northern war, mostly those of Langi and Madi descent, feel no connection at all to Acholi practices of conflict resolution and a consensus across the entire Acholi population for what these practices look like, who should perform them, and whether they help is not found.<sup>42</sup> In the 2010 UC Berkeley Human Rights Center survey conducted in northern Uganda, only 8% of those interviewed believed peace should be reached through traditional ceremonies.<sup>43</sup>

Branch also notes that Pain's 1997 report dehistoricizes the conflict by making the conflict resolution process a completely internal reconciliation practice.<sup>44</sup> However, as noted earlier the conflict in northern Uganda is not only an internal conflict and many external actors including the Ugandan government, foreign governments, and NGOs are all involved. Another strong critique of the traditional Acholi justice paradigm is Adam Branch's point that "male elders are presented as the privileged repositories and guardians of tradition and the exclusive mediators with the spiritual world."<sup>45</sup> Not only does this demonize Acholi youth as "deviant rebels with the singular Acholi culture" but also adds a gender dimension that has the potential to justify sexual and gender based violence.<sup>46</sup> For example, the traditional practice of giving a young girl from the perpetrator's clan to the victim's clan is a form of

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<sup>41</sup> Ibid, 247.

<sup>42</sup> Ibid, 249.

<sup>43</sup> Phuong Pham and Patrick Vinck, "A Population-Based Survey on Attitudes about Social Reconstruction and Justice in northern Uganda," *Human Rights Center, University of California, Berkeley, School of Law*, December 2010, 3.

<sup>44</sup> Tim Allen, "Bitter roots: the 'invention' of Acholi traditional justice," in *The Lord's Resistance Army: Myth and Reality*, ed. Tim Allen and Koen Vlassenroot, (London: Zed Books, 2010), 158.

<sup>45</sup> Adam Branch, "Ethnojustice: The Turn to Culture," in *Displacing Human Rights: War and Intervention in Northern Uganda*, (Oxford: Oxford University Press, 2011), 167.

<sup>46</sup> Ibid, 158, 173.

forced marriage and a serious human rights violation. Returning to certain aspects in traditional Acholi justice would in effect reinstitutionalize these harmful practices under this peace regime. Many traditional gender roles were challenged throughout the twenty year war as families and clans were displaced and lives were turned upside down. To argue that traditional practices and roles should return to exactly as they were before the war would be to assume nothing in Acholiland has changed. In this sense, Branch notes that this kind of transitional justice is in fact a “private project carried out by men to redeem what they see as a deeply corrupted Acholi society” and that “community-based justice cannot be reduced to a male-dominated version of traditional justice because the community itself, especially now after two decades of war, is in no way reducible to those who would claim traditional authority.”<sup>47</sup>

#### ***5.4. Peace vs. Justice: Moving towards Inclusive Peace***

Where does this leave peacebuilding and transitional justice now? Despite the critiques— is there any place for DDR processes, the ICC, and traditional Acholi justice to help ensure lasting peace and successful conflict resolution in Uganda? Ideally, the peacebuilding process achieves both peace and justice. However, in practice this may not always be realistic. Some argue that for a nation or a community to realize peace, justice must be served. In turn, others argue that for a nation or a community to successfully achieve justice, peace must first be present. But, if peace and justice are needed to successfully realize long-term sustainable peace through a productive peacebuilding process, how does one go about achieving both?

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<sup>47</sup> Ibid, 174, 170.

#### ***5.4.1. Peace vs. Justice and the False Dichotomy***

Western contemporary analysts often try to boil realities down to simple good or bad situations, diminishing complexities and reducing scenarios to an either/or basis. To make information digestible to consumers all nuances are erased and simple explanations take their place. In the peace versus justice debate, it is argued that pursuing justice risks a destabilizing hazard by those threatened with punishment. Thus, arguing that justice must be foregone in the interest of peace. This is often recited in the case with the LRA because Joseph Kony has made public that he will not surrender until the ICC indictment is removed and he is granted amnesty.<sup>48</sup> Continuing with this argument, if justice is not foregone then it assumes there will never be true peace because Joseph Kony will never surrender. The other argument is that without proper justice, the affected communities will never experience true peace and they will not be able to move on with their lives after the atrocities that occurred. Therefore, justice must come first and then peace will follow.

However, must one make such a stark choice between pursuing justice or reaching peace? As Chandra Lekha Sriram points out in her introduction to *Confronting Past Human Rights Violations: Justice vs Peace in Times of Transition*, “while there are trade-offs, the choice is not simply either peace or justice.”<sup>49</sup> The reasoning that peace and justice cannot be realized together simultaneously and that to achieve one the other must be forgone is a convenient argument whose black and white false dichotomy has no justification in most real world situations. Simplifying complex scenarios and forcing an either/or option fails to seriously

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<sup>48</sup> Joshua Kato, “Will Joseph Kony Finally Come Out?” *New Vision*, November 22, 2013, <http://www.newvision.co.ug/news/649719-will-joseph-kony-finally-come-out.html>.

<sup>49</sup> Chandra Lekha Sriram, *Confronting Past Human Rights Violations: Justice vs Peace in Times of Transition*, (London: Frank Cass Publishing, 2004), 4.

address the entire dilemma. When asking interviewees their opinions regarding peace versus justice in relation to the conflict in northern Uganda, many registered their confusion of why one had to be chosen over the other. One individual commented, “Peace or justice? Why must we pick one? Why can we not have both?”<sup>50</sup>

#### ***5.4.2. What Might the Future Look Like?***

To pursue both peace and justice in relation to the situation in northern Uganda, a comprehensive transitional justice approach incorporating aspects from the national DDR process, the ICC indictments, and traditional Acholi justice is necessary. No panacea in relation to peacebuilding or transitional justice, where certain direct actions will always definitively lead to long-term sustainable peace, exists. However, a mixture of local, national, and international level responses to transitional justice and peacebuilding is more likely to create a holistic approach creating long-term peace.

The Ugandan government’s national approach to DDR, which encompasses the Amnesty Act, is crucial to maintain as abductees continue to return from the bush. However, the government and DDR supporters should reevaluate their reintegration process to determine how they could more effectively support individuals meld back into society. Additionally, reintegration should not stop at material products given to returned soldiers, reintegration is much more. Reintegration is arguably the most important and most difficult part in the DDR process because if it is not carefully addressed individuals can easily leave again to join a militia faction or create their own. This was seen in the DRC with the M23 rebel group who was unsuccessfully reintegrated into the Congolese army and broke off to start their own formal rebellion when they failed to receive promised compensation. Also, reintegration

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<sup>50</sup> Confidential interview by author, Agago District, Uganda, December 2013.

should not be narrowly viewed as only attributable to former abductees. In reality, other war survivors, including those living in IDP camps for up to a decade, also greatly suffered and need government assistance reintegrating into society. Therefore, reintegration should be looked at in a more holistic manner and encompass greater populations on a wider scale in the form of regional investment and development in social services like education and vocational training.

In relation to the ICC indictments, while much criticism regarding the Court has been highlighted and much has been said about how the ICC indictments in 2005 disrupted the peace process, the reality is that if the ICC indictments were removed at this point in time it would do more harm than good. In the 2010 UC Berkeley Human Rights Center survey previously mentioned only 6% believed the ICC indictments had hindered the peace process while 38% believed the ICC indictments had helped the LRA to leave Uganda and 43% believed the ICC indictments had generally helped the situation in northern Uganda.<sup>51</sup> Despite deep rooted ICC criticisms, the new international organization represents a positive step in the right direction of eradicating global impunity and may signify a necessary launch pad for future global legal visions. While the Ugandan case shows that the Court's lack of enforcement mechanisms hinder it from bringing indicted criminals to justice, it is important to remember that this is a nascent organization and the potential for proper enforcement may be a future possibility. Although criticisms that it is a form of Western imperialism and targets Africans are serious, it is important to note that one of the largest and powerful Western powers, the United States, is not a part of it. Additionally, while it is wrong to solely

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<sup>51</sup> Phuong Pham and Patrick Vinck, "A Population-Based Survey on Attitudes about Social Reconstruction and Justice in northern Uganda," *Human Rights Center, University of California, Berkeley, School of Law*, December 2010, 4.



investigate Africans, few could argue that all individuals currently indicted by the ICC does not have significant evidence of egregious crimes against them. However, to make the situation more equitable and fair in the eyes of Acholi people in northern Uganda, UPDF crimes should be investigated as well. While the ICC is nowhere near perfect, it represents a work in progress toward a global justice system where individuals acting on the world stage cannot operate with impunity. Just as the League of Nations was reworked to create the United Nations, so too may the ICC one day be reworked to create a more comprehensive legal international institution.

Traditional Acholi justice also has a necessary place in transitional justice and peacebuilding in northern Uganda. While criticisms regarding traditional Acholi justice were highlighted above, it is important to note that no generalized consensus on its use for conflict resolution and reconciliation exists. Therefore, each village and community must determine for themselves what the necessary and ideal local practices are that will lead to peace while simultaneously being careful not to reinstitutionalize harmful practices such as forced marriage. As explained, *mato oput* is simply one traditional practice that was highlighted due to its notable reference in Dennis Pain's work on Acholi traditional justice. However, many other traditional techniques exist that an Acholi community may find more appealing and relatable. Although, this must be determined by the community together rather than pushed for by foreign donors and NGO workers. With this reformed and rethought national DDR process, ICC indictments, and community based and mutually decided upon forms of traditional Acholi justice, both peace and justice can be accomplished concurrently.

