Justice and Peace after War: Conceptual Difficulties in the Discourses of Transition and Reform in Post-war Societies

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Introduction

This paper explains conceptual lapses in the discourses of transition and reform in post-war societies. Critical, is the fluidity that characterizes notions of survivor and victim in the context of peace and justice. Transitional interventions continuously create victims of war in their attempt to create survivors of war. Although my focus is northern Uganda, I also draw examples from other parts of the world. I argue that legal inclusiveness, market inclusivity, and resolved antecedents of conflicts create conditions that facilitate implementation processes of integration, settlement, and reconstruction of post-war societies. Creating "survivability" is a collective work of surviving communities, national, local, and other exogenous entities. The way reform processes are played out in transitional period stems from how international agencies, national governments, civil societies, non-governmental organizations, and local actors deploy human and material resources towards recovery.

The paper highlights significant processes and stages in the structure and span of war, showing how time is an important variable in the broader discourses of transition and reform. It examines how war *begins* and *ends,* and how societies emerging from war interrogate the logic of transition, peace, and justice. By so doing, it explicates how political reform paradigm galvanizes momentum from the state, humanitarian agencies, international diplomacy, and local actors to articulate survivors' justice. Using examples from northern Uganda, war is understood as a continual process whose axis of time is more complicated than has been assumed. Typically, the Lord's Resistance Army (LRA) war with the government of President Yoweri Museveni "began" in 1986 and "ended" in 2005. There

are conventional markers of beginning and ending of a war. War starts when two or more groups raise conflicts to arms confrontation. War *ends* when guns go silent and belligerents sign truce. Because the beginning of a war is rather complex, it is easy to bring warring parties together, but often difficult to handle complexities and altercations emerging out of settlement and restoration. Conventional understanding of concepts related to war and peace posit lapses, which indicate that social justice can never be achieved outside political justice. Although survivors' justice requires liberality, there is need to check that liberality if post-war societies must recuperate faster. This argument is based on a major claim that war is not necessarily a one-dimensional experience of tragedy, loss, and pain. War is also an experience of opportunity, gain, and advancement.

The War in northern Uganda

In summary, political violence in post-independent Uganda can be plotted periodically as, the 1966 constitutional crisis, Idi Amin's military coup of 1971, the controversial 1980 elections leading to the Luwero Triangle Bush War, the 1985 coup by General Okello Lutwa, and the ousting of General Lutwa's Junta government by Yoweri Museveni in 1986. Post 1986 incursions saw the Uganda People's Army (UPA) in eastern Uganda, Allied Democratic Front (ADF) in western Uganda, the West Nile Bank Front (WNBF), the Uganda People's Democratic Army (UPDA), the Holy Spirit Army (HSA), and the Lord's Resistance Army (LRA) in northern Uganda, all making attempts to topple the government of President Museveni (Branch 2011). In the process, all these groups, and others not mentioned unleashed waves of violence on the people, the economy, and the social fabric of the nation. A key problem for post-independent Uganda has been the problem of non-democratic change of governments, ethnicized political organizations, the army's involvement in political affairs, and inept political bureaucracy (Kasozi, 1994; Avigran, 1992). This paper focuses on post 1986 violence in which the LRA and the National Resistance Army (NRA) were key players. Adam Branch (2011) shows "anti-civilian violence" of this period as manifesting in torture, killing, forced displacement, and deprivation of the local population by both the NRA and LRA. The LRA's attempt to purge the population by creating a "new Acholi" after wiping out the lot "corrupted" by Museveni, made maiming, mass abduction, mass killings, and destruction of villages, modes of "pacifying" Acholi (ibid. 71). The Uganda People's Defense Forces (UPDF) in 1990 ordered all civilians to move to "internment camps", hypothetically to cut off supplies of food, information, and poten-

tial abductees from the rebels. Branch argues that this move constituted top-level violence in that the humanitarian crisis that followed was even worst than the war itself (ibid. 92-3). The paper examines how different actors, namely the state, humanitarian bodies, Non Governmental Organizations (NGOs), and survivors engage discourses of reform to transit to a life *beyond* violence. I have emphasized experiences of survivors in Attiak, Lukodi, Abia, and Barlonyo because these places do not only represent the worst of the LRA incursions, but they also have attracted interventions in post-war period, perhaps more than any other places. The paper examines the nature and character of survivors in such places to see the type of interventions and reform that can help such communities to transit better to an era of peace.

Transition as justice

Transition from war to peace, or from poverty to prosperity, is not possible without justice. Required in this debate, is understanding of justice itself. In a survey done by the International Center for Transitional Justice and Human Rights in the four northern and eastern Uganda districts of Gulu, Kitgum, Lira, and Soroti, in 2005, majority of respondents defined justice as trial. Such a definition was shaped by experiences of massacres in Barlonyo, Lukodi, Odek and other places. In non-Acholi districts of Soroti and Lira, justice was defined as reconciliation, truth and fairness[1]. Recent interviews with survivors and victims in these places reflect justice as assistance to victims. In the post-return period, survivors have prioritized rebuilding of infrastructure, providing of compensations to war claimants and vigilantes like Amuka and Arrow Boys militia, total elimination of the LRA, improvement of education, and enhancement of community livelihoods as urgent concerns. An association of war veterans in northern Uganda sued the NRM government for failing to restock the region. Justice Byamukama Mugenyi of the High Court of Uganda ruled in the year 2014 that government should pay the people of Lango region, shillings 2.9 trillion in compensation for the lost livestock.[2] When these colossal figures will be paid is yet to be known.

That understanding of justice shows transition as mediation of spaces, time, and experiences between ex-combatants, former communities of violence, and post-war communities in ways that mitigate past conflicts.

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1   *Forgotten Voices*, July 2005, Written by The International Center for Transitional Justice and Human Rights Center, University of California, Berkeley, p. 23

2   Radio Wa (Our Community Radio) 89.9 news bulletin of 18th March 2015.

It presupposes a re-examination of how political, legal, and sociological differences between conflicting forces can be harmonized, after keeping adrift for a long time. In the context of ex-combatants being reintegrated into civilian lives, transition means new communities are being created out of agglomeration of former nemeses. As Ruti G. Teital (2000) says, it is legal and political instruments that mediate transition. Teital argues that for just transition in post-war societies to be achieved, legal responses should be measured on democratic frameworks (2000:3). She contends that democratic development is essential for a meaningful transition, but at the same time, wonders whether law is capable of building a democratic culture. In a sense, transition should be liberalized, and for this to happen, it should have its modus operandi. In response to amnesty that was declared by the NRM government in 1999, many LRA combatants aided by Acholi Religious Leaders Peace Initiative (ARLPI) came back. Non Governmental Organizations (NGOs) like World Vision, The Invisible Children, and Sponsoring Children Uganda, amongst others participated in transition from violence, displacement, and destruction, to peace, stability, and recovery. To achieve this, respondents in Attiak, Barlonyo, Lukodi, and Abia in northern Uganda contend that the LRA had made it impossible for people to act and move freely since most of them were padlocked in camps. Now that peace has "returned", communities should be given ample space to speak about the war and to move without hindrance to transact business. Human rights protection then becomes a fundamental requirement for the restoration of peace after the guns have gone silent. Many people of northern Uganda have often seen human rights as "life with peace and security without fear".

