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AFRICA PEACE AND CONFLICT JOURNAL

- Promoting Human Security and Peace in the Pastoral Karimojong Communities in Uganda: Systems and Strategies to Mitigate Land Conflicts
Maxie J. Muwonge
- Drama Festivals: A Tool for Peace Education in Nairobi Secondary Schools
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Articles and case analysis—critical case studies or thematic discussion and analysis of topical peace and conflict themes (7,000 words maximum, including endnotes; abstract, 150 words or less).

Briefings/practice—training or intervention strategies, outcomes and impacts, policy review and analysis, country situational updates, and so on (2,000 words maximum).

Book reviews—critical assessments of new books that integrate peace and conflict concerns (1,500 words maximum).

Resources—reports, upcoming conferences and workshops, notices of new books and videos, e-communications, and Web sites that link peace and conflict studies (150 words maximum); documents, declarations, communiqués, and other relevant nongovernmental or multilateral organizational statements (1,000 words maximum).

The editors will consider only material that meets the following requirements:

- Submissions must be original and not under consideration for publication by another journal or organization or have been published previously.
- Submissions should be prepared in word-processing software, preferably Microsoft Word 6 or later.
- For notes and references, use the short-title system (not the author-date system) as per *Butcher's Copy-editing: The Cambridge Handbook for Editors, Copy-editors and Proofreaders*, 4th edn (2006).

Include full name; brief bio(s) with institutional affiliation of author(s); and contact details, including mailing address and telephone number.

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Guest Editor's Note: Holistic Peacebuilding in Africa

This issue of the *Africa Peace and Conflict Journal* demonstrates that peace is not a one-dimensional phenomenon, built alone by one person or based entirely on a single aspect of human relations. Just as conflict is complex—involving individuals and groups, grassroots and leadership, economic and identity dynamics, historical and future visions, and everything in between—peacebuilding as well engages the myriad of human experience.

Holistic peacebuilding acknowledges the psychology, sociology, anthropology, political, international, legal, communications, and human rights components of conflict and peace. The articles in this issue collectively represent various dimensions of holistic peacebuilding, presenting perspectives by experts in African conflict analysis and scholars of conflict resolution practices in Africa. They touch on the varied elements of peacebuilding, including human security, arts, education, judicial systems, reintegration of combatants, grassroots communities, and economics.

The variety of the approaches represented here is connected by a common thread: no one approach by itself holds the solution to protracted conflict. Education and youth programs are only possible where human security supports physical survival. Forgiveness and reconciliation cannot be divorced from reasonably open economic opportunity for all. Elders within communities carry a weight that national courts might not within the grassroots context, while national courts have influence far beyond the localized role of community elders. Peacebuilding takes more than a village; it takes a village and a court and a school and an arts program and many, many more multifaceted components for building relationships, structures, and processes of peace.

In conflict systems, lasting social change depends on a host of dynamics, all shifting in a holistic manner. Some conflicts may have feedback loops that encourage conflict to recur even when the initial triggers are ameliorated. Indeed, as illustrated in the studies that follow, starting with the goal of working on one aspect of a conflict system will inevitably uncover other, interrelated aspects of the system. When one studies the components of peace or puts into practice discrete elements of a peace process, these parts have import only in the context of the whole.

Human security is clearly a multifaceted phenomenon. In this issue of APCJ, Maxie Muwonge considers how to promote human security for the Karimojong of north-eastern Uganda. For these nomadic pastoralists, human security and peace requires four interrelated elements: strengthening the cultural institutions that regulate land use within their community; improving joint planning between themselves and their neighbors; mediating land conflicts through local leaders; and improving education and communication about natural resource usage. Holistic peacebuilding can improve human security through mutually reinforcing cultural institutions, education, and communication. None of these areas are fully separable from the others.

Peace education provides a microcosm of holistic peacebuilding. As Njageh Ann Rita Karimi explains, the so-called extra-curricular, or non-formal, parts of education

are integral to peace education. The content in non-formal education can be tailored to emphasize peace building, and the processes of non-formal education can be employed to teach peaceful processes. Karimi evaluates drama festivals' role in peace education in four Nairobi area schools. She finds that the content of some of the performances and activities encourages examination of problem areas and the need for unity, peaceful approaches, and interethnic tolerance. The drama festivals attract a wide variety of participants and audience members, unifying them through their roles in making the festivals possible and experiencing them as well. The impact of drama festivals on peace is multifaceted, working through teaching peaceful content lessons and teaching inclusive peaceful processes.

Awodola Bosede explains that efforts to reintegrate former child soldiers in Liberia can benefit particularly from programs implemented by local nongovernmental organizations (NGOs). Bosede's analysis shows that the sociocultural knowledge of local NGOs makes them more effective than international NGOs in holistically meeting the variety of needs of young ex-combatants. The dynamic of large-scale international funding cycles, however, ensures the positioning of international NGOs as primary leaders of programming, with local NGOs relegated to smaller, implementation roles and often without adequate financial resourcing. The broader international aid system will need to change in some way if local NGOs are to play a more effective role in aiding former child soldiers (and others). No amount of improving the operations of local NGOs through individual evaluations will bring about large-scale improvements if there is no adjustment to the funding and implementation dynamics. Again, the various parts of the peace process shape and are shaped by each other.

In considering the differing aims of the International Criminal Court and the provisions of the comprehensive peace agreement in northern Uganda, Michael Bartlett argues for complementarity of multiple approaches. Rather than embracing either of the extremes of punishment or non-punitive reconciliation, Bartlett argues for incorporating the strengths of both. Application of international law in a locally relevant way would allow for justice as well as peace. Bartlett suggests that in the case of northern Uganda, this would permit, for example, peaceful surrender and participation in local reconciliation rituals to be considered in meting out sentences. Holistic peacebuilding requires creative approaches, in this situation involving complementarity, to reconcile seemingly contradictory dynamics that offer different paths to peace.

Sylvester Bongani Maphosa's analysis of the Centre Ubuntu in Burundi focuses on community group efforts to build peace from the bottom up. Examining such grassroots efforts, or those working through elders, almost inevitably leads to having to take into account the work of other groups, as well. The same sort of complementarity Michael Bartlett describes between fundamental approaches to peace can also be found in the complementarity between bottom-up peacebuilding efforts and the national and international actors with whom they coordinate. Thus, holistic peacebuilding engages complementarity and coordination of multiple interveners. Social bonding, bridging, and linking build the social capital that allows such multifaceted, coordinated planning.

Economic capital cannot be overlooked in complex conflict systems. Charles Okello Ayai analyzes the potential for the recurrence of violent conflict in northern Uganda based on scenarios of more or less economic growth and development. He demon-

strates that poor household economic status leads to an increased likelihood of conflict recurrence, but that vigorous economic development measures will increase household economic status and thereby lower the prospects of a recurrence of conflict.

In the first briefing in this issue, Esibo Omaada describes the complex relationships between land tenure systems and conflict in the Teso region of Uganda. The holistic relationship of environmental security and human security emerges as an important factor in Omaada's exploration of tensions between customary, mailo, leasehold, and freehold land tenure approaches. The communal, stewardship approach of customary land tenure practices acknowledges the social, cultural, and environmental needs in the Teso region, but is being challenged in many ways as large tracts of land are converted to individual, titled holdings.

Olajumoke Yacob-Haliso exposes the problems displaced women face in camps where they are in theory supposed to receive protection. Whether insecurity in such camps results from inadequate access to basics needed for survival or from rape, forced sterilization, or other gender-based violence, a strong case is made for implementing measures that will truly provide women security in camp settings. The adjustments will need to be multifaceted to address the range of issues contributing to women's insecurity in supposedly safe camp environments.

The book reviews in this issue involve publications that build on the theme of holistic peacebuilding. Maneshka Eliatamby reviews *Peace and Conflict in Africa*, edited by David J. Francis, whose emphasis on the need to "dehomogenize" conflict in Africa underlines the diversity of strands complicating conflict on the continent. Eliatamby usefully introduces the variety of voices and arguments presented in the volume. Martha Mutisi reviews Dambisa Moyo's *Dead Aid: Why Aid Is Not Working and How There Is a Better Way for Africa*. Mutisi points out that Moyo's focus on market forces alone neglects the human, political, and social aspects of development. Mutisi's analysis suggests an appreciation of the strong critique of development that Moyo raises, but also proffers the possibility of more nuanced solutions than Moyo's exclusively economic approach of eradicating aid entirely.

The contributions in this issue of APCJ present the many faces of holistic peacebuilding in Africa today. They offer hope that although one catch-all solution remains elusive, concerted efforts that bring together or combine the strengths of many approaches will advance peacebuilding.

Susan Allen Nan

Assistant Professor

Institute for Conflict Analysis and Resolution

George Mason University



From the Managing Editor

Welcome to another issue of the *Africa Peace and Conflict Journal*. The UPEACE Africa Programme continues to enjoy the support of the International Development Research Centre (IDRC) in carrying out various projects, including publication of APCJ. The second volume of the journal would not have been possible without the generous contributions of IDRC through its Nairobi office. We are grateful for its support.