## VI. Chapter Six: Destructive Displacement

“We didn’t need food, we needed protection. We knew how to farm and feed ourselves, what we needed was not to be slaughtered in our fields.” —Former Acholi IDP

### *6.1. What is the Problem?*

At the end of northern Uganda’s twenty year war roughly 1.8 million northerners, mostly Acholis, had been displaced from their ancestral homes.<sup>1</sup> Some were abductees, many fled to urban centers in other parts of the country, a few escaped Uganda all together, and most, almost one million of them, spent years living in “protected villages,” the Ugandan government’s euphemism for Internally Displaced Persons (IDP) camps.<sup>2</sup> This forced displacement and organization of almost the entire Acholi region into IDP camps by the Ugandan People’s Defense Force (UPDF) not only contributed to the dire humanitarian situation in northern Uganda, but also ensured lasting hardship for a whole population, thus preventing successful conflict resolution.

#### *6.1.1. Setting the Stage*

In 1996 the Ugandan government began their new forced displacement policy of the Acholi people.<sup>3</sup> UPDF soldiers began coercing rural Acholi villagers to leave their historic familial homes and move to “protected villages.” After arriving to the IDP camp location,

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<sup>1</sup> “Uganda: At a Glance,” *Internal Displacement Monitoring Center*, last modified December 2012, <http://www.internal-displacement.org/countries/uganda>.

<sup>2</sup> Adam Branch, “Humanitarianism, Violence, and the Camp,” in *Displacing Human Rights: War and Intervention in Northern Uganda*, (Oxford: Oxford University Press, 2011), 92.

<sup>3</sup> Ibid.

civilians were told to build their own thatched roof hut shelter and they were told that if found outside the camp they would be considered rebels and treated accordingly. The conditions in the IDP camps were monstrous: overcrowding, poor infrastructure, and sparse resources led to horrific sanitation conditions and increased mortality. A 2005 United Nations article confirmed that “A total excess mortality of 28,283, of which 11,068 [are] children under five, can be projected for the entire Acholi region between January and July 2005, namely about 1,000 excess deaths per week.”<sup>4</sup> Tim Allen and Koen Vlassenroot refer to the IDP camps as “rural prisons” and Adam Branch categorizes them as “internment camps” that were the greatest cause of suffering in northern Uganda.<sup>5</sup>

At the start of the forced removals and relocation to IDP camps, the Ugandan government was unable to provide survival level food and living conditions. The situation in IDP camps was so dire that Acholi civilians were risking the dangers of leaving to return to their villages. A United Nations Humanitarian Situation Report notes, “[civilians] expressed a reluctance to stay where they were; having found no food, water or sanitation facilities at the site they were talking about returning home.”<sup>6</sup> However, humanitarian aid agencies responded exactly as the Ugandan government desired when the government realized their new forced displacement policy would only be successful when coupled with humanitarian aid organizations footing the bill for food, sanitation, water, and general camp management. In 1996 when the Ugandan

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<sup>4</sup> “Uganda: 1,000 Displaced Die Every Week in War-torn North,” *IRIN Humanitarian News and Analysis*, August 29, 2005, <http://www.irinnews.org/report/56063/uganda-1-000-displaced-die-every-week-in-war-torn-north-report>.

<sup>5</sup> Tim Allen and Koen Vlassenroot, introduction to *The Lord’s Resistance Army: Myth and Reality* ed. by Tim Allen and Koen Vlassenroot (London: Zed Books, 2010), 14; Adam Branch, “Humanitarianism, Violence, and the Camp” in *Displacing Human Rights: War and Intervention in Northern Uganda*, (Oxford: Oxford University Press, 2011), 92.

<sup>6</sup> “Uganda: UNHCR IRIN Humanitarian Situation Report,” *African Studies Center, University of Pennsylvania*, December 4, 1996, [http://www.africa.upenn.edu/Hornet/irin\\_120496.html](http://www.africa.upenn.edu/Hornet/irin_120496.html).

government asked the United Nations World Food Program for aid and they quickly answered the call, many other humanitarian organizations rushed in to assist as well.<sup>7</sup> The northern Ugandan case was humanitarianism made easy in the sense that the UPDF was successfully providing aid agencies hundreds of thousands of concentrated civilians in dire need of food and services. Rather than seriously question the Ugandan military's destructive displacement campaign, humanitarian groups rushed in to help the Ugandan government in any way they could in its fight against the LRA. In effect, the region was “losing more lives through secondary effects of the war than the war itself,’ most of those effects proceeding directly from displacement.”<sup>8</sup>

With the influx of humanitarian aid agencies sustaining the IDP camps all parties seemed better off, except one. The Ugandan government had foreign organizations paying for one of their campaigns, the UPDF had humanitarian groups implementing their policy including camp management and food distribution, humanitarian aid agencies had an easily accessible population in clear need of their services, and foreign governments kept their East African idealized partner, pointing to their “protected villages” as an appropriate response to the war. However, for the intended Acholi civilian beneficiaries, the displacement and IDP camp situation exacerbated the humanitarian crisis already taking place.

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<sup>7</sup> Adam Branch, “Humanitarianism, Violence, and the Camp,” in *Displacing Human Rights: War and Intervention in Northern Uganda*, (Oxford: Oxford University Press, 2011), 94.

<sup>8</sup> Ibid, 93.

## ***6.2. Response to the Problem***

Local Acholi civilians, humanitarian aid groups, and international governments responded differently to the displacement and IDP camp reality. The effects of forced displacement did not only have consequences during the actual time of the campaign, but also in the conflict's aftermath as it continues to affect post-conflict reconstruction and conflict resolution.

### ***6.2.1. Local and Traditional Response during Conflict***

As explained earlier, at the beginning of the UPDF's forced displacement campaign starting in 1996, many Acholis were resisting and returning to their homes after arriving at the IDP camp and finding nothing. However, as the humanitarian aid agencies flooded in to provide food and services the number of civilians leaving the camps reduced. While the agencies were successful by "providing enough food and supplies to keep people in the camps by making life in the camps possible for most people, they did not provide enough to prevent what became a massive humanitarian crisis."<sup>9</sup> A delicate balance had been reached by humanitarian groups, which offered civilians just enough services to not leave. Additionally, the Ugandan government was careful to suppress any local opposition that would seriously question their displacement policy.

Most civilians living in IDP camps were simply trying to live while combatting survival level conditions. Therefore, few had the energy to think about rebelling against the forced displacement policy. However, not all were accepting of their situation. To prevent and contain local opposition from forming amongst the Acholi population within the IDP camps,

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<sup>9</sup> Ibid, 93-97.

the Ugandan government worked carefully to depoliticize them.<sup>10</sup> For example, activists and organizers operating in the IDP camps were targeted by the UPDF and told that if they spoke freely about the situation in the camps they would be accused as rebels.<sup>11</sup> Additionally, Ugandan security forces operating in and around the camps were more concerned with engaging in arbitrary arrests, torture, and death to suppress any vocal IDP discontent than actually protecting those residing there.<sup>12</sup> In this sense, the Ugandan government successfully quelled any potentially affective local and traditional response to their campaign of forced displacement.

### ***6.2.2. Local and Traditional Response after Conflict***

In discussions and interviews about the war in northern Uganda with local Acholis who spent years living in IDP camps, forced displacement continues to be one of the most reoccurring themes that surfaces. Many consequences of forced displacement still exist seven to eight years after the IDP camps disbanded and the Acholi population is still greatly affected. For example, throughout the duration of civilians' stay in the IDP camps, people were not allowed to leave to tend to farms. Not only did this then underscore their reliance on food aid from foreign donors, but it produced a generation of youth growing up in the camps who lack agricultural knowledge. In a region where traditionally over 90% of the population are subsistence farmers, this is devastating to people's livelihoods. While this increases flight to urban centers for people in search of work, it simultaneously contributes to rural

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<sup>10</sup> Chris Dolan, "Social Torture: The Case of Northern Uganda, 1986-2006," *Human Rights in Context*, Vol. 4, February 2011.

<sup>11</sup> Ibid.

<sup>12</sup> Patrick Wegner, "A Genocide in Northern Uganda? – The Protected Camps' Policy of 1999 to 2006," *Justice in Conflict*, April 9, 2012, <http://justiceinconflict.org/2012/04/09/a-genocide-in-northern-uganda-the-protected-camps-policy-of-1999-to-2006/>.

unemployment. Additionally, during and after the IDP camps, alcoholism rates increased dramatically as many who were unable to farm, and later those who lacked the knowhow, turned to brewing cheap local liquor for income.<sup>13</sup> In turn, this increased rate of alcohol consumption correlates with an increase in SGBV.<sup>14</sup>

Besides losing farming skills, increased alcoholism, and increased SGBV, forced displacement resulted in land degradation. Some IDP camps allowed inhabitants to leave the premises during daylight hours to collect firewood if they kept within a seven kilometer radius of the camp. This resulted in the complete destruction of all potential firewood material surrounding the camp as IDPs were forced to take anything within the 7 kilometer radius that they could. Not only did this destroy the land surrounding the IDP camps, but locals whose villages happened to be within 7 kilometers of the camp returned to nothing. One such villager noted, “Before we were forced to move to the camp we were able to cook and had fruit trees, but when we returned in 2006 all the trees were completely gone.”<sup>15</sup> Some local villages located near former IDP camps are now suffering from severe flooding due to land degradation. Prior to the IDP camp era, small forests located near villages acted to protect the land from flooding. However, without any of these trees left to help absorb land water, villagers are suffering.