Most NGOs preferred corrective and restorative forms of justice as opposed to retributive justice, arguing that transition requires inclusion of everybody's labour including that of former war combatants. Some bring back innovative skills and experiences acquired from the bush, which can be used to rebuild a community ravaged by their own activities. Some survivors who suffered heavier casualties preferred the retributive type[3]. In a situation where modes of operation between relevant stakeholders conflict, the very output of transition itself is flawed. To effect liberal change and democratic transformation suggested by Teitel, both retributive and corrective forms of justice would have to be enforced. The retributive type should however be enforced with caution. Survivors need to play an active role in determining its mechanisms instead of allowing state courts and

3   Interview: Residents of Guloi in Apala.

legal systems to monopolize administration of punishment. The ARLPI never advocated for retributive justice because of the mixed-up composition of former combatants that included formerly abducted children, mothers, abducted NGO workers, and women. Many of the abducted children, and those born in the bush who enrolled in the LRA ranks would be led to launch destructive raids against their own villages, so as to severe all possibilities of return. Such acts would discourage them from ever thinking of escaping to return home. For this category, most communities in northern Uganda preferred corrective justice. For top commanders like Joseph Kony, Kenneth Banya, and Okot Odiambo, they preferred "retributive" justice where survivors would also participate in determining their fate. Upon the visit of Fatou Bensouda in Barlonyo in 2015, the people of Barlonyo suggested that Dominic Ongwen should be tried in Barlonyo. The ARPI also argued that a uniform system of justice should apply to all ex-combatants returning home. In northern Uganda, it was clear that Amnesty was a mechanism of peace being imposed from above. Most communities of northern Uganda understood amnesty as applicable to combatants that excluded the LRA top commanders[4]. Small conflicts between notorious commanders and survivors' families were not uncommon.[5] Although survivors' justice is a paradigm that calls for alternative non-criminal trials, *mato oput* and *kayo Cuk* in Acholi and Lango had challenges in handling deep-seated transitional grievances against top LRA commanders. Besides, churches preach messages of reconciliation and forgiveness, which do not meet the approval of most victims[6]. Some Christianized survivors' communities see traditional trial systems as Satanic,[7] thus, raising critical questions about trauma and healing. As one survivor remarked, forgiveness or reconciliation can never happen unless trauma is completely healed.[8]

Effective transition presupposes accountability for past wrongs (Teitel, 2000: 5). There must be "rules of recognition" governing transitions authoritarian rule to democracy, from poverty to prosperity, from lawlessness to the rule of law, and from war to peace. Weary of backward lashes, that transition can as well mean moving from a state of war to a state of anarchy,

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4　Interview: Local council leaders in Attiak and Barlonyo where mass massacres occurred in April 1995.

5　Interview: Komakech John Ogwok of Kitgum Peace and Documentation Centre.

6　*New Vision*, Thursday January 29 2015, "UPC backs ICC trial of Ongwen", p. 7.

7　Interviews: local clan heads of *Onywal Ipyeda* and *Okarowok* in Lango complain about the limitations of traditional justice systems.

8　Interview: Akec Mary of Barlonyo who lost her husband and two children in the Barlonyo massacre of 21st February 2004.

or from war to another form of war, the role of democratic processes in marking transition is pivotal. For reintegration of ex-combatants, there is need to move away from a transition that only centers on the democratic principle of free and fair elections (ibid). Democracy is then, re-conceptualized as inclusion of survivors' voices, to a large extent, decentering it from public dominance. Survivors' liberty to articulate their voices on post-war processes, such as the position of ex-combatants, victims and perpetrators, is what constitutes democracy. There is a theory that transition ends when all "politically significant groups have embraced the rule of law (ibid). This theory does not take into account how factors like reparation; the healing of trauma, and compensations impacts the rule of law. Aggrieved persons are likely to embrace the rule of law if they feel that justice has been done to all parties implicated in the war.

To examine the role of legal phenomena in transition along a "transformative continuum", transitional processes define a period that seeks restoration of what has been impaired by war. We interrogate the functions of law in a transitional context, particularly the need to protect victims and survivors from different forms of abuses. In northern Uganda, victims are a category, which is [ir]reversibly incapacitated physically, psychologically, and economically by the war. Their exposure to the media and other public spaces should be regulated, sanctioned, or even censored. Different bodies have tended to take undue advantage of victims of violence for economic profiteering. The practice of profiling and displaying pictures of victims of violence for business or "advocacy" reasons is one reason why legal interventions are vital in transition. Interviewing and display of victims, some of them under aged persons, in print and electronic spaces is purportedly done to mobilize resources for transition. How much of these resources reach beneficiaries is more often questionable. Such displays also raise ethical concerns.

Rule of law is also examined in the context of punishment, reparations, purges, constitution making, rehabilitation, and projects that characterize transitional period (ibid 6). During transition, rule of law is applicable to ex-combatants, victims, survivors, including auxiliary actors such as Red Cross and all humanitarian agencies. In the case of ex-combatants, the rule of law would facilitate inclusion or absorption into civilian life. First, it is assumed that the rule of law can help war actors to adjust to a peaceful living. Second, that the rule of law will regulate social behavior of war parties in post-conflict communities. This may be true, but there are psychosocial processes that can make them adjust to the rule of law. Most

former child soldiers in northern Uganda were first received at reception centers from where they were given such support.[9] There is need for normative shifts in both war returnees and receiving communities, especially those that are likely to negate reintegration. The role of community based organizations in propagating basic sensitization on new ways of coexistence is essential here. Above all, it is important to explore ways in which laws that govern rebels in the *bush* can be appropriated in constructing practical possibilities of administering a workable rule of law. As Teitel has argued, "adhering to the rule of law during political upheavals is a difficult undertaking (ibid, 11). Often tensions exist between the rule of law in transition. As societies emerging from war transit, the rule of law also has to transit; it has to be flexible with political and sociological demands of a society seeking its bearing from violence to non-violence. In this case the rule of law is never independent since it flourishes in a democratic space. As Teitel explains, the rule of law serves to mediate "normative shifts in values that characterize these extraordinary periods" (ibid). The rule of law has to appropriate itself to a certain flexibility that makes it possible for former agents of anarchistic communities to adjust to juridical cultures. Teitel has explained this as the conflict between "predecessor" and "successor" justice systems (ibid, 12). The tension it presupposes is that returnees from the *bush* will be reintegrated into a political dispensation in which the rule of law is supreme, yet they bring back with them cultures and traditions shaped by a different "rule of law". In the *bush,* rebels do not operate without laws. They also adhere to a quasi-statist rule of law in rebel held territories. In that jurisdiction they administer punishments, reparations, and reprieve basing on sham, spurious laws. For children, women, and men abducted in northern Uganda adherence to such laws shaped them to see the LRA systems of brutality as justice, or a holy way of life.

In the "predecessor system of law, methods such as indoctrination, threats, bizarre rituals, and forced killings were used to reorient captives and recreate them into new personalities befitting bush life. The dilemma of transition is to determine how all these may be uprooted or destabilized in a transitional process where a different system of law is in force.[10] Thus, to agree with Teitel, "the dilemma raised by successor criminal justice

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9   "Forgotten Voices, A population-Based Survey on Attitudes about Peace and Justice in Northern Uganda", *International Justice Center and the Human Rights Center*, University of California, Berkeley.