In late 2007, the UPEACE Africa Programme entered into a partnership with IDRC to build peace research capacity in East Africa. One of the core components of this partnership is support for the publication of research articles by participants in the capacity-building programme. APCJ, which was already in the final planning stages, became the platform through which such research can be shared. Over the years, the partnership has taken on other dimensions, with IDRC offering support for the Africa Programme's doctoral fellowship programme.

This issue of APCJ highlights contributions by beneficiaries of grants through Peace Research Capacity Building in Africa, the IDRC-supported project. All but one of the articles are written by junior scholars who have participated and benefitted from the Peace Research Training Programme, organized and managed by the UPEACE Africa Programme. This is an exciting moment in our quest to build a network of practitioners in peace, conflict, and development studies in Africa. What the authors in this issue demonstrate is that Africa stands to gain immensely from partnerships built on mutual trust and understanding. The IDRC–UPEACE Africa Programme partnership is itself an example of how relationships built on such a foundation can yield fruits that will benefit generations.

Articles received from the participants of the training programme were put through the same review process as those in previously published issues of APCJ. The level of scholarship is of a high quality, and we hope that this process of developing peace capacities will continue into the future. Maintaining scholarly standards will provide strong added value to the discourse on issues of concern and the linking of theory, research, and praxis.

In this issue, a “calabash” of themes and approaches is covered, ranging from quantitative probit analysis of the recurrence of conflict to qualitative, descriptive case studies of peace education through drama festivals and building the capacity for peace within communities. Susan Allen Nan, a professor at the Institute for Conflict Analysis and Resolution, George Mason University, in Fairfax, Virginia, provides informative descriptions of these and other articles in her “Guest Editor's Note.” I would like to thank Professor Nan, who is also a member of the APCJ editorial board, for her contribution to this and other issues of APCJ. Our efforts continue apace to reach practitioners, researchers, academics, and policymakers around the world, especially in Africa.

Tony Karbo



Promoting Human Security and Peace in the Pastoral Karimojong Communities in Uganda: Systems and Strategies to Mitigate Land Conflicts

Maxie J. Muwonge

The Karimojong are agro-pastoralists in the Karamoja region of Uganda who mainly move about in search of grazing land and water for their cattle. An ethnographic case study of them found that eminent land use and control issues had led to conflict fault lines within the Karimojong communities and with those in the neighboring Acholi and Teso regions. These conflicts affect the realization of the Karimojongs' non-negotiable needs of security and of development. A template based on this ethnographic study of the Karimojongs' needs, experiences, and knowledge systems can be used to inform policies and interventions aimed at facilitating effective responses to the emerging land use and control challenges that are increasingly threatening human security and peace in their Karamoja region.

THE LITERATURE ON LAND TENURE IS ONE OF THE LARGEST, but also one of the poorest, in the social and legal sciences.¹ Extensive studies have been conducted of pastoralist regions in East Africa to assess land reform initiatives and take steps to codify customary landholding systems, develop new land policies, and implement registration systems.² Overlooked, however, have been the indigenous systems, strategies, and practices for land conflict mitigation of the indigenous Karimojong pastoralist communities in northeastern Uganda. Responses promoted to improve the Karimojongs' land use and control have tended to be prescriptive rather than consultative in nature, addressing symptoms rather than the underlying land-related human security concerns of the community. Understanding the Karimojongs' rich cultural diversity, experiences, and knowledge systems is vital for any attempt aimed at dealing with their

1. P. Bohannon and L. Bohannon, *Tiv Economy* (London, Longmans, 1968), 12.

2. R. Downs and S. Reyna (eds.), *Land and Society in Contemporary Africa* (Hanover, University Press of New England for the University of New Hampshire, 1988), 8.

Maxie J. Muwonge is field coordinator for the International Organization for Migration in the Karamoja region. He is grateful to B. T. Costantinos, the University for Peace Africa Programme, and the International Development Research Centre for their assistance in producing this article.

problems involving land use and control. An ethnographic research study conducted from 1 February to 10 June 2009 made such an effort and concluded that any solution must entail promoting human security and peace and addressing the pastoralists' rights to their land.³

Guided by conflict resolution and human security theories as well as human need, the study observed that the Karimojong interclan conflicts and tensions between the Karimojong and their neighbors are evidence of their continuous struggle at all levels of society to satisfy their primordial and universal needs. Although the Karimojong consist of several tribes, they have similar customs and ethics that rely on the wisdom councils of elders and diviners as respected structures for conflict resolution and tribal cohesion.⁴ The potential of these structures needs to be enhanced to enable effective responses to issues arising from land use and control.

Land is undoubtedly among the most essential resources of development for a defined group or community, providing them living space and perhaps supporting livestock and agriculture and generating capital.⁵ Land as a traded commercial asset is a critical factor of production. As an essential pillar of national patrimony, it is a key factor in shaping individual and collective identities, and thus cultural expressions and idioms, including spirituality and aesthetic values. Being an asset, land is thus also often an issue of contention.

In today's world, pressures on land remain a real threat to pastoralists. Those who live in close proximity to agricultural communities continue to face challenges on their territory. They are sometimes displaced as a result of political expediency or ill-conceived tenure practices.⁶ According to R. E. Downs and S. P. Reyna, access to land has become increasingly restricted and insecure in Africa.⁷ A growing body of research supports their observations, revealing an increase in competition and conflict over land, deepening rifts between and within kin-based, ethnic, and regional groups, and the expropriation of land by local and non-local actors. For example, the material base of pastoralism in Ethiopia, Kenya, Tanzania, and Uganda has been thoroughly eroded, an act that does not occur in isolation, but in tandem with conflict, disease, drought, famine, and climatic change.⁸

Pastoralism is a culture, a way of life, and an ancient mode of mobile livestock production. It has reached a critical point due to the lingering effects of colonialism, the results of independence struggles, and the contemporary introduction of conserva-

3. Ethnography looks at people as meaning makers and emphasizes understanding how they interpret their worlds. It takes into consideration the need to understand the particular cultural worlds in which people live and in which they construct and utilize meaning. Somekh Bridget and Cathy Lewin (eds.), *Research Methods in the Social Sciences* (London, SAGE Publications, 2005).

4. The Karimojong tribes include the Bokora, Dodoth, IK, Jie, Kyekwi, Pian, Pokot, Labwor, and Matheniko.

5. J. Swift, *Major Issues in Pastoral Development with Special Emphasis on Selected African Countries* (Rome, Food and Agriculture Organization, 1988).

6. B. D. Ogallo, 'The legal regime and the peasantry: The case of land tenure reform in Kenya' (Ph.D. diss., University of Nairobi, Kenya, 2006), 18.

7. Downs and Reyna, *Land and Society*.

8. V. R. Squire, 'Sustainable development: a dream or an economic and environmental imperative?' in V. Squire and A. Sidahmed (eds.), *Drylands: Sustainable Use of Range Lands into the Twenty-First Century* (Rome, International Fund for Agricultural Development, 1998).

tion (to which pastoralism often loses), the promotion of agriculture, a lack of recognition of the pastoralist lifestyle, politics, conflict, and dispossession.⁹ It is currently accepted that land is a factor over which pastoralists have no control, but more efforts should target changing this situation.¹⁰

METHODOLOGY

This qualitative study uses an ethnographic case study approach for a detailed and in-depth inquiry and analysis of Karimojong lifestyles, experiences, and approaches to dealing with conflicts related to their ownership, use, and control of land. It is based on the understanding of ethnography as an approach to studying people within their own setting—that is, in their ‘natural habitat’ as opposed to the ‘unnatural’ environment of, for instance, an institution or laboratory.¹¹ An insider’s perspective of ethnography explains the way the Karimojong perceive their world, and an outsider’s perspective looks at the way others perceive and interpret the Karimojongs’ behaviors and phenomena associated with their culture and systems of livelihood. The study includes views of Karimojong and others from Abim, Kampala, and Kotido districts.

Both secondary and primary data were used in compiling the findings of this study. Secondary data were obtained from government of Uganda sources, such as the 1995 constitution, the Uganda Land Act of 1998 (under Chapter 227), the Karamoja Integrated Disarmament and Development Programme, and the draft Uganda National Land Policy of 2008. Studies on land issues from resource centres at the Makerere University Peace and Conflict Studies Programme, the Land Equity Movement, the Refugee Law Project, and Jamii Ya Kupatanish provided additional insight. Research reports and scholarly papers focusing on land matters were obtained from the International Development Research Centre Web site. The secondary information provided a platform for analysing the implications of the various policies and interventions involving land use and control, along with the related conflicts in Karamoja and neighboring regions.

Primary data were obtained through interviews, focus group discussions, sector coordination meetings, and personal observations.¹² In Kampala, three face-to-face interviews were conducted with officials from the Ministry of Lands, the Land Equity Movement, and the African Leadership Institute. These sources offered perspectives into the various land tenure systems in Uganda and land stakeholders in Karamoja, including the government of Uganda. Such concerns as gazetting the allocation of Karamoja land for wildlife, game reserves, state prisons, and security corridors separating the various Karimojong tribes and their neighbors were also discussed.