Additionally, many interviewed individuals voiced current psychosocial trauma due to their experience living in IDP camps. One person noted, “When we lived in the camp we had nothing, we had to leave our old hut, our goats, our chickens, everything. The conditions were

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<sup>13</sup> Confidential interview by author, Agago District, Uganda, September, 2013.

<sup>14</sup> Confidential interview by author, Agago District, Uganda, December 2013.

<sup>15</sup> Confidential interview by author, Agago District, Uganda, September 2013.

so bad, everyone was living together so close and alcoholism and violence increased. No one acknowledges this now, no one compensates us.”<sup>16</sup> In Ugandan post-war conflict resolution, IDP compensation is absent. Let alone compensation, the Ugandan government has never apologized to the Acholi population for their forced displacement policy and they certainly have not acknowledged the fact that they might have made the situation worse. All compensation and recognition in the conflict resolution and DDR process, and more specifically in the reintegration process, has been directed at formerly abducted soldiers. This failure to explicitly include forced displacement and its consequences in the conflict resolution process not only angers the affected population, but may result in sustainable peace being unsuccessful in the long-run.

### ***6.2.3. International Response during Conflict***

As described previously, international humanitarian agencies responded quickly to the Ugandan government’s call for aid to maintain the IDP camps as part of their forced displacement military campaign. However, to say there was no recognition or conversation at all by international humanitarian agencies about whether they should intervene and provide support to the IDP camps is unfair and not true. In reality, there is evidence that there was at least some discussion between organizations about whether their humanitarian intervention might put them in a position complicit with Uganda’s military campaign. A 1997 United Nations Humanitarian Situation Report reads,

Humanitarian agencies and NGOs are divided as to whether to assist in the ‘protected villages’. It appears that basic services in the villages are inadequate and that public health will be threatened unless international agencies intervene. Humanitarian agencies are, however, reluctant to be seen to be helping implement what they regard as a military strategy, while also questioning whether the villages will protect people or actually make them more vulnerable to attack. The LRA has already stated its

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<sup>16</sup> Confidential interview by author, Agago District, Uganda, December 2013.



opposition to the villages and attacks have taken place despite the presence of UPDF troops.<sup>17</sup>

Nevertheless, after a few of the largest organizations decided to go forward and intervene, others followed suit and the questioning of the IDP camps themselves and forced displacement ended.<sup>18</sup>

Not only were international humanitarian aid organizations complicit during the era of forced displacement in northern Uganda, but certain international governments, specifically the United States, was complicit as well. With Ugandan President Museveni's vocal promotion of democracy and willingness to work closely with Western governments, the United States views Uganda as a close ally in east Africa and never questioned their military policy of forced displacement as a humanitarian crisis creator. Although President George W. Bush's militaristic United States Africa Command (AFRICOM) did not become operational until 2008, the United States military has been involved in providing humanitarian and development aid to Uganda since 2003.<sup>19</sup> Additionally, other foreign governments, such as Britain through their Department for International Development (DFID), were providing mass amounts of aid to the Ugandan government to help them maintain IDP camps. In 2007 the International Development Committee of the British Parliament revealed that foreign donors were spending \$200 million per year to maintain IDP camps throughout northern Uganda.<sup>20</sup>

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<sup>17</sup> "Uganda: UN DHA IRIN Humanitarian Situation Report," *African Studies Center, University of Pennsylvania*, March 15, 1997, [http://www.africa.upenn.edu/Hornet/irin\\_31597.html](http://www.africa.upenn.edu/Hornet/irin_31597.html).

<sup>18</sup> Adam Branch, "Humanitarianism, Violence, and the Camp," in *Displacing Human Rights: War and Intervention in Northern Uganda*, (Oxford: Oxford University Press, 2011), 94.

<sup>19</sup> "U.S. aids Uganda against rebels," *The Washington Times*, October 23, 2003, <http://www.washingtontimes.com/news/2003/oct/23/20031023-085751-3019r/?page=all>.

<sup>20</sup> Adam Branch, "Humanitarianism, Violence, and the Camp," in *Displacing Human Rights: War and Intervention in Northern Uganda*, (Oxford: Oxford University Press, 2011), 95.

Rather than critically analyzing the specific military policy driving the need for IDP camps, foreign donors assisted in any way that they could.

Shortly after the Ugandan government's initial call for aid in 1996 and foreign donors quick response, "the [Ugandan] government came to expect aid agencies to intervene to support those whom it displaced and was therefore more willing to use mass displacement as a strategy than it would have been without humanitarian aid."<sup>21</sup> In 1996 the UPDF had forcibly relocated a few hundred thousand civilians into IDP camps; however, by 2005 they were able to successfully force one million Acholis into their "protected villages."<sup>22</sup> Time and again foreign humanitarian aid agencies and foreign governments heeded the Ugandan government's call for aid while simultaneously castigating the LRA. This is not to suggest in any way that the LRA was less horrific than they were, it is simply meant to direct attention to the fact that the LRA was not alone in committing atrocities during the war in northern Uganda and that foreign donors may have been indirectly complicit in supporting these acts. One NGO worker argued that it was the silent United Nations who should be pushing the Ugandan government on their policies as they put it, "Where is the UN's leadership around the IDP Policy? Where's the denunciation?"<sup>23</sup>

#### ***6.2.4. International Response after Conflict***

After the conflict in northern Uganda ended in 2005, the IDP camps were disbanded throughout 2006 and 2007. However, while the camps formally closed, food aid was

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<sup>21</sup> Ibid.

<sup>22</sup> Chris Dolan, "Social Torture: The Case of Northern Uganda, 1986-2006," *Human Rights in Context*, Vol. 4, February 2011.

<sup>23</sup> Michelle Brown, "The failing humanitarian response in Northern Uganda," *Humanitarian Exchange Magazine*, December 30, 2006, <http://www.odihpn.org/humanitarian-exchange-magazine/issue-36/the-failing-humanitarian-response-in-northern-uganda>.

terminated, and individuals were encouraged to return to their ancestral homesteads, many civilians did not return home. Some villages were so destroyed that returning did not seem practical, some civilians wanted to remain closer to commercial centers, and some simply lacked the resources to make the transition on their own.<sup>24</sup> In a conversation while walking through a former IDP camp, where many huts from the camp era still stand and continue to be inhabited, an individual remarked, “These old beaten down huts are town eyesores, these people need to go home to their villages where they are from. Someone must help them move back, because they can’t on their own.”<sup>25</sup> While many humanitarian organizations stayed in northern Uganda after 2005 and continued to provide certain services such as psychosocial support and vocational training, most of these services were directed specifically at returned child soldiers. This left individuals returning from IDP camps to fend for themselves without any external support even though many suffered just as much, albeit in different ways, than those returning from the bush.

Additionally, as alluded to earlier, when the conflict ended and the LRA was effectively pushed out of northern Uganda, international organizations’ and governments’ desire to bring justice to the situation was focused on the LRA’s atrocities. Again, while not in any way validating the LRA’s heinous crimes, it is the simple goal to show other wrongdoings as well. Rather than equally call attention to and investigate both LRA and UPDF atrocities committed during the northern war, including the forced displacement of 1.8 million Acholis and the internment of one million, many international governments and humanitarian organizations have focused solely on the LRA, remaining silent towards the UPDF. During private

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<sup>24</sup> Confidential interview by author, Agago District, Uganda, December 2013.

<sup>25</sup> Ibid.

interviews in Kampala with individuals from Resolve Uganda, Invisible Children, and the ENOUGH Project, all representatives acknowledged their silence towards UPDF atrocities and sole focus on LRA crimes. One of the organization's representatives explained that it was easier to focus on the LRA because they are not controversial; no one, except maybe those heavily entrenched within the militia itself, agrees with their tactics.<sup>26</sup> This suggests that on the other hand the UPDF's forced displacement policy resulting in further deaths continues to be perceived as a potentially justifiable tactic. Another organizational representative clearly admitted that forcing people into IDP camps was one of the single greatest mistakes that caused the humanitarian crisis to continue. He also frustratingly expressed that he believed there would never be any sincere justice when it came to UPDF crimes, especially while President Museveni's current NRM party is in power.<sup>27</sup> The interviewee continued on to call for humanitarian organizations and foreign governments, with the United States leading the way, to look more critically at crimes from all sides and to be more vocal in criticizing the Ugandan government. However, his pessimism for this reality betrayed his words.<sup>28</sup> Finally, one representative noted that they have not called attention to the UPDF atrocities and focus instead just on the LRA crimes because they must simply "pick their battles."<sup>29</sup> While the threat of being expelled from Uganda for simply publically questioning their military policy and the atrocities the UPDF engaged in during the war may be real or imagined, can a situation where only one side is thoroughly investigated and exposed be considered morally just?

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<sup>26</sup> Confidential interview by author, Kampala, Uganda, October 2013.

<sup>27</sup> Confidential interview by author, Kampala, Uganda, November, 2013

<sup>28</sup> Ibid.

<sup>29</sup> Confidential interview by author, Kampala, Uganda, October 2013.

### **6.3. Outcomes**

What does all this actually mean? The last section of this chapter works to briefly and clearly highlight the current reality facing northern Uganda in the aftermath of the Ugandan government's forced displacement military policy. Additionally, it attempts to ask the difficult questions of what could have been done differently to abate some of the terror that presented itself due to displacement and of what could be done now to move forward towards a more inclusive conflict resolution process that will ultimately result in lasting peace for the nation and the region more generally.