10   For similar arguments about sources of law in transitional contexts, see "Land Rights and the Peoples of Africa, Historical, Legal and Anthropological Perspectives, Overview: Analysis and Contexts", pp. 2, 25

leads to broader questions about the theory of the nature of rule of law in transformation toward a liberal state (ibid). Teital adds that in times of significant political change conventional understandings of the rule of law are thrown into relief (ibid). The biggest concern is then, the "transitionality of victims", most especially those abducted from their homes and subjected to weird practices for a long time. They form characters very difficult to dispense with, once their side is vanquished. The dominant challenge is how post-bush transitionality can be managed in a new political and civil dispensation overseen by the state. During the Nazi trials it was argued that rule of law should not mean breaking away completely from the Nazi justice systems. Some thinkers argued that some Nazi laws, no matter how immoral they might have been, should have been allowed to retain some legal force. What was needed in this context was simply a reinterpretation of those laws. Of course, the question of laws, whose normative values are incompatible with rule of law, makes us ponder too long on what forms of justice should prevail during re-integration, resettlement, and other transitional processes.

Transition and Discourses of Return

There is need to re-examine the notion of return in the context of transition in post-war communities. "Return", as used in post-war discourses of settlement and restoration excludes much more than it includes. In many cases, after the guns have gone silent government facilitate survivors to return to homes from which they had been displaced. In the case of northern Uganda, more than one million people displaced in the Acholi, Lango, and some parts of Teso region in eastern Uganda were finally "returned" from 2005 to 2006.[11] People return from camps, exile, asylum, forced migration, and so forth[12]. Return is also known as resettlement or sometimes repatriation. Major facilitators of "return" and "resettlement" projects are national governments, humanitarian agencies, and non-governmental organizations.[13] Return is conceptually intertwined with justice. It is a stage in the process of transition that conjectures a number of interpretations. In its conventional sense, it means that somebody or a group of persons are leaving an abode of displacement, exile, or asylum to get back to a place

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11 "Victims' Perceptions of Accountability, Reconciliation and Transitional Justice in Northern Uganda", *Office of the United Nations' High Commission for Human Rights*, 4-35.

12 Van, Hear, Nicholas "From 'Durable Solutions' to 'Transnational Relations': Home and Exile among Refugee Diasporas", *Center for Development Research, CDR* Working Paper, 02.9, July 2002, p. 2.

13 "Victims' Perception of Accountability, Reconciliation and transitional Justice", 4-35.

they used to know as home. Return should include homecoming that entails comprehensive processes of indemnification–meaning that as people go back they are not awed by loss and deprivation.

Critical, is how survivors, refugees, or formerly displaced people should return, taking into account the vital economies of return and the reform that it requires in transitional period. Return should be conceptualized as part of transitional process synonymous with justice to "returned" communities. In transitional period, return should mean more than going back home. In current discourses, there are a number of omissions and assumptions that obviate its logic. You do not return to life those who died in displaced camps or in exile. You can only return their remains. You do not return time wasted, cultures impaired, and opportunities lost in the period of war. You can only repair the wreckage of time and of culture by mitigating poverty, disease, and cultural degeneration. You can revamp things that have been lost but you cannot do it with the exactitude that the concept of "return" presupposes. There is need to filter specific dossiers in the concept of return. For instance, what are those things that are transplanted from host communities, by returnees, yet are alien to the history of returned communities? To understand fully the concept of return it is necessary to make a historical tour of pre-war times, to take stock of material, immaterial, spiritual, and other vital economies of that community. Further more, it is crucial to examine the cultural influences of host-homes, to see what returning communities are tempted to take back with, to see whether taking back such packages tantamount to a just "return". In the case of displaced camps in northern Uganda, there are things learnt in protected villages (host communities) that returning people should unlearn in order to create a just return.

Nicholas Van Hear (2002) has sighted cases of refugee diasporas that followed upheavals in Afghanistan, Palestine and Srilanka since the 1970s. Following fighting between the Muhajedin and the Kabul regime supported by the then Soviet Union, there were massive exodus of refugees to the neighbouring countries of Pakistan and Iran. The Soviet backed regime collapsed in 1992 paving way to the Taliban regime that sprang from the refugee population in Pakistan from 1996 to 2001. A good number of Afghans returned, but up to 2.5 million remained in Iran and Pakistan until the overthrow of the Taliban. Van Hear has indicated that in displacement, asylum and exile, there are often transnational relations created. Such relations explain connections between the homeland (place of origin), the neighbouring country (country of first asylum), and countries of asylum further

afield (ibid, 4). In these connections there are bound to be movements of money and information. Van Hear adds that displaced camps have no rigidly tight boundaries. There are small movements of people between the host country, first asylum country, and asylum countries further afield (ibid). Van Hear's case explicates the expanded discourses of return. When refugees repatriate money, they do not send the labour and skills they used for making such monies. When they return physically they take with them such skills. Such transfers are however, constructed and padded by cultural standards of the host country. In that case returnees come back with new mindsets and worldviews that present culture shocks or innovations. Both scenarios impacts transition in different ways. Culture shock refers to mannerisms that are socially repugnant to home norms. Similarly, Dolan Chris (2009) considered "protected villages" in northern Uganda as humiliation, his critique focusing on the moral consequences of parents sharing dingy rooms with their children in displaced people's camps. The assumption is that a proper return paradigm de-assimilates unwanted learnt practices from host communities, practices that undermine the cherished values of returning communities.

When we consider "return" we also have to be mindful of security of the returning communities. The case of northern Uganda is a tricky affair, considering the fact that LRA rebels planted landmines in trading centers, villages, along the roads, in schools, markets and so forth. How do you return people to villages riddled with land mines? From as early as 1995, several people were being blown off with different types of land mines.[14] Land mines have killed people in Tugu, Paibona, Awach, and several places in Kitgum, Pader, and Gulu (ibid.). Return would comprehensively integrate the teaching of communities to safeguard themselves against the dangers of land mines.

"Return" as part of transition is "just" when returnees are equipped with necessary political, civic, and military education to survive in a returned community that is not yet safe. Return embraces transitional justice if victims of land mines and other forms of violence are helped to overcome disabilities by giving them opportunities of corrective surgery. In February 22nd 2015, Adina Foundation Uganda, a local NGO in Lira organized a "Run to Walk" marathon in which participants, civil societies, corporate bodies, and business communities contributed money to enable children disabled by war, accidents, and congenital defects, to "walk again" in order to unlock their potentials. Adina marathon was not supported by the central govern-

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14   *The New Vision* 3rd October 1995, p. 13.

ment despite the wide publicity that was made. It would be in the good interest of government to politically enhance such efforts if children lost their limbs because they were not duly protected.

