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History, Violence, and Legitimacy in Uganda: An Anthropological Analysis of Post-Colonial Politics and ICC Intervention

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Abstract: In recent debates between social scientists and human rights and legal scholars, many anthropologists have argued that the successes or failures of transitional justice mechanisms to contribute to peace depend on a wide range of contextually situated historical, political, socio-economic, and cultural factors (see Hinton 2010). Human rights organizations often disregard or sideline such contextual specifics and favor a narrow definition of justice in terms of the unwavering punitive orthodoxy of international courts as the primary solution to conflict. Looking through an anthropological lens in this paper, I focus on the history of politics in post-colonial Uganda in order to render clearer the cycle of violence that emerged as a prominent feature of the political landscape of the region. Against this contextualized backdrop, I investigate the case of conflict between the Ugandan state and the Lord’s Resistance Army, and problematize the role of one international human rights organization, the International Criminal Court. I argue that by continuing its intervention in Uganda’s justice matters, the ICC is inadvertently granting the same kind of amnesty to past atrocities that it so condemns for present ones, and in doing so, grants international legitimacy to the current state while de-legitimizing non-state local forms of justice. Although ethnographic “field notes” are not included in the following pages, this essay represents one anthropologist’s analytical engagement with issues of justice in Uganda.

Keywords: Northern Uganda, post-colonial politics, legitimacy, International Criminal Court, Lord’s Resistance Army

Introduction

This article focuses on the history of politics in post-colonial Uganda in order to render clearer the cycle of violence that emerged as a prominent feature of the political landscape of the region. Using Weber’s theory of the state as a departure point, I elaborate the ethnic dimensions of post-colonial politics, focusing mainly on the history of conflict between the Baganda of southern Uganda and the Acholi of northern Uganda. Under the political cal-

culus of the military regimes of several leaders, and through a succession of violent coups and the concomitant seizure of government administration, ethnicity became an essential feature of politics since Idi Amin's despotic presidency of the 1970s. Against the contextualized backdrop of such political-ethnic violence, I investigate the case of conflict between the Ugandan state and the Lord's Resistance Army, and problematize the role of one international human rights organization, the International Criminal Court (ICC). I argue that by continuing its intervention in Uganda's justice matters, the ICC is inadvertently granting the same kind of amnesty to past atrocities that it so condemns for present ones, and in doing so, grants international legitimacy to the current state while de-legitimizing non-state local forms of justice.

Post-colonial politics in Uganda

According to Max Weber, the state's very application and threat of physical force—i.e. its monopoly on the legitimate use of violence—is the constituting factor of its politics. In *The Theory of Economic and Social Organization*, he famously noted: “An imperatively co-ordinated corporate group will be called 'political' if and in so far as the enforcement of its order is carried out continually within a given *territorial* area by the application and threat of physical force on the part of the administrative staff” (1965:154). In Weberian terms, the present “political” situation in the territory of Uganda is composed of a historically changing environment of physical force as enacted through transitions of state violence and a succession of corporate groups overthrowing one another to take power and establish their order. Particularly, how has the current regime emerged amidst this post-colonial era of such legitimizing, de-legitimizing, and re-legitimizing transitions of state and how has the Lord's Resistance Army emerged as a response?

In the early 1970s, human rights abuses in Uganda received widespread attention because of the rise and despotism of General Idi Amin Dada. Amin's very name conjures the archetype of post-colonial African dictatorship and his regime is still remembered as “one of Africa's bloodiest and most tyrannical” (Kustenbauder 2010:456). His period of rule began through a violent *coup d'état* against President Milton Obote in January of 1971. Obote found refuge in Tanzania and attempted a military counter-coup in 1972 that included many of his supporting members of the Ugandan army who were of Acholi and Langi ethnicity. Obote's attempt failed, and, in response, Amin bombed Tanzanian towns and ordered for Acholi and Langi members of the Ugandan army to return to their barracks where he promptly proceeded to have them massacred in a move which Van Acker notes, “firmly introduced competitive retaliation on an ethnic basis” throughout the region and country

(2004:340). Thus any prior suspicion amongst the Ugandan public about how politics was affected by ethnic prejudice became concretely justified after this move, and a broader system of violent political organization began to take shape in Uganda. The violent ethnic retaliations continued and eventually “grew to include the whole of the army, and then Ugandan civilians, as Amin became increasingly paranoid” (Boddy-Evans 2003:1).