#### **6.3.1. The Current Reality**

As highlighted earlier, many consequences stemming from the Ugandan government's forced displacement policy during the northern war continue to affect the Acholi population. Consequences discussed earlier include the generational loss of agricultural knowledge, anger and frustration over the lack of compensation for time spent in IDP camps, and the present land degradation many returned villagers are dealing with on their property. However, two other serious realities mentioned briefly before exist that are correlated to displacement and the IDP camp era including alcoholism and SGBV.

During the time that Acholi civilians were living in IDP camps, one individual explained that "the days were long but the nights were short, with not much to do."<sup>30</sup> A returned abductee that lived in the IDP camp upon her return noted that when night fell, "my heart would beat so fast, like boom boom boom all night with barely any sleep until dawn came because I was so scared."<sup>31</sup> This, she explained, was because nights were filled with fear and thoughts of

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<sup>30</sup> Confidential interview by author, Agago District, December, 2013.

<sup>31</sup> Ibid.

attacks and abduction, as this continued to occur despite the fact that the UPDF was supposedly “protecting” the camps. While sleep was sparse at night, for most, days were filled with childcare, cleaning, and cooking of the scarce food aid delivered to them. As most individuals living in the IDP camps were subsistence farmers and most were not able to farm during this time, many noted experiencing boredom saying that there was nothing to do. In response, many, particularly men, turned to alcohol. Some brewed alcohol for personal consumption while others brewed alcohol to try and gain any kind of livelihood that they could while living in the camp. Regardless, time and again interviewees noted a serious increase in alcohol consumption and alcoholism beginning from the time of the IDP camps, a legacy that continues today. According to a 2011 World Health Organization report, Uganda is ranked 28<sup>th</sup> in the world for most amount of alcohol consumed per capita and 2<sup>nd</sup> on the African continent after Nigeria.<sup>32</sup> However, in 1996, prior to the official Ugandan forced displacement policy began, Uganda was ranked 134<sup>th</sup> in the world for most alcohol consumed per capita and 31<sup>st</sup> on the African continent.<sup>33</sup> While a direct causation link cannot be drawn between Uganda’s aggregate alcohol consumption per capita increase and the UPDF’s forced displacement policy, a correlation does seem plausible. This alcoholism legacy from the IDP camps negatively affects the everyday life of many living in northern Uganda in terms of poverty, health, and specifically, increased SGBV levels.

As carefully discussed and analyzed in chapter four, SGBV continues to be a serious problem facing northern Ugandan communities, and facing the country as a whole. In an effort not to repeat previously stated information, the connection between displacement and SGBV

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<sup>32</sup> “Global Status Report on Alcohol and Health,” *World Health Organization*, Geneva, 2011.

<sup>33</sup> “Global Status Report on Alcohol,” *World Health Organization*, Geneva, 1999.

should simply be highlighted in this section. In particular, SGBV's relation to the increased alcoholism rate from the time of the camp should be underscored. It should be noted that in independent SGBV research conducted in Agago District, 77% of female respondents and 72% of male respondents noted alcoholism as the main cause of SGBV. Also, when asked "Do you think being in an IDP camp during the war has contributed to the high rates of domestic violence?" 84% of female respondents and 80% of male respondents replied yes.

### ***6.3.2. What Could have been Done Differently?***

Many argue that aid agencies had no choice but to go in and support those living in the IDP camps. They claim that "they were faced with two morally bad choices: one, to provide aid to the camps and save lives, but in doing so to support the government's possibly illegal counterinsurgency; the other, not to provide aid and thus to keep their hands clean of the government's unsavory policies, but at the cost of thousands of civilian lives."<sup>34</sup> In order to follow geo-political relations and to ensure political correctness, should potentially innocent civilians be sacrificed? Such was the case when denying humanitarian relief to displaced Hutus in eastern DRC after the Rwandan genocide and such is the case when arguing against increased U.S. humanitarian relief to Palestinians living in Gaza. In 1999 even the World Food Program themselves commented in a report that "there is a difficult balance between the provision of humanitarian assistance and the implicit sanctioning of illegal action."<sup>35</sup>

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<sup>34</sup> Adam Branch, "Humanitarianism, Violence, and the Camp," in *Displacing Human Rights: War and Intervention in Northern Uganda*, (Oxford: Oxford University Press, 2011), 95.

<sup>35</sup> Chris Dolan, "Social Torture: The Case of Northern Uganda, 1986-2006," *Human Rights in Context*, Vol. 4, February 2011.

However, this moral dilemma is over simplified and attempts to create a black and white dichotomy between right and wrong that does not exist.

The simple fact that the Ugandan government could not keep Acholi civilians from returning to their villages before international humanitarian aid agencies flooded in to provide services to the IDP camps shows that humanitarian organizations did have some leverage to negotiate with when trying to assess the reality of the UPDF's forced displacement military strategy. After deciding to enter northern Uganda and to begin providing food, sanitation, and water to the IDPs, relief agencies did not question the Ugandan government or the UPDF's continued forced displacement policy. The UPDF continued their campaign for more than eight years after humanitarian groups came in, and little was done to push the Ugandan government on the effectiveness or necessity of this strategy. Therefore, humanitarian aid agencies' option between not going in at all or going in and supporting IDPs but being complicit in the government's illegal strategy was not an exhaustive list of choices. Rather, the international aid groups could have entered northern Uganda to help the Acholi population that was in dire need of support while simultaneously pressing the Ugandan government to reassess their forced displacement policy and pushing the government to allow civilians to return to their ancestral villages with humanitarian support.<sup>36</sup>

### ***6.3.3. What Can be Done Now?***

Although the conflict in northern Uganda has ended, the LRA has been pushed into neighboring countries, and the IDP camps have been dismantled since 2006-2007, many negative effects from the UPDF's forced displacement campaign still reverberate throughout

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<sup>36</sup> Adam Branch, "Humanitarianism, Violence, and the Camp," in *Displacing Human Rights: War and Intervention in Northern Uganda*, (Oxford: Oxford University Press, 2011), 98.



the population. While much more could be done to support the northern Acholi population rebuild after their experiences with conflict, certain specific steps could be taken to move forward towards a more inclusive healing process that could ultimately result in lasting peace. In particular, humanitarian agencies should be more inclusive, all crimes committed in northern Uganda, including those perpetrated by the UPDF should be investigated, and the Ugandan government must acknowledge and apologize for the terrible consequences of its forced displacement military policy.

First, humanitarian aid agencies must become more inclusive in supporting the Acholi population rather than focusing exclusively on returned child soldiers. As described previously, many humanitarian organizations operating in northern Uganda after the conflict and after the dismantlement of the IDP camps focus on providing their services to returned child soldiers. While supporting returned abductees who have suffered severe physical and psychological trauma is obviously not to be criticized, it is important to point out that those returning from the bush are not the only survivors of this northern war. Those individuals who spent up to a decade living in harsh IDP camp conditions suffered during the conflict as well, albeit in different ways, and should not be forgotten or marginalized simply because they are not official abductees. Therefore, to truly support Uganda's northern Acholi region, humanitarian services must branch out to support all civilians without discrimination.

Second, humanitarian organizations and foreign governments must investigate and expose all crimes committed in northern Uganda, including UPDF crimes committed and not just the LRA's atrocities. The fact that humanitarian groups and foreign governments focus almost all, if not exclusively, of their attention on the LRA atrocities committed rather than on equally investigating and calling attention to the UPDF human rights abuses and crimes is unfair and

angers the Acholi community. In an interview with a formerly abducted girl child she noted, “It was worse when the UPDF ambushed us and we went into government custody. They accused us of being rebels since we had children by LRA soldiers and they treated us as such.”<sup>37</sup> In the 2007 UC Berkeley Human Rights Center survey 70% of the respondents said the UPDF had committed war crimes and human rights abuse and 55% favored their prosecution.<sup>38</sup> Unless the UPDF is equally investigated, anger and resentment will continue to brew across the country.

Third, the Ugandan government must acknowledge the terrible consequences of its forced displacement military policy, apologize to the Acholi community, and work some compensation into the conflict resolution process to realize long-term sustainable peace. As noted before, much of the Acholi population carries resentment and anger over the UPDF’s forced displacement strategy and feel that they should receive some compensation from the government for their time spent living in IDP camps. The International Center for Transitional Justice’s 2011 field research in northern Uganda on memory and memorialization revealed that many Acholi believe the government’s forced displacement policy was “a deliberate policy of cultural and economic destruction.”<sup>39</sup> Even a simple recognition of the negative consequences from this military tactic followed with an apology to the northern population would help quell the brooding resentment. With no recognition, apology, or compensation the tension between the north and the south in Uganda will only continue, making the long-term

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<sup>37</sup> Confidential interview by author, Agago District, December, 2013.

<sup>38</sup> Phuong Pham et. al., “When the War Ends: A Population-Based Survey on Attitudes about Peace, Justice, and Social Reconstruction in Northern Uganda,” *UC Berkeley Human Rights Center*, December 2007, 3-4.