9. John Markakis, ‘Pastoralism on the margin’, Minority Rights Group International, London, 2004, www.minorityrights.org/download.php?id=149.

10. H. W. O. Okoth-Ogendo, ‘The tragic African commons: A century of expropriation, suppression and subversion’, Programme for Land and Agrarian Studies, University of the Western Cape, Cape Town, 2002, www.plaas.org.za/search?SearchableText=tragic.

11. Erin McCandless and Abdul Karim Bangura, *Peace Research for Africa: Critical Essays on Methodology* (Addis Ababa, University for Peace Africa Programme, 2007).

12. This researcher, in his capacity as the Karamoja field coordinator for the International Organization for Migration (IOM), attended monthly Karamoja sector coordination meetings in Kotido and Abim.

The lead researcher and two research assistants conducted three focus group discussions at Kacheri and Rengen (in Kotido district) and Lotukei (in Abim district). The majority Jie of the Karimojong tribe practice nomadic pastoralism in Kacheri and Rengen, while Lotukei is populated by members of the Labwor tribe, who primarily practice farming. Discussions with elders, youth, and women's groups in these areas revealed the various land use and control systems of the Jie and Labwor as well as the challenges and conflicts arising from use of the land for nomadic pastoralism and crop cultivation. This information provided data that informed the proposed mitigation framework.

Primary data were also obtained from UN agencies and international nongovernmental organizations (INGO) during monthly coordination meetings in Kotido and Abim districts (from February through April 2009).¹³ In these meetings, interventions supporting the Karimojongs' livelihood, food security, land use, and livestock were analysed. Incidents of insecurity related to the pastoralist lifestyle and intratribal and intertribal cattle raids were reported along with their implications for the general development of the region. Best practices, opportunities, challenges, and lessons learned informed the proposed mitigation framework, as did what outsiders perceive as the Karimojong lifestyle. The lead researcher was a field staff member based in Kotido district, where as a participant observer he recorded the various practices used by the Karimojong to adjust and cope with challenges to their livelihood.

THE KARIMOJONG PASTORALISTS

The pastoralists are said to be the 'aborigines' of the East African plains, which is believed to be the cradle of humankind.¹⁴ They have lived for centuries on these dry lands, having developed a livelihood based on raising livestock. According to some scholars, this development took place at least 4,000 years ago.¹⁵ The Karamoja region covers an area of 27,000 square kilometres and comprises 10 percent of Uganda.¹⁶ Nomadic pastoralism is the main and only viable economic activity in the area and the main source of livelihood because of the arid and semiarid conditions. Despite this, 36 percent of Karamoja land was gazetted as protected areas for Kidepo Valley National Park and forest reserves under the National Parks Act of 1964 (under Chapter 227). Grazing, settlement, and cultivation were prohibited in these areas, although these restrictions are not currently enforced in all Karamoja areas.¹⁷ The disparity between the availability of pasture and water and demand for them makes natural resource-based conflicts inevitable in the region.¹⁸ The cattle and human

13. The UN agencies included Food and Agriculture Organization (FAO), World Food Programme (WFP), Office for the Coordination of Humanitarian Affairs (OCHA), and Office of the High Commissioner for Human Rights (OHCHR); among the INGOs were Mercy Corps, Oxfam, and IOM.

14. I. Lenaola, H. H. Jenner, and T. Wichert, 'Land tenure in pastoral land' in Calestous Juma and J. B. Ojwang (eds.), *In Land We Trust* (Nairobi and London, Initiative Publishers and Zed Books, 1996), 247.

15. Ibid.

16. Sandra Josephine Ayoo, 'Karamoja programme desk review', Oxfam Uganda Report, December 1999.

17. W. Kisamba-Mugerwa, 'The impact of individualization on common grazing land resources in Uganda' (Ph.D. diss., Makerere University, 1995).

18. M. Halderman et al., *Assessment and Programmatic Recommendations: Addressing Pastoralists Conflicts in the Karamoja Cluster of Kenya, Uganda and Sudan* (Washington, D.C., Management Systems International, 2002).

populations are on the rise, creating more pressure and competition for access to existing natural resources, particularly pasture lands and water. Several studies have asserted that violent cattle raids are perhaps the main manifestation of conflict and sociocultural fissures in the area.¹⁹

The Karimojong view the cow as a symbol of wealth and status, which is perhaps what encourages the cattle raids that sustain conflict and insecurity in the area.²⁰ The emergence of a gun culture appears to have exacerbated such raids. The proliferation of guns in Karamoja, especially since the end of the 1970s,²¹ has become the most important factor affecting the region and its people.²² Because of the remoteness of the area, the rugged terrain, underdeveloped infrastructure, and the migratory nature of pastoralists, the security sector struggles to contain gun-related violence in the region.²³ The colonial policies of gazetted Karimojong land—thus hindering their access, use, and control of grazing land—motivated them to acquire arms and counter colonial authority. The ongoing, contemporary gun culture in the region is to a certain extent a result of subsequent Ugandan governments' failure to reverse the perceived historical marginalization of the Karamoja region in the provision of services and protection of Karimojong interests in their natural resources and wealth (cattle).

LAND MANAGEMENT REGIMES

In precolonial Karamoja, access to land resources was governed by a complex network of reciprocal bonds within families, lineages, and larger social units. The primary function of these entities was to protect and guarantee individual and community rights as prescribed by custom.²⁴ Land belonged to the community as a corporate entity; political organs did not control the territory or exploit its resources.²⁵ During the colonial period, a major land management reform took place after the signing of the Uganda Agreement of 1900.²⁶ Herein, customary land tenure was not recognized as giving secure rights to those occupying Mailo land.²⁷ The Ordinance of 1903, concerning Crown lands, made it clear that persons occupying land under customary tenure were not regarded as having owned the land. All land was expressly declared Crown land, and all land users became, at the stroke of a pen, tenants of the British Crown.²⁸ The

19. Michael D. Quam, 'Creating peace in an armed society: Karamoja Uganda, 1996', *African Studies Quarterly: The Online Journal for African Studies*, www.africa.ufl.edu/asq/v1/1/3.htm.

20. 'The Karamoja conflict: Origins, impact and solutions. Oxfam Karamoja conflict study—A report', www.oxfam.org.uk/resources/learning/pastoralism/resources.html, 2003.

21. Ibid. In 1979, following the collapse of the Idi Amin regime, the Karimojong looted barracks and other government armories.

22. Emunyu Ocan Charles, 'Pastoral crisis in north-eastern Uganda: The changing significance of cattle raids', Center for Basic Research Working Paper no. 22, 1999, 10.

23. W. Kisamba-Mugerwa and R. Barrows, 'Land tenure and agricultural development in Uganda', Makerere Institute of Social Research and Land Tenure Centre, Madison, 1989.

24. Nasani Batungi, *Land Reforms in Uganda: Towards a Harmonized Tenure System* (Kampala, Fountain Publishers, 2008).

25. R. W. James, *Land Tenure and Policy in Tanzania* (Toronto, University of Toronto Press, 1971).

26. The 1900 agreement, about land and governance, was between the British government and the Kingdom of Buganda, one component of the modern state of Uganda.

27. Mailo land was the name given to the land granted to the Buganda chiefs under the 1900 agreement.

28. Kisamba-Mugerwa and Barrows, 'Land tenure and agricultural development'.

colonial government then proceeded to grant a limited number of freehold estates to selected individuals and corporations. Even the territorial customary land, which in Karamoja was communally held by pastoralists, fell under effective occupation.²⁹ The colonial government in the Uganda protectorate lacked a plan of action for using the arid land of Karamoja. The area, however, offered significant opportunity for trade in ivory and slaves by Arabs, Greeks, and Abyssinians (Ethiopians).³⁰

The colonial state policy gazetted and appropriated large parts of the pastoralists' communal lands. This triggered conflict between the pastoralists and the state and contributed to the strong impulse among pastoralists to acquire firearms to match or counter state violence.³¹ Karamoja was declared a closed zone and placed under martial law in November 1911, at which point the colonial administration was able to plunder and repress the local residents at will.³² At the outbreak of the World War II, Britain recruited heavily among the Karimojong and the Turkana ethnic communities because of their ethno-military culture.³³ The Karimojong served with distinction as guards (*askari*) for the Kings African Rifles during military campaigns conducted in Africa and Asia.³⁴ It is therefore probably safe to assume that for postcolonial raids, the Karimojong used the weapons and skills they obtained during the colonial wars. The effects of the colonial regime on the traditional pastoralist society encompassed the following:

Loss of land and other natural resources leading to instability and impoverishment; violent conflicts among neighbouring communities over scarce resources; insecure land tenure in pastoral areas; alienation through process of adjudication and registration, which continue to threaten survival of pastoralists and other natural resource-dependants like hunters and gatherers; population pressure on high potential areas encouraging in-migration in pastoral areas; commoditization of land, i.e., drawing land into market economy.³⁵

The postcolonial regimes in Uganda did not improve matters for the Karimojong. In 1975 the government of President Idi Amin issued the Land Reform Decree, initiating major reform without public debate or prior warning. The measure declared all land in Uganda to be public, held in trust for the people and administered by the Uganda Land Commission.³⁶ For the Karimojong, this implied that they were tenants of the state, and the land they used could be appropriated at any time without notice. The Land Reform Decree, though not fully implemented, remained on the books until

29. Batungi, *Land Reforms*, 9.

30. C. P. Welch, 'Pastoralists and administrators in conflict: A study of Karamoja district, 1897–1968' (M.A. thesis, University of East Africa, 1969).