In the mid-1970s, Amin’s paranoia led to massive ethnic expulsions and the murder of prominent figures, such as Attorney General Ben Kiwanuka and the Anglican archbishop of Uganda, Janani Luwum (Apter 1997; State House of Uganda 2014). Amin trusted no one, and the preservation of his status as “His Excellency, President for Life, Lord of All the Beasts of the Earth and Fishes of the Seas and Conqueror of the British Empire in Africa” became more important than his responsibility toward citizens or the pursuit of any form of democracy in Uganda. Amin’s paranoia precipitated a state of increased militarization and produced ever greater paranoia amongst his cabinet, the media, and the public. In September 1975, analyst Michael Schultheis wrote: “The military is the principle consumer of public revenues. General Amin and his military council are the final voices in establishing economic and other national priorities. The military presence is everywhere. Normal business activities as well as routine operational decisions within government ministries are carried out in an atmosphere of fear and guilt” (1975:30).

Amin’s paranoia resulted in two problems that delegitimized his campaign and led to his eventual ousting. First, Amin expelled Asians—who composed a large part of the Ugandan economy—from the state in an attempt to gain economic independence and liberate his people. Coupled with a dramatic increase in military spending, this avowed “economic war” pushed an already waning Ugandan economy into crisis, and Amin increasingly became rejected by his own army and citizens of Uganda (see Schultheis 1975). Second, Amin’s paranoia led to a campaign of large-scale persecution of rival tribes and Obote supporters, and the initiation of “killer squads,” or more formally, his “Public Safety Unit,” “State Research Bureau,” and “military police,” which contributed to the murdering of hundreds of thousands of people (Library of Congress Country Studies 2015). Overall, the suspicion and fear generated by his actions and his regime ultimately contributed to the emergence of large-scale ethnic prejudice and a politics of ethnic retaliation in Uganda (Van Acker 2004).

In 1979, shortly after Amin lost general public support, Obote’s regime ousted him and Obote took the presidency again. But by 1981, Obote was already dealing with a brutal civil war of his own. Yoweri Museveni’s National Resistance Army (NRA) struggled against Obote’s Uganda’s National Liberation Army (UNLA), and their confrontation reached its apogee in

Obote's 1983 attack on the Luwero district. Obote unleashed such an attack—also known as “Operation Bonanza”—in order to “wreak havoc on the local Baganda population” (Van Acker 2004:340), and it ultimately resulted in the death of over 300,000 civilians and NRA soldiers at the hands of the mostly Acholi UNLA force (Kustenbader 2010:456). And, following the cycle of the same politics of retaliation that began with Amin, ethnic prejudice continued to pervade the state under Obote’s second period in office.

Over time, the UNLA became increasingly divided and split into ethnic factions with the Acholi holding the most power. In July 1985, Tito Okello led an armed Acholi coalition to Kampala and forced Obote into exile and, as Kustenbader notes: “For the first time in the country's bloody history executive and military power was held by the Acholi” (2010:457). This did not last long and one year later Museveni and the NRA—many of whom were of Baganda ethnicity—reassembled and retaliated against the Acholi for their previous cruelty in Luwero. The NRA shifted their attention north and attacked and committed large-scale abuses against both civilians and UNLA forces in the Acholi towns of Gulu and Kitgum (Kustenbader 2010). Eventually, Museveni ousted Okello and has been in power since 1986.

Since Idi Amin, politics in Uganda has become increasingly synonymous with violent overthrows and militarization. Score-settling, political paranoia, de-humanization and abuse against civilians—these under guises of ethnic pride, nationalism, or economic development—played roles in shaping what it meant to be politically active in Uganda. In the period between 1971 and 1985, it is estimated that 800,000 or more Ugandans were killed because of politically inspired violence (Tripp 2004:4). Such is the very basic background to the political-ethnic environment in which the Lord’s Resistance Army (LRA) came into existence.