<sup>39</sup> Julian Hopwood, “We Can’t Be Sure Who Killed Us: Memory and Memorialization in Post-conflict Northern Uganda,” *International Center for Transitional Justice, Justice and Reconciliation Project*, February 2011, 14.

outlook of a successful conflict resolution process look dim. LRA leader Joseph Kony himself claims that he refuses peace talks until the UPDF acknowledge crimes they committed.<sup>40</sup> When coupled with the Ugandan government's continual lack of investment in northern Uganda and resistance to investigate the \$12.7 million dollars that went missing in the Office of the Prime Minister reserved for northern post-war reconstruction, the failure to include forced displacement in the conflict resolution process could mean the ultimate failure of sustained national peace.<sup>41</sup>

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<sup>40</sup> Alex Okello Ouma, "Kony's recent message matters for national reconciliation," *The Daily Monitor*, February 10, 2014, <http://mobile.monitor.co.ug/Oped/Kony-s-recent-message-matters-for-national-reconciliation/-/691272/2199194/-/format/xhtml/-/4730wz/-/index.html>.

<sup>41</sup> Maria Burnett, "Letting the Big Fish Swim: Failures to Prosecute High-Level Corruption in Uganda," *Human Rights Watch*, October 21, 2013, <http://www.hrw.org/reports/2013/10/21/letting-big-fish-swim-0>.

## **VII. Chapter Seven: Implications and Conclusions**

“There’s no way to peace; peace is the way.”

–A.J. Muste.

### ***7.1. What Does all this Mean?***

Now that we have arrived at the beginning to the end it is important to reflect on and highlight key points made throughout previous chapters to understand how we got here. Why is all this information important and what can be done with the information extracted from the conflict in northern Uganda to shed light on other situations?

#### ***7.1.1. How Did we get Here?***

To underscore again, the general questions that this study seeks to investigate are: What are some non-conventional issues present in conflict that must be addressed in order to realize long-term sustainable peace? What role does transitional justice, both at the local and international level, play in conflict resolution and peacebuilding? How can international actors work with local forces to respond in an effectively coordinated way to sexual and gender based violence, war crimes, and forced displacement? To begin to answer these questions each of the three substantive chapters highlighted a non-conventional issue present in conflict including SGBV, transitional justice, and displacement. Each of these three issues must be addressed by both local and international communities to ensure lasting and sustainable peace for Uganda.

SGBV affects both males and females and is present throughout the world. However, regions and communities currently or recently experiencing conflict are especially vulnerable

to high SGBV rates. Chapter four highlighted the fact that SGBV was of serious concern in Uganda during the northern conflict between the LRA and the UPDF and it remains a serious concern throughout the country, and particularly in the North, today. During the northern war, both the LRA and the UPDF engaged in SGBV. The chapter also explained that the LRA predominantly engaged in large scale abductions of women and girls to act as sex slaves while the UPDF predominantly engaged in rape amongst individuals living in IDP camps. Although violent conflict related to the war has been absent from northern Uganda since 2005, a 2014 SGBV survey showed that 63% of female SGBV survey respondents had experienced violence in the home in the past 12 months. The Ugandan government has responded to SGBV in numerous ways, predominantly in the form of affirmative action in politics and education and the passing of relevant legislation. Additionally, international actors have responded, including conducting community sensitizations and organizing VSLA groups to reduce SGBV. While some success has been achieved, chapter four underscores that there are many shortcomings with domestic and international responses to SGBV in Uganda. The chapter concludes with three clear policy steps that could be taken to effectively reduce SGBV. These include (i) creating safe spaces for SGBV survivors, (ii) tackling corruption, and (iii) incorporating gender mainstreaming into all organizations and institutions. Without serious consideration of alleviating SGBV during conflict mitigation policies and peacebuilding, long-term sustainable peace will not be reached because negative consequences will permeate throughout the society long after the official conflict has ended.

Chapter five discusses transitional justice as another issue present in conflict that must be fully and effectively addressed to realize sustainable peace. Peacebuilding is extremely important to long-term peace processes. How a nation or community embarks on its

peacebuilding process, including issues such as who is and is not included, affects long-term outcomes and whether sustainable peace can be realized. In Uganda's case, the international community and the Ugandan government focused on DDR and ICC legal prosecutions for transitional justice while the local Acholi community and some NGOs pushed for more traditional justice mechanisms. The chapter highlighted that many shortcomings exist regarding the national DDR process and the five ICC LRA leader indictments. Problems include the government's determination of what reintegration means and the ICC's sole investigation into LRA crimes rather than also investigating UPDF crimes. Conversely, the chapter also discussed how many individuals promote traditional Acholi justice opposed to Western imposed notions of peace and justice. However, it was shown that while this sounds ideal at first glance, there are also many shortcomings associated with traditional Acholi justice. Chapter five concluded that when moving forward a mixture of local, national, and international level responses to transitional justice and peacebuilding is needed to create a holistic approach to realizing long-term sustainable peace. For example, while the Ugandan government's national DDR approach is crucial for abductees continuing to return from the bush, a key policy recommendation made in chapter five is that (i) they should reevaluate their process of reintegration and reevaluate who qualifies for compensation to fully support individuals resettling back into society. Additionally, it was recommended that (ii) despite all its criticisms, the ICC's LRA indictments should remain in place. However, the ICC should also investigate UPDF crimes committed to ensure fairness and justice. Finally, it was recommended that (iii) as there is no generalized consensus on the use of traditional Acholi justice for conflict resolution and reconciliation, it is important for each village and each community to independently determine what the necessary and ideal local practices are that

will help lead them to an inclusive peace. However, this must be done carefully so as not to reinstitutionalize harmful practices like forced marriage.

Chapter six looks at displacement, the final issue present in conflict that this thesis discusses. Displacement at varying levels always occurs when violent conflict takes place, and in Uganda's case at the war's end in 2005 roughly 1.8 million northerners had been displaced from their ancestral homes.<sup>1</sup> Chapter six showed that the Ugandan government's forced displacement policy was as harmful as the war itself and contributed to the dire humanitarian situation in northern Uganda. This ensured lasting hardship for a whole population and thus made conflict resolution and successful long-lasting peace difficult to realize. Additionally, the chapter highlighted that the structure of humanitarian delivery contributed to the Ugandan State's forced displacement policy. During northern Uganda's IDP camp era, humanitarian organizations flooded in to provide much needed services. However, their assistance also made the Ugandan government's forced displacement policy possible making the aid agencies complicit in the process. The chapter continues on to underscore displacement's long-term negative consequences including increased alcoholism and high SGBV rates that are still present in northern Uganda today. Finally, the chapter looks at what could have been done differently during the war and looks at what can be done now to abate some of the negative consequences of displacement. Three main policy recommendations for the Ugandan government are offered: (i) acknowledge the terrible consequences of its forced displacement military policy, (ii) apologize to the northern Ugandan community, and (iii) work compensation into the conflict resolution process to realize long-term sustainable peace.

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<sup>1</sup> "Uganda: At a Glance," *Internal Displacement Monitoring Center*, last modified December 2012, <http://www.internal-displacement.org/countries/uganda>.

## ***7.2. Peace in Central Africa Today***

While the active war in northern Uganda has ended, many negative side effects from the conflict still remain present and many of Uganda's neighbors are currently experiencing active conflict. In particular, the Central African Republic (CAR), the Democratic Republic of Congo (DRC), and South Sudan are all undergoing violent conflict. As each country works to quell the violence within its borders and works towards comprehensive conflict resolution, SGBV, transitional justice, and displacement must be integral components of the process if each are to realize long-term sustainable peace in the future.

### ***7.2.1. Central African Republic (CAR)***

CAR is a landlocked country in central Africa with a population of roughly 4.5 million.<sup>2</sup> The nation was a French colony and gained their independence August 13, 1960. It was ruled by various totalitarian leaders until their first democratic elections in 1993.<sup>3</sup> Since the 1993 elections the country has experienced numerous coups leaving CAR in a constant state of chaos and uncertainty, a prime environment for rebel militia groups to operate. For instance, the LRA is believed to have operated intermittently in CAR since 2008.<sup>4</sup> Most recently, former CAR President Francois Bozize, who came to power in a coup, was overthrown in March 2013 by the Seleka Coalition militia. However, the self-appointed President and Seleka

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<sup>2</sup> "Central African Republic Data," *The World Bank*, last modified 2012, <http://data.worldbank.org/country/central-african-republic>.

<sup>3</sup> "Central African Republic Profile: A Chronology of Key Events," *BBC News: Africa*, March 19, 2014, <http://www.bbc.com/news/world-africa-13150044>.

<sup>4</sup> *Ibid.*



leader Michel Djotodia was forced to resign in 2014 and replaced by interim leader Catherine Samba-Panza.<sup>5</sup> Within this turmoil, it is believed that the LRA still operates partly from CAR. The largest recent LRA defection occurred in December 2013 in CAR with nineteen rebel members surrendering.<sup>6</sup> Additionally, the ongoing conflict in CAR is taking an increasingly sectarian and religious turn between Christian and Muslim groups. Various Christian militia groups, including the predominant anti-Balaka force, are fighting the predominantly Muslim Seleka rebel group and indiscriminate civilian killing is occurring on all sides. In April 2014 French peacekeepers operating in CAR escorted a convoy of 102 civilian Muslims out of the nation's capital, Bangui, where Christian militia groups were specifically targeting them.<sup>7</sup> Since December 2013 200,000 people have fled the country seeking refuge and another 160,000 more are expected to leave by the 2014 year's end.<sup>8</sup>

Transitional justice within the CAR context is an important aspect in the conflict that must be addressed and handled carefully while working to lessen the violence taking place. In 2007 the ICC announced that it would begin investigating war crimes committed in 2002 and 2003 following coup attempts against then leader Ange-Felix Patasse. The ICC found Jean-Pierre Bemba Gombo responsible as military commander, on two counts of crimes against humanity and three counts of war crimes including murder, rape, and pillaging.<sup>9</sup> Additionally, four

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<sup>5</sup> Ibid.