Stories of land mine victims also help us to understand how war *ends*. For so many years after cessation of hostility, landmines killed and disabled many people. The Uganda Joint Christian Council (UJCC) advocated against the manufacture and sale of land mines, but they did not mobilize the international community in raising funds for land mine victims. Conventional war may end, but things like landmines silently perpetuate war. According to the International Committee of the Red Cross (ICRC) land mines are cheap to buy but expensive to remove and will remain long after the war has *ended*".[15] Countries like Cambodia and Afghanistan that experienced war several years ago are still battling the problems of land mines (ibid). A critical dilemma is how to help a person without legs to transit to peace and prosperity, a litany commonly sung by post-conflict governments. Such a person, if not compensated or rehabilitated continues to live with *war* within him. In the words of Antanasio Ocan, a land mine victim " I find no words to explain it. I cannot continue with my job since my legs are missing" How do you render justice to such a person in an era of transition? To such a person, the fact that the guns have gone silent would mean that the war has ended. His transition includes reforms that rebuild him into a survivor of war, unafraid of uncertainty.

As a complex phenomenon, is it return to homes or return to normalcy? And what is normalcy? There were abducted children forced to batter other abducted people.[16] Children abducted from Lamola and Acholibur on August 22 1995 testified that they were made to batter thirty captives, those who were accused by rebels of attempting to escape. In most of their raids, rebels burnt houses, looted livestock, destroyed granaries, looted foodstuffs, and destroyed household property.[17] In Lango and Teso regions (heavily affected by the LRA war) transitional focus has emphasized restocking. Restocking, which is being done as a way of replenishing the shattered economy of survivors has challenges. In the first place the policy assumes that the people of northern Uganda were exclusively cattle keepers. But northern Uganda has been a mixed economy in which majority of people also practiced small-scale commercial agriculture. Return by supplying ox ploughs did not go far because not every part of northern Uganda used ox

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15   *The New Vision*, Wednesday March 22 1995.p. 19

16   *The New Vision* 18th October 1995, p. 28

17   *The New Vision* 23rd October 1995, pp. 1-2

ploughs for cultivation. The houses and vehicles burnt or destroyed have not been compensated. Lopsided return policies undermine transition from war to peace, and economic recovery. It also undermines justice, if justice is to be understood as giving back to people what was taken away from them.

Evans and Reid (2014) highlight the notion of resilience in the discourses of return, something they call an "ideal" for survivors. "Resilience", they say, is now being highly articulated by liberal agencies and institutions as "the fundamental property that peoples and individuals worldwide must possess in order to demonstrate their capabilities to live with danger". Because post-war transitional processes produce political subjectivities in different magnitudes, aid agencies, local actors, and state agencies often devote their resources toward equipping survivors for a life beyond the horrors of war. Resilience, the authors say, refers to "ability to avoid suffering significant adverse effects" of a hostile or devastating experience (my modification). In other words resilience is how victims survive in a state of adversity. Resilience is not a political claim that necessitates an affirmative "survivability instinct" that does not place emphasis on the political (ibid 6). Instead resilience thrives on liberalism, which unfortunately also produces its own violence. Evans and Reid are not certain on how a survivor equipped with tools of resilience survives violence unleashed by its own liberal system. Their discussion of resilience as a transitional requirement for returnees helps us to understand who a survivor is, or how a survivor is different from a victim.

First, in their claim, "survivability" is presented as a form of potential that enables the experiencer of adversity to live beyond "contemporary limits of their existence" (ibid, 29). That potential is partially explained to mean the "action" that a survivor puts toward regenerating himself. In other words, a survivor is a person whose mechanics of memory of adversity (through retrospection, memoirs, commemoration and other forms of remembrance), translate into an innovation aimed at transforming his livelihood. A survivor is in that context not a dormant recipient of donations, alms, handouts and the like. It is a survivor's resilience that enhances his ability to mitigate adversities. A survivor is that person with a proven capacity to adapt and thrive in the face of suffering (ibid 32). He is not just a person who has escaped death in war, violence, or any hazardous condition of life. He does not simply survive death in a war situation and then fail to survive trauma, deprivations, and other secondary effects of war. He generates inspiration that enables him to live beyond turbulent experienc-

es during and *after* war. He must survive several things, including the spirit, will power and creative ability to reproduce the life decimated by adversity. He carries into a post-war period learnt lessons, skills, dexterity, and virtuosity that enhance personal and community livelihoods. A survivor is a participant in the collective work of "re-membering" (ibid 7, Ngugi, 1989).

In Matigari (1987), Ngugi wa Thiongo' presents the heroic Matigari returning with his gun and sword, which he secretly buries in a bush, before beginning on his journey to look for truth and justice (Ngugi, 1987:4). Survivability, in that context, has a tripartite face: return, retention, and forgetting. There are things that a survivor retains and there are things that he should forget. Matigari buries his gun and sword, yet he still has the will to fight in search for truth and justice. In that beautiful novel, Matigari says, "It's good that I have now laid down my arms…I have now girded myself with a belt of peace. I shall go back to my house and rebuild my home". After saying this, "He crossed the river and came out of the forest".[18] A survivor returns home, but with something he has retained to facilitate a process of regeneration or resettlement. He must indeed come out of the forest of violence, hatred, trauma and all the putridness of war. A victim does not possess those attributes. He is almost irreversibly incapacitated socially, morally, and mentally and should benefit from efforts of survivors and other aid actors. Patients of nodding disease syndrome in northern Uganda are typical examples of victims. As Hillary Onek, the then Minister for Relief, Disaster Preparedness and Refugees stated, daycare centers should be set for children with nodding diseases to enable their parents engage in income generating activities.[19] Onek said that the syndrome is complex; because parents must trail the children everywhere they go because many of them, left unguarded, are known to have drowned in rivers. There are over 3000 child victims of nodding disease in the northern districts of Pader, Agago, Lamwoo and Kitgum (ibid.). Nodding disease children can however be turned into survivors if critical research is done to battle this endemic in northern Uganda. The aid should go beyond the daycare center and tones of food that the Adventist Development Relief Agency (ADRA) donated for the nodding disease victims. Such aid is never transitory. At best it is palliative. The disease that cause multiple injuries (head nodding and convulsions), also traumatize families of victims. Minister Onek surprisingly said that Uganda's ministry of health had not budgeted any funds towards containing the disease (ibid). If these children must become survivors of

18 See *Matigari* (1987), p. 5
19 *New Vision*, Monday May 11 2015, "Onek wants Daycare for Nodding patients", p. 15.

war, they must come out of their physical and mental afflictions, and be able to at least partially live on their own, rather than depend totally on their parents. They must develop resilience worthy of a true survivor.

That understanding of a survivor would contrast sharply with how Billie O'Kadameri *The New Vision* correspondent on the northern Uganda war in the mid 1990s looked at a survivor. O'Kadameri considered a survivor in a rather limited sense, as someone who has escaped death or survived a violent entrapment.[20] *Lt. Colonel* Otii Lagony reportedly commanded Attiak massacre on 20th April 1995. The final death tolls stood at 209, 159 of these were from Attiak. The rebels paraded their captives that included men, women, and children up to the confluence of River Ayugi and River Awic. Separating pregnant women, children below ten years of age, and breastfeeding women, the rebels sprayed bullets on the others, killing over 200 people. Those spared were ordered to clap their hands in appreciation to what the rebels had done. Terrified and dumbfounded, some of the children who had seen their parents killed clapped their hands to avoid the rebels' wrath. Ten kilometers away 65 people were killed in a similar manner. Sixteen homeguards, one policeman, forty-one students, and one police administrator were also killed on this same day. The rebels burnt 210 grass thatched houses, 22 commercial premises, one office block, a lorry belonging to Middle North Tobacco Cooperative Union and set ablaze a pick up belonging to a produce buyer (ibid). O'Kadameri would look at the spared pregnant women, breastfeeding mothers, and those children below ten years of age as survivors in the sense that they were spared death on that fateful day. In other words, an escapee in the heat of the moment fits into O'Kadameri's definition of a survivor. But a survivor in transitional context should not simply be an escapee from a fatal situation. The children who saw their parents killed, the pregnant and breastfeeding women who witnessed their husbands killed, who knew that henceforth the children they are carrying and those they were yet to bear would be orphans should be able to survive the traumas of the scene long after the incident.