The emergence of the Lord’s Resistance Army

After Museveni gained control of the state, the northern region of Uganda quickly became a hotbed of insurgent activity against the current regime (Finnstrom 2008). Amidst the chaos of ethnically tied political violence, the LRA emerged as a reactionary group of “religious terrorism” (Van Acker 2004:349) fighting in the name of God against the political marginalization of the Acholi people by the current state.¹ Specifically, the human rights atrocities of the LRA have consistently shown a cycle of violence and a pattern of brutalization of civilians “by acts including murder, abduction, sexual enslavement, mutilation, as well as mass burnings of houses and looting of camp settlements; abducted civilians, including children, are said to have been forcibly ‘recruited’ as fighters, porters and sex slaves to serve the LRA

and to contribute to attacks against the Ugandan army and civilian communities” (*The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen.*, Warrant of Arrest 3/2 [2005]). LRA commanders have forced their fighters, many of whom were children, “to kill and inflict horrific injuries by cutting off the ears, noses, lips, and limbs of defenseless civilians” (Pham et al. 2008:405).

The LRA uses these tactics essentially as a tool of terror to counter the current regime's historical monopoly on the legitimate use of violence (see Weber 1998 [1948]:78) to enforce their own version of order amongst the populations in the north. Van Acker writes:

Terror is a vehicle to project power towards the Ugandan state by creating a state of exception and immobilizing the population, on the fringes of society, effectively enough to enforce a distinction between “law” and “unlaw,” where rules other than those set by the LRA do not hold. To be effective, terror must be more than a threat which, tragically enough, is confirmed by the daily litany of atrocities [in northern Uganda]. While the desired political change remains non-specific, indiscriminate violence—terror—becomes an end in itself; it generalizes responsibility through the logic of the hostage: since anybody can be hit, anybody can be blackmailed by terrorism. [2004:350]

The continual acts of terror increased into the late 1990s and early 2000s and effectively pushed many out of their homes and into around 200 poorly guarded and poorly resourced Internally Displaced Persons camps (Allen 2006), thus rendering an entire region of individuals that *zoe*ⁱⁱ of mere biological existence; that “bare life” confined to the camp (Redfield 2013:16–19; see also Redfield 2005:330). In October of 2002, the Ugandan army evacuated more than 400,000 civilians to avoid an all-out genocide by the LRA and by 2005, over one-and-a-half million people were displaced by the LRA while tens of thousands were witnesses to or victims of torture, “including robbery, rape, gunshots, landmines, bombs, harassment, maiming, and killing of people” (Tumushabe 2001:Report introduction). This ultimately drew the attention of the recently codified International Criminal Court (ICC).

The current state's legitimacy was called into question by the LRA's forceful disordering of the northern region and the state's limited response to control this civil conflict for 20 years. In an attempt to defuse the situation, the state passed an Amnesty Act in 2000. Yet, in a contradictory move during the escalation of violence in the region, the government of Uganda put in a

referral to the ICC to issue arrest warrants for the LRA's commanders, which was unsealed in 2005. Peace talks seemed a possibility in the mid 2000s, but by 2008 Kony refused to meet until the ICC revoked the arrest warrants, and the LRA then fled into “the bush” in the Sudan, the Democratic Republic of the Congo, and the Central African Republic. They have continued their brutality there, thus further complicating regional state relations. But what exactly does the ICC’s continued intervention in regional affairs suggest about the global politics of state legitimizing?

ICC intervention and the politics of legitimacy

The ICC as an international body gains its legitimacy through international consensus. Unlike the ICC, the current Ugandan state historically demanded its authority through a succession of violent political overthrows and has maintained legitimacy through the more or less democratic voting process since 1986. These two kinds of legitimacy—international and state—are not mutually exclusive and can work in tandem to produce an emergent form of international politics of state legitimizing. In the case of northern Uganda, the question surrounding this emergence remains: how is the ICC positioned in relation to the state and how has the state exerted its influence on the ICC?

As a signatory to the ICC’s Rome Statute, Uganda is currently within the purview of the ICC. The case was referred in 2003 by the Ugandan state, and an arrest warrant for warlord and LRA commander, Joseph Kony, includes twelve counts of crimes against humanity—murder, enslavement, sexual enslavement, rape, inhumane acts of inflicting serious bodily injury and suffering—and twenty-one counts of war crimes—murder, cruel treatment of civilians, intentionally directing an attack against the civilian population, pillaging, inducing rape, and forced enlistment of children (ICC 2014). Other influential LRA personnel such as the Vice-Chairman and Second-in-command Vincent Otti and high-ranking leader Okot Odhiambo have outstanding warrants of arrest as well (ICC 2014). Referencing the 2004 Letter of Jurisdiction, the official ICC court case reads:ⁱⁱⁱ

“the Government of Uganda has been unable to arrest ... persons who may bear the greatest responsibility” for the crimes within the referred situation; that “the ICC is the most appropriate and effective forum for the investigation and prosecution of those bearing the greatest responsibility” for those crimes; and that the Government of Uganda “has not conducted and does not intend to conduct national pro-

ceedings in relation to the persons most responsible.” [*The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen*, Warrant of Arrest 11/23 (2005)]

The report does not expound on any of the reasons for the Government’s inactivity on these issues. Whether the Government of Uganda lacks resources to control the conflict or whether this move is a purposeful evading of state responsibility to the citizens of northern Uganda is unclear.