<sup>6</sup> "19 Defect from Uganda's LRA Rebel Group," *Associated Press*, December 11, 2013, <http://bigstory.ap.org/article/19-defect-konys-lords-resistance-army>.

<sup>7</sup> Emmanuel Braun, "French Troops in Central African Republic escort Muslims to Safety," *Reuters UK*, April 21, 2014, <http://uk.reuters.com/article/2014/04/21/uk-centralafrica-muslims-idUKBREA3K13W20140421>.

<sup>8</sup> Ibid.

<sup>9</sup> "Situation in the Central African Republic," *International Criminal Court*, last modified 2014, [http://www.iccpi.int/en\\_menus/icc/situations%20and%20cases/situations/situation%20icc%200105/Pages/situation%20icc-0105.aspx](http://www.iccpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200105/Pages/situation%20icc-0105.aspx).

others have been arrested and transferred to the Hague and are similarly accused of past war crimes. In February 2014 head ICC prosecutor Fatou Bensouda announced the launch of a preliminary investigation into potential war crimes in the most recent violent conflict in CAR<sup>10</sup> This announcement from the ICC offers the potential for positive international transitional justice leading to peace. However, it is crucial that the ICC remain balanced in their investigation and examine war crimes engaged in by all actors in CAR. Also, it is crucial for the interim CAR government themselves to address justice for all crimes committed during conflict and for local communities to determine what traditional justice mechanisms are important for them to move on and realize peace. If transitional justice is not carefully addressed in CAR's peace process and if all sides are not investigated equally, resentment and hate between all conflicting parties will remain, thus making the nation's potential for long-term sustainable peace difficult to reach.

### ***7.2.2. Democratic Republic of the Congo (DRC)***

The DRC is located in central Africa, is the second largest country in Africa by land mass, and has a population of roughly 66 million inhabitants.<sup>11</sup> After a long and brutal colonial history administered first by Belgium's King Leopold II and second by Belgium more generally, the DRC gained independence in 1960.<sup>12</sup> After a CIA backed assassination, DRC's first democratically elected Prime Minister Patrice Lumumba was disposed and was followed

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<sup>10</sup> "ICC Opens Central African Republic Investigation," *The Guardian*, February 7, 2014, <http://www.theguardian.com/world/2014/feb/07/international-criminal-court-central-african-republic-war-crimes>.

<sup>11</sup> "Congo, Dem. Rep. Data," *The World Bank*, last modified 2012, <http://data.worldbank.org/country/congo-dem-rep>.

<sup>12</sup> "Democratic Republic of Congo Profile," *BBC News: Africa*, March 11, 2014, <http://www.bbc.com/news/world-africa-13283212>.

by U.S. backed brutal dictator Mobutu Sese Seko who renamed the country Zaire.<sup>13</sup> Caught up in Cold War proxy conflict throughout the 1970s and 1980s, in the 1990s Rwanda invaded DRC's eastern region to eradicate Hutu extremist militias responsible for the Rwandan genocide.<sup>14</sup> This sparked an internal conflict which led to the ousting of Mobutu who was replaced by President Laurent Kabila and the renaming of Zaire to the DRC. However, conflict within the country continued as internal divisions became international as other sub-Saharan African countries including Rwanda, Uganda, Angola, Namibia, and Zimbabwe were pulled in to support various sides.<sup>15</sup> Kabila was assassinated in 2001 and was replaced by his son, Joseph Kabila, who remains in power today. Conflict and violence in the country remain serious problems, particularly as the DRC government headquartered in the western capital Kinshasa has little to no control over the nation's vast territory. For example, it is believed that more than twenty-five predominant rebel factions operate in just two eastern DRC provinces.<sup>16</sup> Infrastructure and development also remain serious issues for this central African nation which includes the world's second largest rain forest within its borders. Additionally, the LRA is thought to have some fighting faction holdouts operating in northeastern DRC in Garamba National Park where they are thought to be in hiding.<sup>17</sup>

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<sup>13</sup> Georges Nzongola-Ntalaja, "Patrice Lumumba: The Most Important Assassination of the 20<sup>th</sup> Century," *The Guardian*, January 17, 2011, <http://www.theguardian.com/global-development/poverty-matters/2011/jan/17/patrice-lumumba-50th-anniversary-assassination>.

<sup>14</sup> "Democratic Republic of Congo Profile," *BBC News: Africa*, March 11, 2014, <http://www.bbc.com/news/world-africa-13283212>.

<sup>15</sup> *Ibid.*

<sup>16</sup> Mark Doyle, "DR Congo's Rebel Kaleidoscope," *BBC News: Africa*, December 4, 2012, <http://www.bbc.com/news/world-africa-20586792>.

<sup>17</sup> Thibaud Lesueur, "Is the LRA Only Sleeping?" *International Crisis Group*, September 11, 2013, <http://www.crisisgroupblogs.org/africanpeacebuilding/2013/09/11/is-the-lra-only-sleeping/>.

While SGBV, transitional justice, and displacement are all important in relation to conflict in DRC and building long-term peace, SGBV in DRC will be highlighted here. As mentioned in chapter four, DRC is noted as the most dangerous place in the world to be a woman as rape is used daily as a weapon of war.<sup>18</sup> 1,100 women are raped daily in the DRC and although the United Nations helped defeat one of the most predominant rebel militia groups, the M23, operating in the country's eastern region in fall 2013, the situation remains tenuous.<sup>19</sup> Human Rights Watch DRC researcher Ida Sawyer notes that the M23 defeat is a positive step. However, "it is by no means the end of Congo's brutal story."<sup>20</sup> Sawyer reminds readers that the Congolese government and the UN must address the threat posed by other rebel militia groups including the Democratic Forces for the Liberation of Rwanda (FDLR), the Raia Mutomboki, and the Sheka's militia who all engage in civilian attacks, murder, mutilation, cruel treatment, rape, torture, pillaging, and property destruction.<sup>21</sup> Additionally, Margot Wallstrom, former United Nations Special Representative on Sexual Violence in Conflict called the DRC "the rape capital of the world" as rebel militia groups use rape to destroy bonds within communities to weaken society.<sup>22</sup> Jocelyn Kelly, lead researcher at the Harvard Humanitarian Initiative's Gender-Based Violence Program explains that because SGBV

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<sup>18</sup> Judith Wanga, "Why Congo is the world's most dangerous place for women," *The Guardian*, March 27, 2010, <http://www.theguardian.com/lifeandstyle/2010/mar/28/congo-women-danger-war-judith-wanga>.

<sup>19</sup> "Rape of women in DR Congo 'tops 1000 a day'," *Aljazeera News: Africa*, May 12, 2011, <http://www.aljazeera.com/news/africa/2011/05/2011511231649539962.html>.

<sup>20</sup> Ida Sawyer, "Unbroken Violence: A Brutal Militia has surrendered in Congo—but is the war-torn country any safer?" *Foreign Policy*, November 22, 2013, [http://www.foreignpolicy.com/articles/2013/11/22/unbroken\\_violence\\_congo\\_violent\\_groups\\_m23](http://www.foreignpolicy.com/articles/2013/11/22/unbroken_violence_congo_violent_groups_m23).

<sup>21</sup> Ibid.

<sup>22</sup> Anne Mawathe, "Haunted by Congo Rape Dilemma," *BBC News: Africa*, May 15, 2010, <http://news.bbc.co.uk/2/hi/africa/8677637.stm>.

survivors are often rejected by their husbands, SGBV must be addressed to prevent societal destruction.<sup>23</sup> If SGBV is not addressed in the ongoing conflict in DRC, post-conflict reconstruction and development will remain difficult and communities will continue to experience many negative consequences resulting in further communal conflict.

### ***7.2.3. South Sudan***

South Sudan became the world's most recently recognized country when it gained independence July 9, 2011.<sup>24</sup> Located in east-central Africa, South Sudan is a landlocked country with a population of roughly 11 million.<sup>25</sup> The country gained independence from its northern neighbor, Sudan, following one of Africa's longest-running civil wars between the predominantly Muslim-Arab north and the predominantly Christian-African south. In the last part of the Comprehensive Peace Agreement (CPA) signed between the two parties in 2005, South Sudanese voted in January 2011 to become their own nation-state. The new country embarked on a journey of rapid political, social, and economic development led by President Salva Kiir and his deputy Riek Machar. Controversy over border disputes, particularly in the Abyei region, and conflict over oil with Sudan have posed serious obstacles to South Sudan's newly founded independence. Most recently, conflict has broken out between Kiir and his former deputy Machar, whom he dismissed from office in summer 2013. Kiir and his followers (mostly belonging to the Dinka ethnic group) and Machar and his followers (mostly belonging to the Nuer ethnic group) have been engaging in armed conflict with Kiir accusing

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<sup>23</sup> Jocelyn Kelly, "Women in War: Research to Inform Policy," *Harvard Humanitarian Initiative*, last modified 2014, <http://hhi.harvard.edu/programs-and-research/women-in-war/research-projects>.

<sup>24</sup> "South Sudan Profile," *BBC News: Africa*, April 23, 2014, <http://www.bbc.co.uk/news/world-africa-14069082>.

<sup>25</sup> "South Sudan Data," *The World Bank*, last modified 2012, <http://data.worldbank.org/country/south-sudan>.