It is not advisable for scholars and policy makers on post-war transition to analyze survivors as a generalized category. Interventions to improve survivors' livelihoods should be considered differently when handling transitional processes. To expound on this point, I unpack the notion of survivability as used by Evans and Reid. First, "survivability" depends on political liberalism. It thrives on the input that the war living dispenses in memory of the war dead. Such potential, equally thrives in a certain

20 *Sunday Vision*, Sunday April 30th 1995. See also *The New Vision*, Saturday Feb. 4th 1995, p. 10.

political and social landscape. Transitional mechanisms should be able to provide enabling conditions that make it possible for human potentials to thrive—such as opening up roads, markets, social infrastructures and the like. Survivors cannot achieve some of these on their own. In northern Uganda, majority of people live as victims and not survivors. Their personal and collective narratives are sad stories of neglect, deprivation, pessimism, and a yearning for what government can do to better their living conditions. Survivability is featuring in situations and places where non-governmental organizations have mobilized communities into development and rehabilitation activities.

That notwithstanding, I went to a village near Gulgoi in Abia and found that local boys and girls, without external funding, have started a local brick industry at the clay mines of Gulgoi. Gulgoi had in the past been the capital of pottery and other clay arts in Lango subregion. It was also in Gulgoi that Okot Odiambo, one of the LRA's most notorious commanders indicted by the ICC camped with his fighters for several months and launched at least three rounds of massacres in 2004.[21] In addition to a flourishing pottery, brickwork and sand mining have now sprung up in Gulgoi. Evans and Reid have said that survivability and resilience are closely associated with ecology. Transitional reform should enhance protection of eco-systems that are threatened with decimation due to a great upsurge of Capital in former war zones. Evans and Reid use the term "anthroposcene" to refer to "a distinct geological epoch that is defined by the scale of human activity" (ibid 3). A workable justice and reform is the one that will allow survivors to exploit these resources as a way of recuperating from the horrific and destructive consequences of war. There is a worrying reality in many of the post-war communities I have visited, particularly in Barlonyo, Abia, and Otuke where local capitalists and entrepreneurs invest colossal finances to exploit resources like sand and stone quarries, charcoal burning, and gems extraction. These are resources, which survivors could exploit toward their much-needed recovery. In a transitional period, by-laws and other regulatory systems that protect ecological heritage of surviving communities could create swift recovery. It is on account of this that liberalism does not offer enhancing space for surviving communities. Market liberalism ensures that survivors are outcompeted by capitalists and entrepreneurs that maraud formerly war ravaged areas to exploit local resources and heritage. As Evans and Reid observe, liberalism should rather aim at

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21 Interview: Singers of *Abwoc Yie Kec* Group whose songs depict virulent acts of Okot Odhiambo. They also sing songs of struggle against hostile conditions of war.

solving and preventing manifestation of dangers and threats to the security of surviving communities. Legal instruments should offset threats against their economic and cultural revival.

In Abia, I observed that a local art and cultural troupe—*Abwoc Yie Kec*[22] has been variously engaged by NGOs, state agencies, local governments in the production of songs, drama, dance and other cultural interventions. At commemorations, anniversaries, festivals, parties, and other ceremonies they are called to perform. There is not much that this group gains from their wonderful performances, even when they sometimes move hundreds of miles to perform. It is in this area that interventions to protect surviving communities from different forms of exploitation and usurpation are needed. Groups like *Abwoc Yie Kec* should be equipped with capacities that enable them demand worthy professional fees for their performances. An impotent man is bitter *(abwoc yie kec)* if post-war transitional processes take unfair advantage of his economic, political, and social impotencies by exploiting his talents, taking advantage of his turbulent history and exploiting his voicelessness. Measures should be taken to minimize the injustices of market liberalism that does not protect survivors in marginal communities.

Sen Amartya (1999), who conceptualizes development, as freedom would contradict the above argument. The role of markets, according to Amartya, is central in development process (Amartya, 1999: 6). Significant, is the amount of market freedom necessary in transitional communities. As Robert Bates (1981) argues, intervention in markets by powerful agencies should not harm the interests of small entrepreneurs (Bates, 1981: 81). Sheltering of domestic industries from aggressive competition would be the role of the state (ibid). Rural dwellers' capacities to exploit available alternatives should be enhanced to facilitate recovery, and this is one way of appreciating transitional justice in transitional societies.

Although Amartya has argued that free market mechanism enhances economic growth, such freedom could be to the detriment of survivors' struggle to revitalize their plundered economies if it is not regulated. Adam Smith was one of the earlier proponents of freedom of exchange as basic to the liberties of people. But such, is not the type of freedoms that survivors of war can benefit from. Survivors of war need protectionist measures to safeguard their fragile economies recuperating from the detriments of war. Free, unregulated markets in this context would only contribute to

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22 *Abwoc Yie Kec* is a Luo expression, which means, "an impotent man is bitter/angry. It is a local *okeme* (thumb piano) music and dance troupe started in the early 80s. Today they think about issues of violence, suffering, recovery, hope. Some of the social hazards that their songs depict can be symbolized by the metaphor of impotence.

new wars between survivors and others if free market monopolizes alloca-
tion of resources. How market is understood in transitional justice is what
I emphasize. Karl Marx said that in replicating the history of advanced
capitalist Europe, the less developed does so under hasher and retrograde
conditions.[23] If market is an economic space in which people buy and sell
goods and services, then it is not only freedom which is a core value of
market mechanism, but also fairness. Market liberalism, as Serequeberhan
says, is the language of the more developed, not the less developed (ibid).
In other words, freedom is the language of industrial development. In this
sense, no capitalist mode of production is fair in survivors' communities.
To a large extent, war has its own principles of economics and modes of
distribution. War is a multidirectional service industry in which different
categories offer or even sell services that directly or indirectly contribute to
war efforts—the media, humanitarian agencies, spiritual bodies, producers,
consumers all have stakes in war. Absolute freedom in the allocation of
resources would only benefit capital, not survivors.