What is clear is that the ICC’s arrest warrant for Kony and the LRA leaders signaled a specific point in time of international intervention, and in so doing, affirms the lack of the current Ugandan state’s ability to deal with its own civil war. Since the ICC’s beginning, scholars have debated the ICC’s involvement in condoning a state’s inactivity, and have broadly questioned the ICC’s role in granting and affirming international legitimacy of particular states (for more on this, see Branch 2007). In this case, the ICC’s efforts to bring Joseph Kony on charges of crimes against humanity simultaneously result in the legitimization of the current regime—one that is also implicated in political state sponsored violence against its citizens and one which emerged from the same historical cycle of ethnic violence which begat the LRA.

As an international human rights institution, the ICC has reified the legitimacy of the current Ugandan state through its intervention in regional politics. Part of this reification includes a kind of forgetfulness on the part of the ICC—a not-remembering or misremembering of the history of violence that shaped the contemporary context of statehood. The actions taken by the ICC have signified a break with a past of ethnically charged political violence and brutality against civilians in the name of score-settling. This past forgotten has not been forgotten by all; many memories of ethnic violence in the past half-century of political transitions in Uganda persist despite the ICC’s implicit historical amnesia (or their explicit choosing the side of the *de facto* current regime which, thus, grants a kind of amnesty to the violence of politics past).

At base, it would be irresponsible to suggest that the ICC indict Yoweri Museveni, or NRA or UNLA leaders for crimes committed against humanity in the 1980s.^{iv} This kind of adjudicative deliberation would quickly turn into the proverbial “he started it” arguments that do not end. However, if human rights institutions were to make a public project out of the recollection and identification of past atrocities in Uganda, this would be one helpful way of moving the larger project of justice in Uganda forward, much like the Historical Clarification Commission has done in Guatemala (Tomuschat 2001) or Truth and Reconciliation Commissions have done in South Africa (Allais 2011), Sierra Leone (Svard 2010), and a number of countries in Africa and

South America.^v Ricoeur writes: “Extracting the exemplary value from traumatic memories, it is justice that turns memory into a project; and it is this same project of justice that gives the form of the future and of the imperative of the duty of memory” (2004:88). Any future of justice—whether retributive, restorative, or otherwise—in post-conflict northern Uganda cannot be imagined as “just” if the historically traumatic memories of political violence and marginalization of so many in the north are excluded from the state and international projects of justice.

Problems with the universal justice of the ICC

The ICC seeks to end impunity and to pursue justice in terms of the accountability and disciplinary mechanisms of the Western-style courtroom. The ICC has used its international authority to arrest individuals accused of crimes against humanity and place them on trial at The Hague.^{vi} The principle by which a universal human rights and justice is sought above and beyond the legal system of states is itself problematic as it implicates a hierarchy between the West and developing countries that might even be paternalistic, or part of the machinery of monolithic modernity, what Arturo Escobar refers to as “imperial globality” (Escobar 2004). A particularly striking example of this paternalism is the fact that the majority of cases pursued by the ICC thus far have focused on bringing perpetrators of central African states to trial in Europe. Moreover, the paternalism is magnified by the univocally defined category of international justice as punitive justice.