Machar of trying to stage a coup against his government.<sup>26</sup> The conflict has become increasingly bloody and violent. After a recent visit to South Sudan the UN High Commission for Human Rights (UNHCHR) chief Navi Pillay reported that more than 9,000 children had been illegally recruited as soldiers to fight in the breakout civil war.<sup>27</sup> Both the South Sudanese army and the rebel forces have been accused of recruiting children and the country is additionally facing a serious famine threat. As Pillay highlights, “there was an ‘apparent lack of concern’ on the part of its leaders.”<sup>28</sup>

Displacement is a crucial aspect in South Sudan’s conflict that must be addressed if the country hopes to one day realize long-term sustainable peace. Since the violent conflict broke out in December 2013 about one million individuals have been displaced from their homes.<sup>29</sup> While peace talks between the two sides have resumed in Ethiopia, the fighting continues in South Sudan and in April 2014 a mass killing of hundreds of civilians took place in the oil-rich town of Bentiu.<sup>30</sup> Additionally, as most South Sudanese individuals rely on agriculture for employment, further displacement poses a serious threat to both the nation’s food security and to individual’s overall livelihood. According to the International Rescue Committee (IRC), 3.7 million people are at immediate risk of extreme hunger and if displacement continues the number could rise to seven million.<sup>31</sup> As explained in chapter six, displacement

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<sup>26</sup> “South Sudan Profile,” *BBC News: Africa*, April 23, 2014, <http://www.bbc.co.uk/news/world-africa-14069082>.

<sup>27</sup> “South Sudan sides ‘recruit 9,000 children to fight’,” *BBC News: Africa*, April 30, 2014, <http://www.bbc.com/news/world-africa-27220244>.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> Joe DeCapua, “IRC: Critical time for South Sudan,” *Voice of America*, May 1, 2014, <http://www.voanews.com/content/south-sudanirc-1may14/1905470.html>.

itself can have just as severe, if not worse, long-term negative consequences as the direct conflict itself. Therefore, displacement must be in the forefront of peace talks and the conflict resolution process taking place in Ethiopia or the situation could tumble into further destruction. Emphasis must be placed on working to support the displaced population in returning to their homes and farms in preparation for the rainy season for individuals to begin their livelihood activities once again. Also, humanitarian organizations operating in South Sudan and international actors assisting in the Ethiopia peace talks must push to place displacement on the agenda as one of the most crucial issues to prevent further conflict and its negative consequences.

### ***7.3. What is Still Missing?***

This thesis has argued that SGBV, transitional justice, and displacement are three key issues present in violent conflict that must be adequately addressed by both local and international communities to ensure lasting sustainable peace for the affected community. But what is still missing? How did the conflict in northern Uganda actually end and how was the LRA effectively pushed out of Uganda? Why does conflict regularly still occur in central Africa and why have various responses to it not succeeded in eradicating violence against innocent civilians? What would a more humane future for the region look like and how can it be achieved? While all of these questions cannot be easily and adequately answered, a further look at some final aspects of conflict in central Africa is necessary in order to conclude.

### ***7.3.1. Conditions to End Conflict***

How was it possible to effectively push the LRA out of Uganda and end the conflict in the North? Many contributing factors and various influences affecting why the war ended in Uganda and a look at two important factors may shed light on the situations in nearby CAR, DRC, and South Sudan in order to work towards peace in the region. In particular, decreasing arms flow into conflict regions and working to reduce security vacuums that allow for easy rebel militia group operations would reduce the likelihood of continued violent conflict.

One particular reason that the UPDF was able to push the LRA out of Uganda was the fact that after the CPA was signed in South Sudan it is believed that the Sudanese government in Khartoum then provided less support to the LRA. While some suspect that the LRA still receives support from Sudan, the amount they are receiving is likely less than before the 2005 CPA.<sup>32</sup> Once Khartoum was no longer supporting the LRA at the same levels, the UPDF had the clear military advantage with their American and African Union support. It is no coincidence that the same year the CPA was signed, the LRA were pushed out of northern Uganda. Therefore, in conflict it is crucial to determine where the financial and military support for rebel militia groups is coming from and to work towards ending that support. For example, this tactic was seemingly successful in regards to the M23 operating in eastern DRC. The M23 was receiving support from the Rwandan government, although Rwanda vehemently disputes this claim. When this information was exposed, coupled with increased United Nations military response, the M23 was defeated.<sup>33</sup> To end conflict, it is vital to reduce arms flow that is fueling the violence.

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<sup>32</sup> Confidential interview by author, Kampala, Uganda, November 2013.

<sup>33</sup> John Prendergast, "How Congo Defeated the M23 Rebels," *The Daily Beast*, November 7, 2013, <http://www.thedailybeast.com/articles/2013/11/07/how-congo-defeated-the-m23-rebels.html>.



Another factor that influenced the UPDF's ability to push the LRA out of Uganda was the security vacuum that existed in neighboring countries. The UPDF were able to drive the LRA out because they had neighboring countries with ungoverned space where they could push them to. All three countries that the LRA were operating in and inhabiting when they left Uganda, CAR, DRC, and South Sudan, lack the ability to tackle the LRA on their own and lack the ability to prevent the rebel militia group from entering and maintaining operations within their borders. If CAR, DRC, and South Sudan had stronger governments or stronger militaries, the UPDF would not have been able to drive the LRA into their territory. For example, it is no coincidence that the LRA have been operating in CAR, DRC, and South Sudan rather than in Uganda's neighboring Kenya. Although Kenya has its own issues, their stronger State and military most likely would have been capable of preventing the LRA from being pushed into its borders. Security vacuums in nearby countries are an unfortunate condition for reducing conflict because while it ends conflict in one country, it simply shifts the conflict elsewhere. Therefore, working to build strong institutions within State structures and continuing to institute monopolies of force within nation-states to reduce security vacuums in the first place will reduce violent conflict. Had Uganda's nearby countries not had security vacuums and had they had stronger governments and militaries, the LRA would not have been able to cross over the border and continue to operate to this day, the UPDF would have been responsible for defeating them within their own territory.

### *7.3.2. A Necessary Shift to Positive Peace*

The traditional and long-standing peace perspective known as negative peace is defined as the absence of war and other direct violent conflict.<sup>34</sup> Due to this, war analysis and conflict resolution is often focused on any means possible to end violence. This makes logical sense on the surface: to bring peace to a region, violence must end as quickly and fully as possible. However, the immediate violence is almost always never the full story of the unfortunate situation at hand. Other factors are also present besides the direct violence that must be addressed or conflict could easily break out again. Therefore, if the focus remains on achieving negative peace, there is less potential for long-term peace to be realized. Rather, a necessary shift towards positive peace, defined as the presence or promotion of social justice which requires not only the absence of war but also requires the protection of human rights, is required to reach sustainable peace.<sup>35</sup>

During the war in northern Uganda, the Ugandan government focused on achieving negative rather than positive peace. Rather than think about whether their military policies promoted social justice and protected human rights, they acted with the sole purpose of eradicating the LRA and ending the violent conflict—although this is also debatable considering previously mentioned evidence that the UPDF knew of LRA attacks on civilians and did nothing to prevent it. Not only did their tactics take over twenty years to fully push the LRA out of Uganda, but they did not fully eradicate the LRA. Also, more harm was caused than necessary due to their policies, as seen with their forced displacement policy and engagement in SGBV. Had the Ugandan government strove for positive rather than negative

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<sup>34</sup> Robert Elias and Jennifer Turpin, “Introduction: Thinking about Peace,” in *Rethinking Peace*, ed. Robert Elias and Jennifer Turpin (London: Lynne Rienner Publishers, 1994), 4.

<sup>35</sup> *Ibid.*

peace in the first place, there would be a greater likelihood that long-term negative consequences from SGBV and forced displacement would not have occurred. Additionally, to this day the Ugandan military, supported by the US government and the African Union, and some international NGOs remain focused on achieving negative rather than positive peace regarding the LRA operating in neighboring countries. For example, the Bridgeway Foundation, a charitable organization headquartered in Texas, works directly with the Ugandan military and hired private military contractors to help train the army in their search for the LRA in CAR, DRC, and South Sudan.<sup>36</sup> Bridgeway Foundation's CEO, Shannon Davis, most likely has good intentions. However, this militaristic approach which includes hiring private military contractor Eeben Barlow who previously founded Executive Outcomes, a private military security firm with a history of controversial action in sub-Saharan Africa, is a direct result of focusing too heavily on negative peace.<sup>37</sup> In an interview with a representative from the U.S. Embassy in Kampala one clearly frustrated person noted, "There is something fundamentally missing from attempts at conflict resolution and conflict mitigation from Uganda to Afghanistan. I don't know what it is, but we're clearly missing something."<sup>38</sup> Focus on conflict mitigation is too focused on military action and thus too focused on negative peace, positive peace is what is missing from the conflict mitigation puzzle.

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<sup>36</sup> Elizabeth Rubin, "How a Texas Philanthropist Helped Fund the Hunt for Joseph Kony," *The New Yorker*, October 21, 2013, <http://www.newyorker.com/online/blogs/newsdesk/2013/10/how-a-texas-philanthropist-funded-the-hunt-for-joseph-kony.html>.

<sup>37</sup> Ibid.

<sup>38</sup> Confidential interview by author, Kampala, Uganda, December 2013.