31. Peter Adwok Nyaba and Peter Otim, 'Conflicts in pastoral areas along borders: The Kenya, Uganda and Sudan', CEWARN Consultancy Report, FEWER, London, 2001.

32. Mahmood Mamdani, P. M. B. Kasoma, and A. B. Katende, 'Karamoja: Ecology and History', Centre for Basic Research Working Paper no. 22, Kampala, 2004.

33. Nene Mburu, 'The proliferation of guns and rustling in Karamoja and Turkana districts: The case for appropriate disarmament strategies', www.peacestudiesjournal.org.uk/dl/Guns.pdf.

34. Ibid.

35. H. W. O. Okoth-Ogendo, *Tenants of the Crown: Evolution of Agrarian Law and Institutions in Kenya* (Nairobi, ACTS Press, 1991), 11.

36. Ministry of Lands, Housing and Urban Development, National Land Policy, draft 3, chap. 1, cl. (12), 2007.

1995, when a new constitution that affected the tenure systems and tenure security was enacted. The current land tenure provisions, introduced by the 1995 constitution, were made operational by the Land Act of 1998.³⁷

The 1995 constitution holds that land in Uganda belongs to the citizens and sets out the various land tenure systems: customary land tenure, freehold tenure, leasehold tenure, and Mailo tenure.³⁸ It also introduced a new system of land administration consisting of land boards in every district. The Uganda Land Commission remained in place, but the 1995 constitution made clear that district land boards were to operate independently of the commission. However, the boards were expected to take account of national and district council policies.³⁹ Parliament would provide for the establishment of tribunals.⁴⁰

The land tribunals were charged with settling disputes concerning the grant, lease, repossession, transfer, or acquisition of land by individuals, the Uganda Land Commission or other authority with responsibility relating to land, and the determination of any disputes relating to the amount of compensation to be paid for land acquired.⁴¹ The biggest hurdle for the promulgators of the above systems was the absence of precedents and the capacity to effectively implement the proposed land management framework, especially in the Karimojong communities. The Land Act of 1998 said nothing of the need to protect the pastoralists' rights to land, but proposed the formation of Communal Land Associations (CLAs) and Common Land Management Schemes (CLMS) for communal ownership and management of land whether under customary law or otherwise.⁴² Regardless, none of these structures have been supported by the government, even in areas like Karamoja, where they would go a long way toward securing the rights of communities to vital grazing resources and mineral rights. The mitigation framework proposed by this study provides an insight into how the Land Act could be enforced to realise the protection of land rights for the Karimojong.

PEACE THEORETICAL LINKAGES AND HUMAN SECURITY

The human needs theory holds that humans have basic needs that must be met in order to maintain stable societies.⁴³ This theory provides a framework for examining the environmental and human-crafted conflicts in Karamoja in that human participants in conflict situations are compulsively struggling in their respective institutional

37. N. Bazaara, 'Land policy and the evolving forms of land tenure in Masindi district' in M. Mamdani and J. Oloka-Onyango (eds.), *Uganda: Studies in Living Conditions, Popular Movements and Constitutionalism* (Kampala, JEP and Centre for Basic Research, 1994).

38. Constitution of the Republic of Uganda, chap. 15, art. 237 (1) and art. 237 (3).

39. Joy M. B. Tukahirwa, 'Policies, people and land use change in Uganda: A case study in Ntungamo, Lake Mburo and Sango-Bay sites', Land Use Change Impact and Dynamics (LUCID) Working Paper 17, Nairobi, International Livestock Research Institute, 2002.

40. Batungi, *Land Reforms*, 78.

41. Constitution of Uganda, arts. 239, 240 and 241.

42. Uganda Land Act, 1998 (Cap. 227), sec. 16.

43. John Burton, 'Conflict resolution as a political system' in Vamik Volkan et al. (eds.), *The Psychodynamics of International Relationships*, vol. 2, *Unofficial Diplomacy at Work* (Lexington, Mass., Lexington Books, 1991).

environments at all social levels to satisfy primordial and universal needs, such as security, identity, recognition, and development.⁴⁴ It also offers an explanation of the ongoing gun-related conflicts in Karamoja as a struggle by the Karimojong to gain control of their environment and resources to satisfy their non-negotiable needs derived from land use.

The study uses conflict resolution theory to correlate the causes of and responses to conflict in the Karamoja region and neighboring lands. The theory emphasizes that the solution to conflict must be the ability to create an environment in which human needs can be met by all segments of societies. Conflict resolution theory also proposes that individuals, as members of their identity groups, will attempt to meet their needs within their environment. If individuals are obstructed in this pursuit by elites, other identity groups, institutions, or authorities, conflict is inevitable.⁴⁵ The theory further supposes that the only solution is for groups to work through their problems in an analytical way, supported by third parties who act as facilitators, not authorities. This is particularly relevant when the conflict is over needs, which cannot be negotiated, and not material interests, which can be negotiated. The human needs theory and the conflict resolution theory intersect to help explain the land and natural resources use fault line within pastoralist communities as well as finding suitable interventions for their redress.

This study relies on the final report of the UN Commission on Human Security to inform the proposed template for mitigating conflicts related to land use and control in Karamoja.⁴⁶ Like the human needs and conflict resolution theories, the commission's interpretation of human security revolves around the protection of people, working with them to meet their non-negotiable needs, and their centrality as actors in finding durable solutions to conflict situations in which they are involved. The commission's report states that human security encapsulates protecting people from critical and pervasive threats and situations, building on their strengths and aspirations. It also asserts that human security means creating systems that provide people the building blocks of survival, dignity, and livelihood.⁴⁷

The commission report further notes that human security involves different types of freedoms—from want, from fear, and to act on one's behalf. In the case of the Karimojong, there have been attempts to respond to their needs through emergency humanitarian assistance, providing food, water, and improved health services. There are, however, serious shortcomings regarding the indicators of freedom from fear, such as appropriate systems for conflict prevention, conflict resolution, and peace-building, especially in response to disarmament and interclan and cross-border raids. The Office of the High Commissioner for Human Rights indicates that the government's disarmament approach of 'cordon and search' has resulted in human rights

44. Ibid.

45. Ibid.

46. Commission on Human Security, 'Final report of the Commission on Human Security', 2003, www.humansecurity-chs.org/finalreport.

47. By any measure, the colonial and postcolonial regimes did not honour the Karimojongs' concerns about protection and human security. Indeed, the independence government of Uganda passed the 1964 Administration of Justice Act (or Karamoja Act), which jettisoned the normally strict rules on the admissibility of evidence, placed sole discretion in the hands of a single judge, and overturned the time-honoured legal principle of a presumption of innocence in cases in the Karamoja region.

abuses. Those suspected of having guns are taken to military barracks for long periods of detention; some succumb to death as a result of the harsh treatment received at the hands of the army.⁴⁸

The indicators of freedom from want—such as poverty, service delivery, diseases, and inequality indicators—are in Uganda at their worst levels in Karamoja. The primary school enrolment rate in Kotido is 46.9 percent, making Kotido 76th out of 80 districts in Uganda.⁴⁹ Only 7 percent of children complete primary schools in Kotido.⁵⁰ This is probably due to the pastoralist lifestyle, which means that children are often removed from school, and reflects the communities' attitude towards education. Adult literacy in Karamoja is around 10 percent, with overall literacy at 14.3 percent, the lowest in Uganda. The 35 percent enrolment rate for girls in primary schools places Karamoja well below the national mean enrolment rate of 87 percent.⁵¹ Karamoja has the highest human poverty index (HPI) in Uganda, with Kotido at 53.8 percent, compared to the national average of 37.5 percent, the central region at 31.5 percent, the northern region at 46.1 percent, the western region at 39.0 percent, and the eastern region at 37.1 percent. The welfare, living conditions, and quality of life of the people in Karamoja have declined considerably due to a combination of factors, including the harsh climate, insecurity, marginalization, illiteracy, and poor infrastructure. Karamoja has the lowest human development index (HDI) rating, with Kotido at 0.194 as compared to an average of 0.4491 for all of Uganda.⁵² In line with human security, apparently there is little protection and empowerment to shield the Karimojong communities from the dangers and stresses caused by the absence of responses to their needs.

CONFLICTS RELATED TO LAND USE AND CONTROL

Land is an ethno-geographical differential element that defines and distinguishes communities. The ethnographic approach was adopted for this case study to capture the ethos and emotional values affecting land use and control of the Karimojong pastoralists as customary land users whose entire tribal membership is vested in their land. Issues of land control and use are as much about the structure of social and cultural relations as they are about access to livelihoods.⁵³

The Pastoralist Lifestyle, No Man's Land, and Protective Kraals

Kotido district suffers from persistent drought, which has affected agricultural productivity and food security, making communities there vulnerable. The harsh climatic

48. Interview, programme assistant, UN Office of the High Commissioner for Human Rights, Kotido suboffice, 11 April 2009.