Punitive justice is the exclusive form of justice pursued by the ICC, as national amnesty or local versions and visions of justice are thought to reinforce impunity. Sally Engle Merry writes: “As a legal system, human rights law endeavors to apply universal principles to all situations uniformly. It does not tailor its interventions to specific political and social situations, even when these might suggest different approaches to social justice. Local context is ignored in order to establish global principles” (2006:103). As if the punishment could fit the crime, human rights violators are pursued and given sentences by the ICC according to a single code of agreed-upon international regulations, often at the expense of local priorities. The language of punishment and accountability for human rights violations has yet to translate “down” from The Hague, as the ICC’s justice discourse has not been clarified in any practical way to northern Ugandans (see discussion of “translation of human rights” in Merry 2006). What remains problematic still is whether such translation is even appropriate in this case.^{vii}

Misaligned with the ICC's exclusively punitive justice but at the request of many civic organizations in the north, the Ugandan state adopted an

Amnesty Act as a possible catalyst to discontinue violence and impunity in the north. As amnesty requires a degree of short-term “amnesia” of crimes committed—which is not part of the orthodoxy of the punitive justice of the ICC—the ICC dismissed the Act, pursued warrants of arrest, and the Ugandan state reacted accordingly by amending the Act (Branch 2007:184). As Sharf states, it is “inappropriate for an international criminal court to defer to a national amnesty in a situation where the amnesty violates obligations contained in the very international conventions that make up the court’s subject matter jurisdiction” (1999:514).

The fact should not be overlooked that the current state had its own invested motivations for such a quick amendment of the Amnesty Act. Branch writes:

Indeed, since 1986 the government has vigorously promoted a military approach to the northern crisis, and so the ICC intervention, by providing international legitimation for the military campaign in the name of enforcing international law, has cleared the way for the government’s militarism. . . . [The current state] maintains military control over the north, a potential base of political opposition, while being able to invoke the specter of the LRA to maintain support in the south. Furthermore, the war allows President Museveni to maintain a large, unreformed army upon which he increasingly bases his own power. High levels of defense spending, justified by the war, have created a constituency within the UPDF for its continuation, and many Acholi see their displacement as a strategy by the government to open their land to occupation by southerners and foreigners. [2007:184–185]

Some commentators have even gone so far as to speculate that the Chief Prosecutor of the ICC had been manipulated by Museveni, who was looking for a way “to stave off international pressure to end his military campaign” (Baines 2005:5). Some northerners, in fact, speculated that the current regime had stake in keeping the north weak by keeping the conflict alive (Redfield 2010:181). Nonetheless, the amendment that the state adopted granted amnesty to ex-LRA combatants in the north, but upheld the ICC’s arrest warrants for the LRA’s five leading figures. Amnesty was thus granted for all but a few. The amendment essentially resulted in the avoidance of a number of possible avenues toward peace by the LRA’s leadership as long as the ICC was involved in regional issues of justice (Branch 2007). Moreover, the unsealing of

arrest warrants may have exacerbated the situation in the neighboring states of the Sudan, the Democratic Republic of the Congo, and the Central African Republic. The state's involvement with the ICC thus far has shown the complicated limitations of transnational punitive justice demands to contribute to regional peace.

In the wake of these decisions by the ICC and state, traditional and religious leaders and international activists and agencies have advocated for the codification of community-based rituals of justice in northern Uganda (Allen 2008). These rituals focus on the restoration of relationships that have gone bad because of past violence. As they largely focus on the reintegration of individuals into communities and the restoration of communities that have been broken by acts of war (Anyeko et al. 2012; Baines 2005), the practices tell a counter-narrative of resistance to the dominant strictly punitive justice of the ICC. There are obvious difficulties in codifying local rituals of justice (see Doughty 2014:784), yet in a context like post-colonial northern Uganda, where perpetrator and victim are often unclear, these mechanisms may ultimately prove more effective in contributing to peace at the local level.^{viii} At the very least, local reconciliation rituals must be granted a degree of legitimacy by international human rights organizations like the ICC as possible sources to break the cycle of political violence and to pursue processes of healing between ethnic communities.

Conclusion

In summary, a politics of ethnic retaliation emerged in Uganda during the reign of Idi Amin. Through a succession of violent political overthrows, the current regime gained power and has been in power since 1986. The LRA also emerged amidst such violence in response to the ethnic marginalization of Acholi people of northern Uganda, and continued to roll forward the cycle of violence in the name of politics. The ICC has intervened in an attempt to end the LRA's terror, but has implicitly and inadvertently sided with the current state that was implicated in political crimes against its citizens in the 1980s. By getting involved in this case, the ICC has reified the legitimacy of the current state, and in doing so, has granted a kind of historical amnesty—via forgetfulness or the suspension of memory—to the violence of politics past and has exculpated the current state from previous abuses against its citizens. Further, justice has been defined narrowly in terms of accountability and punishment in the international human rights discourse of the ICC, thus sidelining local ideas and practices of community restoration. For the Acholi who have been an ethnically marginalized group by the current state since 1986, this move by the ICC has added insult to injury and has left

the Acholi little power to deal with their own situation in ways they see fit. The integration of local systems of justice into international frameworks may be one possible approach (see Clark 2010; Quinn 2007; Rose 2008), but if and how this will be pragmatically feasible remains unclear.