Rhetoric of "Numbers" and "Words"

At Barlonyo mass grave in Lira, there is a plaque laminated on the monu-
ment with the following inscription "This memorial stone was laid by H.E
President Yoweri Museveni in Memory of the 121 innocent civilians killed
by LRA terrorists on 21st February 2004". This memorial plague is the first
point of attraction to tens of visitors who daily throng Barlonyo. Two things
that electrify the attention of any visitor are the number "121" and the word
"terrorists" on the memorial tablet. The visitor then scans the prominence
of the oval-shaped mass grave that looks like a concrete surface made to start
foundation of a building. He becomes an arithmetician of a type, drawing
the parallelism between the sprawling mass grave and the figure 121. The
mass grave is so massive that it is obviously an understatement to claim
that only 121 people are buried there. Names of the dead are not indicated.
But the mass grave-guides often help visitors to solve this riddle when they
say that bodies were exhumed, recounted and found to be 301 instead of
121.[24] They also say that in their "private" records, they have all names of the
dead. Survivors insist that the UPDF, who "supervised" the burial of victims
a day after the massacres, doctored the number of deaths.[25] Government

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23 See Serequeberhan, Tsenay. 2007. p. 108

24 Interviews: custodians and guides of Barlonyo Mass Memorial.

25 A brigadier in the UPDF "supervised" the burial, which was so swiftly done that the relatives
    of victims were not allowed to view their loved ones or perform any traditional ritual of burial
    on that day

pin-pointedly named perpetrators of the massacres, "terrorists", and not "rebels". Such nomenclatures have rhetorical implications in the politics and poetics of transitional reforms.

Kenneth Burke (1969) has observed that rhetoric has "motives" and "actions" that build different identifications in a work (Burke 1969: 36). Although Burke's discourse focuses on literary text, we are interested in how "rhetoric" and "motive" traverse the domain of material arts like monuments. Rhetorical motive, as Burke says, determines whether an object is good or bad. In other words it establishes how an object is put to use (ibid, 31). Burke has admitted that objects can become political, and this is shown by the numerical figure "121" and the word "terrorist" inscribed on the memorial tablet. Survivors have come to realize that figure 121 grossly misrepresents their memory of Barlonyo massacre. One survivor says, "one day people will wake up to find that we have demolished this structure. We want this plate removed and replaced with the correct number. We also want the names of the dead written here just like it is in Lukodi and other places". The number "121" and the word "terrorist" are rhetorical referents. First, the figure 121 determined by officers of the UPDF conflicts with what survivors say. Since it was the duty of the UPDF to protect inhabitants of Barlonyo camp, high numbers would sing loud the irresponsibility of the army. In any case, it was the UPDF that drove people to go into the camp with a promise of protection.[26] As it is the function of rhetoric to persuade audiences, the number 121 is meant to lessen the effect of the tragedy of Barlonyo, which could complicate international credibility of the Ugandan government if the numbers were higher. Higher numbers would generate debates about the nomenclatures of the war in northern Uganda, whether to classify it as genocide, disaster, tragedy, and the like.[27] Either way, this would have political and diplomatic implications for the Ugandan government. Just as any rhetoric has a speaker, the rhetorician of the memorial tablet of Barlonyo has one, the Ugandan state.

The word "terrorist" on the memorial plaque at Barlonyo justified the Ugandan government's opposition to dialogue and negotiations with the LRA. President Museveni consistently opposed Acholi religious leaders for

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26 See Atkinson, Ronald. 2010. *The Roots of Ethnicity, Origins of the Acholi*, Kampala: Fountain Publishers, pp. 295, 297. Also see Branch, Adam 2011, pp. 71-9

27 Atkinson, Ronald, 2010 quotes Jan Egeland to have described the northern Uganda war, particularly conditions in the camps as "the biggest neglected humanitarian emergency in the world". In Acholi region more than 90 percent of the displaced population lived in extremely squalid conditions. In the neighbouring areas of Lango and Teso where the war spread and reached peak conditions in 2004, nearly one million people displaced faced humanitarian disaster. For detail, see Atkinson Ronald, 2010, p. 304.

their insistence on dialogue with LRA insurgents.[28] If the LRA were referred to as "rebels" it would call for multifaceted approaches in the search for peace in northern Uganda, including round table discussions. Although referring to the LRA as terrorists justified the use of military option while undermining options of dialogue[29], in the post-war transitional period, it would also have other implications. First, it would undermine the international credibility that the LRA was bound to create abroad.[30] It is also debatable whether survivors or returnees of terrorist violence should be treated the same way survivors of rebels' violence are. In post-war northern Uganda, the two are being taken as one and the same category. In transitional period, survivors and returnees of a rebels' violence demand political redress because rebels are militants that voice political discontent through war. Rebels deploy both military and political modes of resistance. Terrorists may have a political agenda, but they articulate it through crude, anti human display of violence and horror. They target unarmed, vulnerable categories in what is normally seen as proxy *wars* intended to discredit, demoralize, or wreck down political, economic and social institutions.

Michael Walzer (1977) used the word terrorism to describe revolutionary violence. There is outright ambiguity. Either Walzer is assuming that revolutionizing a system is achievable through exclusive violence, or he is portraying the myopic ideology of terrorist violence, which takes it for granted that the instrument of violence is sufficient to cause revolutionary change. Revolutionizing a system requires approaches of war, dialogue, concessions, truce, and so forth. But while synthesizing the meaning of terrorism, Watzer explains that terrorists aim at destroying the moral of a nation, or a class, to undercut its solidarity using the technique of random murder (ibid, 197). Terrorists, Watzer adds, instill fear by killing people identified with specific class, regime, party, or a policy (ibid). An interesting dimension he illuminates is that terrorism is a way of avoiding engagement with the enemy army, an approach that seemed to have been used

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28 *Daily Monitor*, January 22 1997, p. 24.

29 Ronald Atkinson has elaborated on the tensions that characterized the peace process in Juba between the LRA and Ugandan Government in South Sudan from 2006-8. The Juba Peace talks staggered severally despite being boosted by the signing of Comprehensive Peace Agreement between the SPLM and Khartoum Government, and the roles played by international statesmen like Joachim Chisano of Mozambique. The Ugandan Government appeared uninterested because this would be a dialogue with terrorists and bandits. Whereas the Ugandan government exuded lukewarm attitude to it, the peace process was extoled by Acholi religious and cultural leaders, NGOs and civil society organizations. Government, looking at the LRA as terrorists did not consider options of dialogue worthwhile. For detail, see Atkinson, Ronald, 2010, pp. 308-21.

30 *Daily Monitor*, January 22, 1997, p. 24.

by the LRA. Going by what Watzer says, winning war against terrorism is a struggle that is hard to realize. In the same way it is also very difficult for terrorist to win wars. They simply succeed in "breaking the hearts of subjects" (ibid 198). The ending of a war fought by rebel movements may take long, but is easy to anticipate or predict when approached politically. Rebels engage in formal wars, while terrorists engage in unpredictable violence in terms of time and location. Rebels have something to table for redress after a truce, while terrorists present demands and ultimatums as agenda for concessions. Be that as it may, there must be some room for discussing demands and ultimatums. It is a very tall order to assume that those who do not engage in conventional wars can be defeated militarily. Terrorists" demands are often political, but in these political grievances, often there are social and economic issues at play.