49. Ministry of Education and Sports, annual report, 2007/2008.

50. Interaction with Lilly Nachan, district community development officer, Kotido, 20 May 2009.

51. UN Office for the Coordination of Humanitarian Affairs, 'Situation report no. 1: Focus on Karamoja', 1 January–30 April 2008.

52. 'Angering Akujū: Survival and suffering in Karamoja. A report on livelihoods and human security in the Karamoja region of Uganda', Feinstein International Center, Tufts University, 2007, www.scribd.com/doc/2093578/Angering-AkujuSurvival-and-Suffering-in-Karamoja.

53. *Report of the Mission on Land Consolidation and Registration in Kenya* (London, 1996).

conditions have forced residents to adopt their primarily nomadic, pastoralist lifestyle.⁵⁴ The prevailing environment determines their grazing patterns and involves leaving some areas untouched during the wet season so they can recover and provide grazing during the dry season.⁵⁵ During long droughts, pastoralists cross into other districts and regions, including Acholi and Teso, in search of pastures and water. In July, August, and September 2008, some 2,000 Karimojong left Kacheri, in Kotido district, for the neighboring Acholi districts of Pader and Kitgum in search of food, water, and pasture. More than 1,000 Karimojong were thought to have left Rengen, also in Kotido district, during the same three months.⁵⁶ In Adilang, in Pader district where some of the Karimojong migrated, the communities abandoned tending cattle because of incessant violent raids by armed Karimojong *karacuna* (young warriors).

Attempted entries by starving Karimojongs and their cattle to graze in Acholi and Teso territory often leads to confrontation.⁵⁷ The 36 percent of the Karimojong lands gazetted by the Uganda government into forest land, wetland, and game reserves could have provided land for grazing and thus limited the number of pastoralists crossing into neighboring regions.⁵⁸

Some Karimojong tribes are now becoming crop cultivators. In Lotukei, in Abim district, the Labwor community has settled in green, fertile areas and with support from development partners has primed them for cultivation. In response to chronic food insecurity in the region, field schools have been started to teach communities better farming practices for growing various traditional crops, like sorghum and maize, and others, like cassava.⁵⁹ The Kapeta river belt inhabited by the Jie tribe in Kacheri has attracted communities for settlement and transformation into cultivators.⁶⁰ In Lobanya parish, 861 disarmed Jie warriors and other community members who lost their cattle through raids have settled in the fertile Kapeta river belt and begun small, household cultivation.⁶¹

Some pastoralists opted for alternative livelihoods after realizing that raising cattle might bring upon them increasing amounts of violence and raids. Of note, however, this same fertile river belt where some have settled is also seasonally used for grazing and water by the pastoralist Jies. Unclear land use and control systems in the region have led some cultivators to lose their crops to pastoralists grazing their animals in their fields. In some instances, cultivators have found themselves in the crossfire of government soldiers and armed cattle raiders and smugglers.⁶² In responding to such

54. District Disaster Management Committee report, January 2009; 'Kotido district contingency plan 2009', drafted by the local government.

55. Interview, Paul Emuria, head of the Food and Agriculture Organization suboffice, Kotido, 16 February 2009.

56. Kotido district Inter-Agency Rapid Assessment, September–October 2008. This author, at the time working with the International Organization for Migration, assisted in conducting the assessment along with representatives of FAO, OCHA, OHCHR, WFP, resident political commissioners (appointed by the president in every district), office and community development officers, a district agricultural officer, the police, local councilors, and sub-county chiefs.

57. Interview, district counselor, Kotido, 25 March 2009.

58. Focus group discussion with elders, Kacheri, 17 February 2009.

59. Interview, Paul Emuria, 2009.

60. Researcher's observation and interaction with a community member, Kacheri, 21 May 2009.

61. Ibid.

62. Ibid.

conflicts related to land use and control, the mitigation framework proposed here recommends that Karimojong elders take a leading role in land allocation and mediation between agro-based and pastoralist groups.

To prevent Karimojong intertribal and cross-border movements to Acholi and Teso, the government of Uganda deployed paramilitary units within security belts referred to as no man's land.⁶³ These units not only regulated the movement of the Karimojong but also recovered cattle raided by warriors and tried to prevent raiding incidents. This measure denied Karimojong access to vast land suitable for pastures and agriculture, including, for instance, a ten-kilometre stretch of untapped pastures in Alerek, an area separating Abim and Kotido districts. In January 2009, the government introduced kraals to protect the cattle of unarmed communities.⁶⁴ In Rengen, there exists a kraal with 10,740 cows; a committee of 11 leaders supervises the 280 'herdsmen', children between the ages of five and eighteen. Kraal leaders and the army jointly make decisions about moving kraals to new grazing lands.⁶⁵ The kraals have had some negative effects on the animals as well as the environment. Some cows have died in them as a result of congestion.⁶⁶ Soil exhaustion and erosion is evident in the region where the kraals are set up.⁶⁷

CONCLUSION: PROPOSED FRAMEWORK

The proposed framework for redressing land use and control-related conflict fault lines in Karamoja is premised on there already existing within Karimojong society formal and informal systems and structures for mitigating conflicts related to land use and control that can be tapped and strengthened to help promote human security and peace in the region.⁶⁸ This flexible framework consists of four key elements, each having its own objective and proposed interventions (see Table 1).

Strengthening Cultural Authorities

The primary function of the council of elders, diviners, and kraal leaders is to protect and guarantee individual and community rights, including land rights as prescribed by custom.⁶⁹ The template here proposes strengthening the compatibility of these cultural systems alongside the national systems dealing with matters related to land use, control, and gazetting in the Karamoja region. At present, the new set of Karimojong leaders needs to take control following the expiration of the thirty years of service of the previous council of elders.⁷⁰ Peacebuilding programmes focusing on establishing

63. Interview, respondent from the Refugee Law Project, Kampala, 23 March 2009.

64. The Uganda People's Defense Forces encourage unarmed pastoralists to jointly graze their cattle under the protection of the army in protective kraals.

65. Focus group discussion, Rengen kraal leaders, Kotido, 8 April 2009.

66. Ibid.

67. Researcher's observations at the Rengen grazing areas, 8 April 2009.

68. This author proposed a similar template for a national framework following a comprehensive study—'A Framework for Expanding the Capacity to Mitigate and Prevent Land Conflict in Uganda'—when he was executive director of Jamii Ya Kupatanisha.

69. Batungi, *Land Reforms*.

70. Interview, Pulkol David, African Leadership Institute, 3 June 2009.

Table 1

Framework for Redressing Land Use and Control-Related Conflict Fault Lines in Karamoja

Framework Element	Human Security Intent	Proposed Interventions
<p>Element 1</p> <p>Strengthening the Karimojongs' cultural authority by leveraging their land ownership, land use, and control systems through the national system</p>	<p>Mitigate tensions related to land use and control by strengthening the capacities of the Karimojongs' cultural systems alongside the national systems</p>	<ul style="list-style-type: none">• Support for the institutionalization of a new regime of Karimojong leaders• Engage Karimojong councils of elders to identify approaches to land ownership, control, and use• Expose the above actors to the National Land Act 1998, which provides for formal systems and structures, such as the district land boards to manage land disputes, because communities like the Karimojong have more confidence in traditional, tribal systems than in the central government system, which they suspect of trying to seize their land• Codify the Karimojongs' best practices for land use and control to reinforce its integration into the national land systems• Build the capacities of Karimojong cultural actors alongside those of other stakeholders, such as the Communal Land Associations and district land boards, through sufficient funding to enable them to execute their duties effectively and train them in settling land ownership and use-related conflicts• Introduce co-management teams of central government leaders and traditional Karimojong chiefs for the Karimojong gazette and the no-man's lands to encourage community involvement in decisions related to the management of their resources• Develop a comprehensive regional database mapping boundaries and mineral resource areas in the Karimojong districts
<p>Element 2</p> <p>Strengthening joint planning through consultations among Karimojong cultural institutions and other stakeholders concerning land use in Karamoja</p>	<p>Prevent land use and control tensions by building local consensus, trust, and buy-in for regional economic recovery</p>	<ul style="list-style-type: none">• Identify and communicate national and regional objectives for the development of Karamoja through the traditional authorities• Engage Karimojong communities through their local leaders to find innovative solutions in achieving the objectives of the Karamoja Integrated Disarmament and Development Programme and other development projects for growth and poverty reduction• Engage local Karimojong communities (through elders) in discussions with investors and developers to understand local needs as well as build understanding of investor-developer goals and constraints• Assist Karimojong local communities, elders, and sub-county and district leaders in the