Notes

- ⁱ For more on the religious dimensions of the LRA see Behrend's 1999 discussion of Alice Lakwena and the Holy Spirit Movement.
- ⁱⁱ Redfield uses the Aristotelian distinction, à la Hannah Arendt (1998), between *zoe* and *bios*. *Zoe* (from which the contemporary English term, zoology derives) represents "the cyclical life shared by all species, in which birth and death occur in repetitive patterns," whereas *bios* (from which the contemporary English term biography derives) represents "the linear life narrated by humans as a directional story, in which birth and death mark beginning and end" (Redfield 2013:16). In a 2005 article for *Cultural Anthropology* entitled "Doctors, Borders, and Life in Crisis," wherein Redfield presents the case of Médecins Sans Frontières in northern Uganda, he explains: "I use these terms to identify an inherent tension within the value of 'life' that humanitarians seek to defend, between the maintenance of physical existence, on the one hand, and the defense of human dignity, on the other hand. I suggest that the significance of a survival state like *zoe* rests less in any facts of biological nature per se than it does in its threat to *bios* by demarcating a lower threshold possibility of 'life.' Amid worldwide zones of repeated disaster, medical humanitarian action offers the promise of preserving existence. It does so, however, at the possible expense of deferring actions that might support a mode of being more consistent with dignity. The potential stabilization of crisis in these terms, I suggest, reveals an essential ethical quandary in the haunting possibility of a form of distinction enacted within life itself that simultaneously includes and excludes different human populations at the species level" (2005:330).
- ⁱⁱⁱ See: http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200204/related%20cases/icc%200204%200105/court%20records/chambers/pre%20trial%20chamber%20ii/Pages/warrant%20of%20arrest%20for%20joseph%20kony%20issued%20on%20th%20july%202005%20as%20amended%20on%2027th%20september%202005.aspx
- ^{iv} Museveni's UPDF is not in itself innocent regarding recent human rights abuses in the north and their motivations show another layer of complexity. Phil Clark cites a UNHCR study: "Local and international human rights groups have reported regular and grave atrocities committed by the UPDF in northern Uganda, particularly the forced displacement of around 1.5 million civilians into IDP camps. A recent qualitative study by the UN Office of the High Commissioner for Human Rights highlighted that the majority of the 1725 victims interviewed considered both the LRA and the government responsible for the immense harm they have suffered during the conflict" (2008:43).
- ^v Some have argued, nonetheless, that Truth and Reconciliation Commissions (TRCs) have deep problems of their own—e.g., see Wilson 2001 for a South African TRC example; Shaw 2007 for a Sierra Leone TRC example.
- ^{vi} Last year, for example, Liberia's 65-year-old Charles Taylor was tried by the ICC for war crimes and is now serving a 50-year sentence in the UK (Reuters 2013). Also, currently the ICC is in the process of handling the recent capture of the so-called "white ant," LRA commander Dominic Ongwen (HRW 2015). He will not be tried by Uganda's International Crimes Division, and was flown directly to The Hague for his awaiting prosecution.
- ^{vii} In "Culpability and Reparation," Nandini Sundar (2014) addresses some of the issues at stake

in the sort of one-size-fits-all trickle-down justice from “the West” to “the rest.”

- viii There is difficulty in codifying local rituals of justice in northern Uganda for two reasons: 1) there is a variety of distinct traditions, and 2) codifying a custom inevitably changes it. The first reason implies questions of ethnic exclusion—i.e. should the state or an organization implement the *mato oput* ritual of the Acholi or the *gomo tong* of the Madi? The second reason implies questions about the “transition” of transitional justice. Allen notes: “as anthropologists have shown, local customs relating to accountability can be highly dynamic and remarkably adaptable; they are rarely static and timeless. This is partly because they are mostly not written down but are endlessly negotiated. To codify or regulate them changes them” (Allen and Macdonald 2013). How and to what extent the codification of “local justice” systems has influenced transitional justice in northern Uganda has yet to be demonstrated.

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