Those who argue for peaceful responses to conflict mitigation are often criticized as being too “utopian” and are quickly discounted as unrealistic.<sup>39</sup> In American society today military patriotism and romanticism are everywhere and antimilitarist arguments are painted as weak or promoters of some sort of socialistic equilibrium.<sup>40</sup> However, this is not the case. Promoting and arguing for positive peace need not be utopian or even pacifist. Rather, focusing on positive rather than negative peace provides a more comprehensive approach to conflict mitigation and conflict resolution that is required to ensure long-term peace. This thesis has highlighted three serious issues in war: SGBV, transitional justice, and displacement, and the long-term negative consequences that result from not addressing them. Each of these issues cannot be adequately addressed when only trying to achieve negative peace. However, positive peace, with its focus on protecting human rights and promoting social justice while also working to eradicate violent conflict, can address SGBV, transitional justice, and displacement.

### ***7.3.3. Towards a More Humane Future***

Researchers and scholars work to address conflict resolution, although unfortunately most fall short of presenting adequate solutions for crisis mitigation. I have argued in this thesis that there must be a shift from focusing on negative to positive peace which would adequately address SGBV, transitional justice, and displacement in order to achieve long-term sustainable peace. This is necessary in the short-run to mitigate and prevent further conflict occurring in the immediate future. However, what is truly needed to end large scale

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<sup>39</sup> William James, “The Moral Equivalent of War,” in *Approaches to peace: A Reader in Peace Studies*, ed. David Brasch (New York: Oxford University Press, 2010), 69.

<sup>40</sup> Ibid.

brutality is a restructuring of the world system to reflect Charles Taylor's theory of an emerging new global social imaginary. This would lead to a more equitable power distribution capable of addressing mass atrocities.

Some argue that an American-led international order exercised within a system of rules is what global governance should look like and that this unilateral world domination would maintain the ability to prevent mass atrocity.<sup>41</sup> For example, John Ikenberry notes that "the more rules-based order is, the more legitimate it is likely to be" and he calls for stronger international institutions to create a predictable international environment.<sup>42</sup> However, while American-led interventions through international institutions to stop massacres seems noble at face value, numerous problems are associated with this thinking. To begin with, it can be criticized as neo-colonial and imperialist in its undertakings. United States-led interventions, and Western-led interventions more generally, are often framed as developed countries acting as white knights to save helpless developing countries in conflict. This scenario denies agency to populations experiencing conflict and disallows them to address the situation in their own terms. Additionally, despite the consent of international institutions, any intervention is rarely exercised without regard to the self-interests of United Nations Security Council members. An example of this is the United States-led intervention in Libya. Protecting Libya's people from potential genocide was used as legal, moral, political, and military justification for the NATO intervention that had United Nations Security Council support. However, it can also be strongly argued that self-interest in terms of access to oil played a larger role in intervening in Libya than did a responsibility to protect. This

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<sup>41</sup> John Ikenberry, *Liberal Leviathan: The Origins, Crisis, and Transformation of the American World Order*, (Princeton: Princeton University Press, 2011), 81.

<sup>42</sup> Ibid, 117.

discrepancy becomes evident through a comparison of similar crises where intervention did not take place, such as in Yemen, Bahrain, and Côte d'Ivoire.

Additionally, to neocolonial, imperialist, and self-interest critiques of an American-led international order for intervention, it can be said that it ignores the role of non-state actors. The state-centric argument is premised on the notion that the international rule based order was created to operate in the Westphalian system. However, “the Westphalian discourse seems outmoded, or at the very least, in need of being enlarged to take into account some post-Westphalian perspectives.”<sup>43</sup> Non-governmental organizations, transnational corporations, and non-state combatants all operate in the international system. However, they are not party to international law because they exist outside of the state apparatus. Because of this, “traditional political canons anchored in the nation-state and its domestic jurisdiction are increasingly perceived as insufficient.”<sup>44</sup> As such, the argument for increased American-led global order through international law and institutions cannot address non-state actors, as they cannot be held accountable in that framework. For example, the ICC may be seen as an international institution created to enforce international laws regarding crimes against humanity. Albeit well intentioned, as discussed previously this court has at times failed in its duties because of its inability to address non-state actors such as the LRA.

Contrary to this American-led liberal hegemonic approach to global governance is a cosmopolitan approach. A cosmopolitan approach urges cosmopolitan law-enforcement

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<sup>43</sup> Richard Falk, “(Re)Imagining the Global Governance,” in *Global Studies Reader*, N.p.: Alternative Digital Printing, 2010, 30.

<sup>44</sup> Raffaele Marchetti, “Mapping Alternative Models of Global Politics,” *International Studies Review* 11 (2009): 133.

where the goal is the prevention of mass atrocities rather than enemy defeat.<sup>45</sup> Current conflict resolution and atrocity prevention approaches are failing because they tackle new wars using old war techniques including official negotiations between leaders, and military intervention on one side or the other when today's conflicts are more complex. While top-down diplomacy approaches to attempt a negotiated solution between warring parties is at times necessary, it needs "to take place in a context where alternative non-exclusive political constituencies can be fostered" with the role of civil society as local cosmopolitan advocates.<sup>46</sup> Due to the fact that at this juncture in time a world government is unrealistic and undesirable to most, a cosmopolitan global governance to help prevent and stop mass atrocities can only be attained imaginatively.<sup>47</sup> According to Charles Taylor, a social imaginary is a commonly shared understanding of not only how things go, but also how things are supposed to go in the collective life of a community.<sup>48</sup> Over the course of history, the social imaginary shapes collective understanding by becoming integrated into community practices where civil society is linked to an economy, can access a public sphere, and exists in a world of independent associations.<sup>49</sup> For example, when understanding a community's moral order, a sketch of society becomes an aggregate of individuals bound together by mutual benefit relations, including security and economic

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<sup>45</sup> Mary Kaldor, *New & Old Wars: Organized Violence in a Global Era*, 2nd ed., (Stanford: Stanford University Press, 2006), 142.

<sup>46</sup> Ibid, 127.

<sup>47</sup> Richard Falk, "(Re)Imagining the Global Governance," in *Global Studies Reader*, N.p.: Alternative Digital Printing, 2010, 32.

<sup>48</sup> Charles Taylor, *Modern Social Imaginaries*, (Durham: Duke University Press, 2004), 143.

<sup>49</sup> Ibid.

prosperity and characterized by equality among all.<sup>50</sup> Therefore, if implemented at a global level, it could create a framework for the way all individuals should act.

To sufficiently prevent and end mass atrocities a new global social imaginary is needed that includes a world vision where individuals do not engage in extreme forms of violence: “a global imaginary responsive to 21st century beliefs, behavioral patterns, and aspirations.”<sup>51</sup> Social imaginaries shift over time and are characterized by three key cultural forms including the economy, the public sphere, and modern citizenship states. Each of these three forms are becoming increasingly global and it is therefore not unfathomable to envisage a new global social imaginary forming.<sup>52</sup> With this in mind, it is then possible to imagine a horizontal society, rather than the present system based on vertical hierarchies, where mass atrocities and colossal civilian casualties will end. The problem arises when the rights of power are implemented rather than the power of rights.<sup>53</sup> The rights of power are seen when vertical hierarchies selectively choose where and where not to implement rights. For example, as seen by the United States’ adherence to liberal democratic norms and advocacy of human rights, but simultaneously choosing to ignore “the massive suffering that is befalling the 1.5 million people of Gaza.”<sup>54</sup> Therefore, the new global social imaginary must envision a world in which the power of rights is advocated for by civil society where rights are truly extended to all global citizens.

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<sup>50</sup> Ibid, 3.

<sup>51</sup> Richard Falk, “(Re)Imagining the Global Governance,” in *Global Studies Reader*, N.p.: Alternative Digital Printing, 2010, 32.

<sup>52</sup> Charles Taylor, *Modern Social Imaginaries*, (Durham: Duke University Press, 2004), 159.

<sup>53</sup> Richard Falk, “The Power of Rights and the Rights of Power: What Future for Human Rights?” in *Achieving Human Rights*, (New York: Routledge, 2009), 25.

<sup>54</sup> Ibid, 27-28.



Steps towards realizing this new horizontal society can begin by restructuring international institutions. The United Nations Security Council (UNSC), charged with the maintenance of international security and peace, consists of five permanent veto power members and it must be renegotiated. Non-permanent members including Japan, Germany, Brazil, India, and South Africa are already demanding the UNSC to be restructured to represent more horizontal rather than vertical representations of power. Ideally, this new composition should include one member from each world region, with various represented countries rotating every other year. Additionally, veto power should be eliminated and votes would be based on a simple majority rather than a super majority, to ensure no minority alliance of powers could collaborate to block a vote. Decisions of international conflict mitigation and atrocity prevention would be left to this newly reformed UNSC and it would be left up to its members to determine actions towards violence alleviation.

What is truly needed to address mass atrocity prevention and termination is a new global social imaginary, stemming from Charles Taylor's ideas and based on horizontal egalitarian principles and true recognition of the power of rights. Egalitarian principles and the rights of all must be addressed because "unless the emergence of an effective form of global governance is adequately democratized it [would] only reproduce existing acute inequalities and exploitative patterns of the present world order."<sup>55</sup> While this may seem utopian at present, utopian ideas are necessary. They represent the fundamental ability to envision a better world, providing inspiration to individuals seeking change and providing an alternate global paradigm. Utopian ideas are essential to determine what change needs to occur as reform can then follow in its wake to actualize that change.

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<sup>55</sup> Ibid, 25.

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