In northern Uganda, redress, as focal point for intervention or dialogue includes grievances related to marginalization, representation, social imbalances, and infrastructural development (Atkinson 2010: 291, 331). In these areas, the government of President Museveni has done relatively well. The Peace, Recovery, and Development Program (PRDP) was launched in October 2007, followed by Northern Uganda Social Action Fund (NUSAF) I & II, National Agricultural Advisory and Development Services (NAADS), and Now Operation Wealth Creation being overseen by UPDF officers deployed at sub counties. New roads from Gulu, via Attiak (the center of LRA massacre) to Nimule and South Sudan have been tarmacked. There is another road construction project underway, covering the road from Gulu, Acholibur, Mucwini, and to South Sudan. War has created new opportunities of trade and partnership with the government of Southern Sudan and the larger Eastern Africa[31]. But in the transitional period, northern Uganda needs more than tangible physical and material infrastructures. The LRA's claim that people of the north were, or are marginalized, cannot be taken as politically relevant if the state rhetoric is that, the group was a bunch of terrorists. Historical errors of judgment must be corrected if transitional justice must suffice. Ronald Atkinson[32] has indicated that when President Museveni used the word "terrorists" to refer to the LRA, he was not exclusively talking about the innocent civilians killed in the north. He was insinuating the over 800,000 people which he claimed were killed by Milton Obote's Uganda National Liberation Army (UNLA) in the bushes of Luwero

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31 There is a mega rail construction project underway, covering Uganda, Kenya, South Sudan, and the Democratic Republic of Congo.

32 Atkinson, Ronald, 2010, p. 288.

Triangle. This hateful history accounts for why Museveni used words like "bandits", "primitive", "ignorant" to refer to the LRA as symbolic remnants of a terrorist army that plundered Luwero. Most governments dismiss terrorists as groups that cannot table reform agenda in the post-war period. The unanswered question is what modus operandi governments can use to discuss political reform issues with groups deemed to be terrorists. Yet transitional reforms work best if they are approached politically through discussions that lead to legislation of reform.

The rhetoric of terrorism as nomenclature of representing activities of armed insurgents in northern Uganda would not facilitate return of peace if acts of the LRA duplicated terrorists' activities. The ARLPI and other civil society organizations in northern Uganda have insisted that the people killed in Barlonyo, Attiak, Lukodi, and elsewhere should be accounted for by examining the role played by both the LRA and the UPDF (Rodriquez 2009, Branch 2011, Atkinson 2010). Criticizing the approach adopted by Luis Moreno Ocampo, the then ICC Prosecutor, leaders argued that both the LRA and the UPDF should account for the mass killings. Looking at the LRA alone as terrorists would exonerate the dark side of the UPDF. Adam Branch observed that the rhetoric of terrorism has made it easy for President Museveni to tie war against the LRA to US interests in the region by "serving as a conduit to the Sudan People's Liberation Army (SPLA), interpreting war against the LRA as war on terror.[33] According to Branch, this enabled Museveni not only to expand his military budget, but also obtain international funding and supply of military logistics from the US government (Branch 2011: 79). The UPDF military presence has ever since multiplied in South Sudan, Central African Republic, and Somalia. The rhetoric of war against terror and the political, diplomatic, and economic advantages it created enabled the state to exploit to its advantage, situations of war in northern Uganda. President, Museveni was able to use this war to unilaterally control the defense budget and expand, much to the dismay of donor communities (ibid).

While using rhetoric of word to understand the nature of LRA war in northern Uganda, its modes of classification comes into perspective. In Lukodi village, survivors dispute on the naming and classification of this war. Some viewed the war as having been between the LRA rebels and "Enemy Government".[34] The label "enemy government" explained civilians'

33　Also see Atkinson, Ronald, 2010, p. 301

34　Interviewed: survivors (names withheld) used that referent to show their displeasure at the horrid conditions of the protected villages in Lira and Amuru.

protestation of forced encampment, which Ronald Atkinson says, created "structural violence" that must have killed more people than LRA bullets or even those in Darfur.[35] Some government bureaucrats saw the war as "intra-civil" conflict in which the Acholi were killing one another, and extending this violence to their neighbours, the Langi and Iteso. Others refused to believe that the LRA was fighting the government of Uganda.[36] Why would Kony attack and kill them if indeed he was fighting the government of Uganda? What would Museveni lose if the LRA killed all of them? Such voices accused the NRM government of the sin of omission, insinuating that the LRA was a state *sanctioned* rogue army perpetuating organized vendetta to kill the people of northern Uganda for committing atrocities in Luwero Triangle. Ronald Atkinson has however, observed that the rebels' rationale for killing civilians was to internationally discredit the government for failing to discharge its sovereign functions.

Terrorism as statist reference to insurgents, has impact on how former child soldiers are regarded in returned communities. Reception centers like Sponsoring Children Uganda, World Vision, and Child's Voice International received thousands of children who returned from the bush. But the manner in which most returned communities received them, showed that the state's reference to such children as terrorists, shaped the hate attitude of the local people against former child soldiers. Receiving communities took them as terrorists whose inhuman bush war culture could not have been tamed in only a couple of months.

In a post-war drama staged in northern Uganda by United Troupers Theatre Group, funded by Sponsoring Children Uganda in Lira, Monica Adero the central character returns home after three years in LRA captivity and gets extremely hostile reception from her own community. She is browbeaten, insulted, and ostracized by her own people. In fact, people refer to her as a terrorist. It is clear that such opinions are politically shaped by what people read about rebels in newspapers, in speeches delivered by politicians and state functionaries when they address public functions. In transitional logic, such referents do not dispense justice. It is injustice for state media and public spaces to shape community hostility to returning children who have not been given a fair hearing in the form of truth telling, public hearing, and other mechanisms of accountability. Monica Adero's case is replicated by Dominic Ongwen's case before the ICC. Dominic Ong-

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35 Atkinson, Ronald. 2010, pp 304-5.

36 Opinions expressed among many survivors of Barlonyo and Abia massacre sites in Lira district, November 2014

wen was allegedly abducted on his way to school when he was fourteen years. In the newspapers he is referred to as villain and victim. His trial promises twisting controversies in the meaning of justice.[37] By the time he was abducted at 14 while on his way to school, his name was Denis Erem[38]. The LRA gave him the bush name of Dominic Ongwen. When we think of Denis Erem we remember innocence, victimhood and vulnerability. On the other hand when we think of Dominic Ongwen, we remember abductions, rape, and other crimes against humanity. When the ICC puts him to trial at The Hague, will they try him as Denis Erem, or Dominic Ongwen? What impacts will such a trial have on transitional processes at home (northern Uganda)?

Relating Darfur to northern Uganda— rhetoric and politics of numbers.