Framework Element	Human Security Intent	Proposed Interventions
		<p>development of their own land use and control strategies for growth and facilitate the implementation of these strategies through stable funding</p> <ul style="list-style-type: none"> • Enhance dialogue among the Karimojong and their neighbors to understand and address the lifestyles of pastoralists
Element 3 Mitigating Karimojong land-related conflicts through mediation under the co-chairmanship of the Council of Elders and Diviners	Mitigate and prevent conflict by enhancing the Karimojong cultural authorities' capacities for effective nonviolent conflict resolution	<ul style="list-style-type: none"> • Enhance the capacity of existing Karimojong cultural structures, civil society organizations, and community-based organizations through training in the delivery of mediation services • Train peace peer mediators, providing knowledge on how to deal with natural resource-based conflicts • Promote peacebuilding programmes between the Karimojong and their neighbors.
Element 4 Improving awareness, through communication and education among the Karimojong and their neighbors, of the Karimojongs' natural resource use and control	Mitigate tensions among Karimojong clans, as well as between the Karimojong and their neighbors, by increasing the level of understanding about land-related issues in the region	<ul style="list-style-type: none"> • Teach Karimojong elders, karacunas, and local communities about the national land framework • Encourage sensitization in schools and <i>manyatas</i> (homesteads) to communal land rights, including those involving women's and children's rights • Engage Karimojong interclan and cross border dialogue • Address the stereotypes and perceptions of the Karimojong lifestyle • Facilitate Karimojong migration to other parts of Uganda and exposure to diversified agro-pastoralist land usage among the agro-pastoralist communities of western Uganda

bridges between Karimojong and their neighbors on matters of land use and grazing rights can be used to the advantage of the new class of elders as peace envoys.

Strengthening Joint Planning

Many of the government policies targeting Karamoja have been top-down approaches, including such policies as the gazettement of Karimojong land for national game reserves and no man's lands. Controversy also abounds over recent attempts to phase out controlled hunting areas in Karamoja to make land available for private investment in large-scale commercial agriculture, like a gum arabic development proposed under a presidential initiative.⁷¹ The template proposed here is based on the need to build

71. Government of Uganda, 'Karamoja Integrated Disarmament and Development Programme: Creating conditions for promoting human security and recovery in Karamoja, 2007/2008–2009/2010', January 2007, 58.

local community consensus, trust, and buy-in into government-proposed interventions. The council of elders, diviners, and kraal leaders represents some of the best options for building such a consensus.

Since colonial times, various regimes have grappled with the challenge of disarming Karimojong warriors. Their approaches have always been forceful. Whereas instances of forced disarmament still occur in Karamoja, the Ugandan government succeeded in voluntarily disarming 2,554 Karimojong in five months in 2009 through its civil-military relations offices, which closely work with elders and kraal leaders.⁷² Besides getting rid of the illegal guns, the office, in consultation with traditional Karimojong leaders, has encouraged resettlement of Karimojong to arable land for agricultural production as an alternative livelihood. To consolidate the achievements of these interventions, which require land free from encumbrances, the template proposes direct technical and logistical assistance to Karimojong communities and their elders to develop land use and control strategies, which could be incorporated into the national strategy of land use in the region.

Mitigating Land-Related Conflicts through Mediation

As noted above, some pastoralists are realizing that raising cattle invites violent raids, so many are increasingly opting for alternative livelihoods, such as crop cultivation. Long periods of drought coupled with reduced grazing lands, cordoned off as no man's land, have forced the Karimojong to graze their cattle in the neighboring Teso and Acholi regions, which sometimes results in clashes with the local communities. Thus the template proposes training peace peer mediators on how to deal with natural resource-based conflicts and promote peacebuilding programmes among the Karimojong and their neighbors. Mercy Corps, an international nongovernmental organization operating in the Karamoja region, has been implementing Building Bridges for Peace, a program that focuses on supporting reconciliation meetings and joint livelihood activities between the Karimojong and the Acholi. The program also examines intertribal reconciliation among the various Karimojong tribes.⁷³ Through it, Jie elders and diviners have received forgiveness for violent acts committed in Pader district in Acholiland. They also pledged to restrain tribal members from attacking the Acholi. In exchange, the Acholi in Adilang, in Pader, granted the Jie grazing rights during the dry season.⁷⁴ The template proposes consolidating such efforts.

Improving Awareness about Natural Resource Use and Control

Human security entails working with people to meet their non-negotiable needs and their centrality as actors in finding durable solutions to conflict situations. Ongoing depletion of the Karimojong environment through overgrazing and charcoal burning has contributed to pressures on the use and control of their natural resources.⁷⁵ The template thus proposes increasing the level of awareness of the Karimojong and their neigh-

72. Interview, Major Muhanga, liaison for the Civil–Military Relations office, Kotido, 27 April 2009.

73. Interview, Michael Frewengel, programs director for Mercy Corps, Kotido, 27 April 2009.

74. Ibid.

75. Translated interview, charcoal retailers, Labwor, 20 January 2009.

bors about the effective use, control, and preservation of land. It also recommends incorporating a broad-based approach targeting awareness interventions in schools and homesteads and among warriors in the respective Karamoja district plans.

The use and control of natural resources within any society should be premised on formal and informal structures and systems addressing conflicts related to the use of their natural resources, no matter how remote the communities may seem. Governments and their development partners, especially in Africa, should strive to strengthen the ability of local systems and structures to use and control natural resources alongside the national systems.

The establishment of no man's lands, protective kraals, gazetting, and civil military structures were responses to the Karamoja gun-related conflicts revolving around the preservation and protection of cattle. The template proposes providing a mitigation framework with some strategies implemented by nongovernmental organizations and the Ugandan government. The implications of the responses and practicality of the framework in Karamoja could be reflected and attested in other pastoralist societies of Africa through contextual feasibility studies.



Drama Festivals: A Tool for Peace Education in Nairobi Secondary Schools

Njageh Ann Rita Karimi

Drama festivals have not been established as a peace education tool, but they have the potential to have real world effects. This study examines the possibilities of using drama not only as 'edutainment', but also as a transformative tool for peace education. It focuses on data collected from four schools in Nairobi province that had participated in national drama festivals in Kenya. If prominence is placed on school drama programmes as a tool for peace education, peaceful co-existence within and beyond school environments should be realised. A culture of peace in schools, and among people of diverse cultures, appears to make advances through these non-formal educational activities.

THE QUEST FOR PEACE HAS GENERATED MANY STRATEGIES for achieving it, including through educational systems. The pursuit of peace led the United Nations Educational, Scientific and Cultural Organization (UNESCO) to proclaim the years 2001 through 2010 the International Decade for a Culture of Peace and Nonviolence for the Children of the World. In this vein, Kenya Schools and Colleges in 2008 established a peace award to grant to educational institutions that created the best performances built around a peace-related theme.

The education curriculum in Kenya consists of formal, non-formal, and informal dimensions,¹ all of which are geared towards providing experiences leading to the acquisition of the knowledge, skills, attitudes, and values in line with goals established by the government: to promote nationalism, patriotism, and national unity; social, economic, technological, and industrial needs for national development; individual development and self-fulfilment; sound moral and religious values; social equality and responsibility; respect for and development of Kenya's rich and varied cultures;

1. The formal dimension includes learning activities outlined in the school syllabi. The non-formal dimension covers learning activities that take place in clubs, societies, sports and games, and music and drama festivals. The informal dimension consists of learning experiences that take place as a result of interaction inside and outside the classrooms within a structured environment.

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international consciousness and positive attitudes toward other nations; and good health and environmental protection.² The non-formal dimension, the focus here, consists of the activities that take place in clubs, societies, athletic events, science exhibitions, and music and drama festivals. Though a part of the standard curriculum, these activities have at times been minimized in their labeling as 'extra-curricular' and the reallocation of their resources toward the formal curriculum. Nevertheless, some institutions have continued to actively establish and promote opportunities for student engagement in the non-formal curriculum.

Drama, in particular, presents itself as a possible methodology and environment for peace education.³ In Nairobi, although drama festivals have the potential to enhance peace, there is little evidence of their use in an intentional strategy for establishing cultures of peace, with the exception of editorials by the local media, most of which are available during the festival period—January through April—in line with the Ministry of Education's calendar of activities. In a number of countries that have been engulfed by conflict, non-formal education programmes, especially in the arts, have been perceived as key venues for strategies for peacebuilding due to the values messages that can be promoted through the arts as well as the opportunities they present for interaction and collaboration among diverse groups of people. Although drama festivals in Nairobi may not have been established as peace education initiatives, they have emerged as such. Of interest here is whether they have been effective tools in the realisation of peace.

A review of the literature shows how the arts have been used to promote peace in different societies through the use of messages aimed at different age groups.⁴ During the violence in Kenya following presidential elections in December 2007,⁵ drama—involving song, dance, and comedy—was employed in schools as a tool for expressing displeasure in unfolding events, including unrest in the schools, especially from February to September 2008.⁶ Though the festivals may not have been overtly established as a peace education tool, they have been widely used to educate participating

2. Kenya Institute of Education, 'Secondary life skills education: Teacher's handbook', Nairobi, 2008, 3–5.

3. Peace education is considered a pedagogy of educational strategies, as opposed to peacekeeping, peacemaking, and peacebuilding, which are not.