Mahmmod Mamdani's views on the conflict of Darfur show how numbers shape opinions in the discourses of intervention. In the conflict of Darfur (2003-2007), he shows how the international media played about with the rhetoric and politics of numbers in that crisis. Mortality level in Darfur, which was first put at 50,000, was later revised to 70,000 after protests from civil societies and human rights agencies. Mamdani shows that even the new figure of 70,000 remained far below the actual numbers of death in Darfur. Death statistics are shown as very crucial in both the inter war and post-war developments because they have political and diplomatic implications. Like in northern Uganda, Mamdani is concerned with who does the death ranking. Drawing from his view, numerical ranking of death in places like Rwanda (800,000), Bosnia (250,000), Kosovo (12000), which was done by the International Rescue Committee (ICC), dictated international responses to those conflicts in different ways. In this context, governments, in whose territories such wars occur would want to control information and statistics of deaths. A contentious area that Mamdani highlights is the discrepancy between the primary and secondary causes of death in war situations. The figure 121 at Barlonyo and another figure 65 at Lukodi in northern Uganda—were these deaths arising from direct acts of violence on the days of massacre or they also included secondary effects of death? Mamdani has unequivocally argued that there is significant relationship

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37 For similar testimonies from formerly abducted children who were forced to become wives to rebel commanders, see "Victims' Perceptions of Accountability, Reconciliation and transitional Justice in Northern Uganda", *Office of the United Nations High commission for Human Rights*, 9-11

38 Interviews: Ongwen's cousins in Minakullu where he spent part of his early childhood

between war and other causes of human mortality.[39] In computing figures of death, statisticians should work out modalities of including deaths arising from indirect effects of war. Numbers such as 121 in Barlonyo, 203 in Attiak, and 65 in Lukodi revealed shocking paucity of knowledge about how war kills. The figures represent only dead bodies found on the scenes of massacre. The figures do not consider those who fled and perished in the bushes, or those who died of war effects, a long time after the fateful events. These figures also do not consider those that must have developed fatal complications arising from war trauma. The figures do not consider cases such as that of an ill fated child who was found clung on her dead mother, trying unsuccessfully to suckle lifeless breasts.[40]

In transitional period it is important that exact numbers of survivors and victims are established if things like compensation, reparation, restoration are to be scrupulously implemented. Numbers influence planning and dispensation of recovery aid to help post-war societies. Deliberate reduction of mortality figures is false remembering that buries memories of people unrepresented in the memorial statistics. Although Mamdani has cautioned that genocide is determined by "intent", much less by numbers, numerical statistics are important because they enable us to investigate that "intent". In the case of northern Uganda, the LRA explicitly stated their intention as being to "wipe out the Acholi population and replace it with a new Acholi constituted by children born in the bush" (Branch 2011: 71). Yet, genocide was far from being declared in northern Uganda. Mamdani's argument, that "intent" determines genocide, ignores "hidden intent" often insulated in apparent motives. In other words, this view assumes that "intent" to commit genocide is straightforward and evidently discernible. "Hidden intent" could be traced in protected villages in northern Uganda and concentration camps in South Africa in the violence that has been remembered by the Voutmonuments (Donald 2009, Branch, 2011, Stanley 2006). In the case of northern Uganda, Adam Branch's view that the counter insurgency policy of the Ugandan government of forcefully displacing people in camps disastrously complicated humanitarian conditions of the displaced, smacks dangerous motives masquerading in the state's protection policy (Branch 2011: 91). Branch indicates that there were unholy alliances between the government of Uganda and aid agencies who moreover looked at violence against anti-government elements as humanitarian (ibid). Ignoring the factor of hidden intent compromises computation of

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39 Mamdani, Mahmood, 2010: 65

40 Story narrated by Abalo Ketty, a survivor in Attiak, November 2014.

death numbers. Large numbers of death was a wake up call for the international community and international press to get concerned about deaths in Darfur, Rwanda, and Kosovo. Numbers can also not be correctly established if the secondary causes of death such as deaths from malnutrition, drought, humanitarian hazards, and diseases are not taken into consideration. The world Food Programme was able to concentrate on such cases in the context of Darfur (Mamdani, 2010: 27). To Mamdani, numbers are not meant to portray mathematical accuracy but to show the scale of mortality. In transitional period the scale of mortality should correspond to the scale of restorative, compensatory, or resettlement interventions. Planners and interventionists use statistics of numbers of survivors as well as numbers of the dead. There is a sense in which numbers of the dead help illuminate numbers and conditions of survivors or victims. In transitional period numbers should not only concentrate on figures of mortality. Figures of the war injured are equally important. Adina Foundation, an NGO working in Lira and Alebtong districts have interacted with 4756 mutilated children in northern Uganda, many of these being victims of the violence of war such as land mines, physical mutilation by the LRA, and morbidity caused by diseases in the war torn areas. Adina Foundation solicits funds for corrective surgery and psychosocial support to such children. More than 450 children have so far undergone corrective surgery. This is the sense in which the rhetoric of numbers helps in convincing humanitarian individuals and organizations about the need for support to societies emerging from the horrors of war.

Findings and conclusions

First, transitional reforms in post-war societies call for inclusivity of actors and measures that embrace different juridical and non-juridical systems, a consideration of multiple temporalities, including pre-war periods as analytical frames in which roots of war are sown. In northern Uganda, it is then, not accurate to say that the LRA war started in 1986. The seeds of that war were sown in the conflicts preceding it. A significant conclusion is that because such conflicts were not effectively resolved they offered fertile grounds on which the LRA war sprouted. By definition, war becomes tensions and violence arising from the consequence of poorly resolved conflicts.

Second, the national court systems were/are not better options to handle post-war conflicts in northern Uganda. National court systems use erudite systems that cannot inclusively explore truth telling, reconciliation,

and reparation to the exact aspirations of quotidian survivors. Knowledge of traditional justice systems is extensively in Acholi. In Lango and Teso, people remember nostalgically, the historical practices that are no longer in force. Religious influences have also made many to shun such practices as heathen. For effective application of justice after war, the power of history needed is a depoliticized type in which people do no engage ethnic, political, and religious biases in defining key historical moments. Ordinary people should be involved in defining what is meant by peace, justice, survivor, government, and trial. Views they provide can guide governments and aid actors in applying better transitional options. For example, while doing scientific research on things like nodding disease, local herbalists can also be engaged.

Third, after conventional wars, there are hidden wars manifesting as land wrangles, trauma, disease, and moral decay that policy makers and interventionists must address. These are seeds of future wars once they are not addressed. Worthwhile Interventions focus on health, education, entrepreneurship, and legal sectors in ways that minimize these potential threats to peace.

Fourth, war is not necessarily a one-dimensional experience of tragedy and loss. War is also opportunity and gain for some. To avoid double jeopardy or double gain, it is important that survivors are not taken as a universal category. There is a clear distinction between survivors of war and victims of war. This distinction calls for measures that can effectively transform victims of war into survivors during transitional period. Survivors of war should be the vital beneficiaries of post-war interventions in a manner that rebuilds peace, but at the same time restores justice. Regulatory mechanisms that protect capitalistic expropriation of resources in surviving communities are an essential requirement in supporting community by-laws, and local government ordinances. While ensuring freedom of economic activities in surviving communities, such freedom has often tended to benefit local capitalists and not survivors and victims. This calls for market regulations that boost production and marketing potentials of surviving communities. Free, unregulated market benefits capital only.

Fifth, legal inclusivity and alternative justice practices are useful benchmarks in negotiating relations between different categories of survivors on the one hand, and perpetrators and victims on the other. Such inclusivity encompasses consideration of laws that governed rebels while they were in the bush. Some laws and systems that governed their operations in the bush may be applied, to see whether in engaging those laws,

the rebels operated within allowable limits. Lastly, while designing policies in returned communities, the histories and cultures of survivors offer transitory frames that can proactively guide interventions. You cannot distribute seeds, or ox-ploughs that survivors will be reluctant to use because it would be ahistorical to their memories and cultures.

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