4. K. Skjellstad, 'Creating a culture of peace: The performing arts in interethnic negotiations', *Intercultural Communication* 4 (2000), www.immi.se/intercultural/nr4/skjellstad.htm; C. M. Zelizer, 'The role of artistic processes in peacebuilding in Bosnia-Herzegovina', *Peace and Conflict Studies*, 10:2 (2003), 62–75; W. Cleveland, 'Making exact change: How U.S. arts-based programs have made a significant and sustained impact on their communities. A report from the Community Arts Network published by Art in the Public Interest (2005)', Community Arts Network Reading Room, www.communityarts.net/readingroom/archive/mec/index.php.

5. Various local, regional, and international efforts have sought to build peace in Kenyan society. A number of them were implemented following the violence that erupted in late 2007. For example, the runner Tegla Loroupe has been known to use her athletic talent to work for peace among her people. Through the annual Tegla Loroupe Peace Race, the Tegla Loroupe Peace Foundation is realising its mission of 'improving peacebuilding, livelihoods and resilience of poor people affected by and vulnerable to conflicts and civil strife in the Greater Horn of Africa'. See the *Fifth Tegla Loroupe Peace Race 2005 Magazine*, distributed by the Tegla Loroupe Peace Foundation.

6. The first case of unrest in the history of Kenya's educational institutions was reported in Maseno in 1908. Since then, other cases have emerged in increasing numbers and of varied natures. In 1991 male students in a coeducational secondary school in Eastern province invaded the girls' dormitory, raped them and set their

students and audiences about the possibilities of transforming Kenyan society by promoting national unity, which is one of the goals of the education system.

Béatrice Pouligny, however, notes the lack of evaluative work in the literature that documents 'concrete information on the actual contribution and impact of arts in peace processes'.⁷ This confirms the earlier views of Barbara Schaffer Bacon, Cheryl Yuen, and Pam Korza, who point to the dearth of 'serious, outcome-based evaluation' to support the link between the arts and peace.⁸ This study of Kenyan schools seeks to help close this gap by providing empirical evidence on the contribution of drama festivals as a peace education tool.

SECONDARY SCHOOLS AND THE POWER OF DRAMA

The Kenya Schools and Colleges Drama Festivals, which date back to 1959, have been used as 'a tool to promote, propagate and nurture [Kenyans'] values as a nation'.⁹ Drama explores and expresses human feelings and enhances effective communication and learning. It is a powerful medium that addresses values and attitudes and can be used to stimulate cognitive, affective, and psychomotor domains in learning, permitting people to imagine a world that could be.¹⁰ The power of Kenya's drama festivals is also rooted in the nature of the organization and the composition of the institutions involved, the producers of the performances, the judges, and the festivals' financial partners. All the ethnic communities of Kenya are represented by the many people taking part in the performances as well as those attending as members of the audience.

The administrative structure of the festivals allows for nearly uniform representation of educational institutions from all of Kenya's eight provinces. The early part of the festivals is held at the school level; after that, events progress upwards, to the district level, provincial level, and finally to the national level. The national performances rotate among the provinces. The festivals' structure ensures that participants travel to other regions of the country, which allows for interaction among different peoples and the chance to experience or see how others live. Such exposure can lead to an appreciation of other ways of Kenyan life, thus aiding in the realisation of national cohesion.

In January at the beginning of every school year, the Ministry of Education releases a circular that communicates to all educational institutions the main theme of the

dormitories on fire. The violence led to the death of nineteen female students. Arson attacks have been reported among secondary schools in Eastern and Coast provinces. In the late 1990s, four school prefects were locked in their cubicles and set on fire by their fellow students. Republic of Kenya, 'Report of the Task Force on Student Discipline and Unrest in Secondary Schools', Jomo Kenyatta Foundation, Nairobi, 2001.

7. B. Pouligny, "Breaking the silence": A luta continua. An art project about memory and healing in post-apartheid South Africa, CERI-Sciences and Georgetown University, Washington, D.C., 2007, 11.

8. B. S. Bacon, C. Yuen, and P. Korza, 'Animating democracy: The artistic imagination as a force in civic dialogue', Americans for the Arts, Washington, D.C., 1999, 6.

9. J. Osiako et al. (eds.), *The Kenya Schools and Colleges Drama Festival: Experiments and Development* (Nairobi, Jomo Kenyatta Foundation, 2004), 3.

10. Students studying drama or literature might identify with assorted characters, which could positively alter their perspectives in the real world of the school environment and beyond; on the surface, a student might also imitate the dress, talk, or other modes of behaviour of fictional characters. This researcher found that when role plays are used to advance the message of books, one notices students' preferences for some roles over others, either because of the character's message or the recognition the character receives.

drama festivals.¹¹ Schools are then allowed to decide which performances to present, based on the broader festival theme. Sociopolitical, economic, religious, technological, and cultural factors have greatly influenced the trend of the festivals' themes. On several occasions, schools have featured performances on the issues of peace, human rights, coexistence, human security, equity, and intercultural understanding, among others, all of which have been influenced by events in the society and are aimed at raising awareness among audiences of the issues affecting them. The festivals culminate in the national performances in April.

When artistically presented, the issues addressed by the plays become more real to those watching. This is one of the powers of the creative arts, and in the case of drama, there is the added power to tell a truth light-heartedly, allowing people an opportunity to identify with characters and the way they deal with circumstances. Drama can be used to mirror a community, its good and bad sides, conveying values messages that might not be effectively communicated through other means. The power of drama lies in being able to critique, provoke, and ridicule behaviour while simultaneously entertaining. Despite this effect, the transformative possibilities of drama have been largely ignored in regard to the annual drama festivals in Kenya. For example, various measures have been taken and policies implemented over time to ensure peace in schools, but drama has not been accepted as a method that should be actively encouraged for enhancing peaceful coexistence in schools or beyond educational institutions. Non-formal curriculum approaches, such as drama, are avenues for promoting core values of peace cultures in the society that should be explored more thoroughly.

An emerging body of literature reveals an increase in research focusing on the role of the arts in peace processes. Pouligny notes that conflict analysis and peacebuilding professionals are taking a closer look at the nexus of peace work and art. She asserts that most of these professionals have focused on 'the potential of arts for developing and strengthening community identity; the metaphoric value of the arts in capturing the nuances of coexistence; the important ability of the arts to simultaneously allow for multiple interpretations of reality and common participation; . . . finding non-threatening ways of encountering the "other"; and the very basic but maybe most powerful theme of engaging in shared activity through collaboration and co-creation'.¹²

The curriculum documents for Life Skills Education in Kenya, a programme for primary and secondary schools, reveal that its developers recognise drama as a methodology for achieving that programme's goals. Among the methods listed in the 'Secondary life skills education: Teacher's handbook' are role play, storytelling, singing and dancing, poetry and recitals, and miming and games, which reflect different categories or aspects of drama.¹³ A review of the national drama festival's rules and reg-

11. The circular goes to early childhood development centres, primary schools, non-formal education centres, secondary schools, and colleges and universities.

12. Pouligny, "Breaking the silence", 11. She cites Bacon, Yuen, and Korza, 'Animating democracy'; J. Cohen-Cruz, 'An introduction to community arts and activism', Community Arts Network Reading Room, February 2002, www.communityarts.net/readingroom/archivefiles/2002/02/an_introduction.php; Zelizer, 'Role of artistic processes', 62–75; J. P. Lederach, *The Moral Imagination: The Art and Soul of Building Peace* (New York, Oxford University Press, 2005); M. Liebmann (ed.), *Arts Approaches to Conflict* (London, Jessica Kingsley Publishers, 1996).

13. Kenya Institute of Education, 'Teacher's handbook', 31–38.

ulations reveals that among participating educational institutions—that is, early childhood development centres, primary schools, secondary schools, non-formal education centres, special needs institutions, teacher training colleges, polytechnics, institutes of technology and technical colleges, and universities—the secondary schools are allowed to take part in the greatest number of categories. They usually participate in cultural creative dances, dramatised verses, narratives, and plays in French. Perhaps this reflects the nature of education in Kenya as well as the target group for this level of education.

In Kenya, secondary education is the third stage among the three levels of basic education, the others being early childhood education and primary education, in that order. Secondary schools are four-year institutions for adolescents, most of them ranging from fourteen to eighteen years of age. These learners, in their adolescent years, tend to be quite active but at the same time vulnerable to conflict. Members of this age group are also in a position to advocate for change as they approach adulthood. Secondary school students are quite critical of what the education system and other societal structures should deliver to them. They feel ready to participate in various citizenry processes and are eager to reach the age of eighteen, when they can take part in decision-making, especially through voting. This situation helps explain in part why there is more participation in the drama festivals by secondary schools compared to other educational institutions. It is also why secondary schools are the focus of this study.

The secondary education life skills syllabus outlines ten objectives, among them ‘appreciate the need for peaceful co-existence and demonstrate ability to apply the acquired skills to relate and coexist peacefully with other people.’¹⁴ Topics to be addressed include self-awareness, self-esteem, coping with emotions, coping with stress, empathy, effective communication, negotiation skills, nonviolent conflict resolution, assertiveness, friendship formation and maintenance, creative thinking, critical thinking, and problem solving. Thus, the life skills curriculum is geared toward enabling students to live together with others harmoniously and to positively deal with the demands and challenges of everyday life.

THEORETICAL FRAMEWORK AND EVALUATION APPROACH

This study is anchored in the experiential learning theory propounded by David Kolb, who builds this approach on the works of John Dewey and Kurt Levin. Kolb holds that ‘learning is the process whereby knowledge is created through the transformation of experience’¹⁵ and structures his model of learning on concrete experience, observation and reflection, formation of abstract concepts, and testing in new situations—that is, do, observe, think, and plan.¹⁶ The process may begin at any of these four stages, but must flow sequentially from there.

14. Republic of Kenya, ‘Secondary education curriculum life skills education syllabus’, Kenya Institute of Education, Nairobi, 2008, viii.

15. D. A. Kolb, *Experiential Learning: Experience as the Source of Learning and Development* (Englewood Cliffs, N.J., Prentice-Hall, 1984), 38.

16. M. K. Smith, ‘David A. Kolb on experiential learning’, *Encyclopaedia of Informal Education*, 2001, www.infed.org/biblio/b-explrn.htm.

Applying Kolb's learning cycle to peace education, in the first stage, concrete experience, the learner would have an experience in a real world setting, such as conflict within a school or violence in a part of his or her country. In the second stage, reflective observation, the learner takes time to think about the experience, examining for instance why such situations occur. In the third stage, abstract conceptualization, the learner formulates a theory or model of what he or she has observed in an attempt to explain the concrete experience. In the fourth stage, testing in new situations (also referred to as active experimentation), the learner plans how to test the conceptualised model or theory or to prepare for a forthcoming experience.¹⁷

In the context here, the various activities that students are involved in during their preparations for the drama festivals and in the actual performances are learning experiences that can help develop in them the awareness and need for the prevention of conflict, management of conflict, peaceful resolution of conflict, and the creation of social conditions conducive to peace. Participating in drama festivals offers a holistic experience through which students can learn how to deal with conflict on personal and interpersonal levels. They discover ways of handling conflict through their own and others' performances, thus allowing them to possibly visualise better alternatives or paths for society. Drama as an art experience is a process, providing means and ways of dealing with conflict, and is also an experience with the ability to bring about societal change through the messages it conveys.

The process of transforming experiences into the promotion of knowledge, skills, attitudes, and values needed to realise behavioural changes that enable people to co-exist in harmony requires the involvement of a number of people, either as creators of the concrete learning situations or as actors in support of learning. Lederach puts forth a pyramid of actors as stakeholders in shaping and supporting such processes. His framework builds from citizens up and entails interactions at three different tiers of the pyramid.¹⁸ This study adopted the participant-oriented evaluation model.¹⁹ This approach advocates 'a participatory process that involves the stakeholders in the various tasks of the evaluation so that the results are fully comprehensible to project participants'.²⁰ R. Lance Hogan points out that 'the participant-oriented evaluation approach stresses firsthand experiences with program activities and emphasizes the importance of the participants in the process'.²¹ Participant-oriented approaches depend on inductive reasoning—observing, discovering, understanding, and using multiple data sources in the collection of information. They do not follow a standard plan;

17. Kolb, *Experiential Learning*.

18. J. P. Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C., United States Institute of Peace Press, 1997), 38–43.

19. See R. Stake, 'Program evaluation, particularly responsive evaluation', Occasional Paper no. 5, Western Michigan University Evaluation Center, Kalamazoo, 1975; R. Stake, 'Program evaluation, particularly responsive evaluation' in G. Madaus, M. Scriven, and D. Stufflebeam (eds.), *Evaluation Models* (Boston, Kluwer-Nijhoff, 1983); E. Guba and Y. Lincoln, *Fourth Generation Evaluation* (Newbury Park, California, Sage, 1989); M. Q. Patton, *Utilization-focused Evaluation: The New Century Text*, 3rd edn (Thousand Oaks, Calif., Sage, 1997).

20. D. M. Mertens, *Research Methods in Education and Psychology: Integrating Diversity with Quantitative and Qualitative Approaches* (London, Sage Publications, 1998), 227.

21. R. L. Hogan, 'The historical development of program evaluation: Exploring the past and present', *Online Journal of Workforce Education and Development*, 2:4 (2007), 9.

rather, the process evolves as participants gain experience in the activity. In this case, naturalistic evaluation, which focuses on observations, interviews, documents, and unobtrusive measures, was employed.

STUDY CONTEXT AND METHODOLOGY

Probability and non-probability sampling methods were employed in the selection of the samples for this study in Nairobi, Kenya's most cosmopolitan province.²² Purposive sampling was used in four schools (two for boys and two for girls) that had participated in drama festivals at the national level for three or more consecutive years between 2003 and 2008. The students were selected using stratified random sampling. A sample size of thirty drama students from forms 2, 3, and 4 classes was conducted in each school, ten students per class, and the same for non-drama students. Drama teachers and patrons were purposively sampled to participate in the study since they were in a position to provide pertinent information by virtue of their positions and responsibilities in the preparation and staging of the festivals.

Form 1 students were not included in the study, as they were new to the secondary school system and reporting for the first time during pilot testing and data collection. The total student sample from the four schools was 120 drama students and 120 non-drama students. The questionnaire return rate was 57.5 percent for drama students and 65 percent for non-drama students. The low rate by drama students resulted from the loss of completed questionnaires by contact teachers in the sampled schools and the loss of completed questionnaires from one school through a misfortune encountered at the onset of data analysis.

Two sets of questionnaires were distributed, one for the drama students and one for the non-drama students. The surveys inquired about demographic information, level and type of involvement in drama festivals, relevancy of the themes of the festivals as content for peace education, and lessons for peace education from the festivals. Focus-group discussion guides touching on the same issues as the questionnaire were used for all the participants. The evaluator also employed an interview guide developed to obtain information from drama teachers, education officials, festival technocrats, and peace practitioners. Informal observations were made of the students' performances during rehearsals in their schools and at the national-level festival held in Meru, Eastern province, in early April 2009.

FINDINGS

Some people would expect the effects of drama to be realisable only among the drama students and their teachers, but the study findings here reveal that drama appears to be more far-reaching, affecting as well those who have time to enjoy the productions.

22. The city of Nairobi, administratively referred to as Nairobi province, is inhabited by people from various ethnic communities of Kenya and by people from many different countries. It provides a rich setting for this study because the students there come from a variety of ethnic communities and from other African countries, which is not the nature of the Central, Coast, Eastern, North Eastern, Nyanza, Rift Valley, and Western provinces.

Level and Type of Involvement

The data collected reveal that participation in drama (and other co-curricular activities) is primarily a reserve of students in their second or third year of study in secondary education. Kenya's 8-4-4 system of education consists of eight years of primary schooling, four years of secondary schooling, and four years of tertiary schooling. Learners take national examinations—Kenya Certificate of Primary Education (KCPE) and Kenya Certificate of Secondary Education (KCSE)—at the end of their primary and secondary educations. Learners who successfully complete their primary education are admitted to secondary school, where they enrol in form 1 (the first year of secondary school) and progressively advance to form 4 by the time of their fourth year of study. Students then sit for the KCSE exam. Performance on this test is used by some for placement in the various universities and tertiary-level institutions, while others use their results to secure casual employment opportunities.

Schools in Nairobi province emphasise the need for adequate preparations to do well in the national exams, so as a result, students in form 4 rarely participate in drama and other co-curricular activities. Drama is considered time consuming; it is also not a fully fledged subject in the curriculum and is therefore not tested. Teachers pointed out that some parents insist that their children should not participate in such activities. One of the drama teachers reported, 'Participation of students who are in their fourth year of study is almost impossible. There is emphasis that they need to concentrate on their academic work in preparation for the national exam at the end of the year. Only the very strong academically are allowed to participate in 1st term co-curricular activities. The Form 4s report to school at a time when preparations for the festivals are under way. It is still pretty early to discover the talent in them, but some come forward and indicate their interest in participating in the drama festivals'.

Male students tended to have a preference for involvement in plays and narratives, whereas female students preferred dances and plays for drama activities. In explaining their choices, the boys said they were good at public speaking and memorizing things, both of which are required for delivering lines; they were also creative and could evoke expressive faces. They linked their preference to drama over other options based on the talents they possessed, interest, and the power of some mediums over others.

A majority of those who participated in the study indicated that their participation in drama activities and festivals went back to their primary school days or participation in drama outside of school, for example, in church. From this perspective, they were well positioned to evaluate the effectiveness of the drama festivals as a peace education tool. A number of them had taken part in drama activities during their primary school years. A majority of the students came into the festivals during the period 2003 to 2009, the current phase in the festivals development whose theme is 'New Challenges: Let the Child Be the Child'.²³ Most of the students were familiar with the prevailing themes in drama festivals. The students felt that they should participate in the transformation of their society, hence their involvement in the drama festivals. Their responses revealed

23. The year 2003 marked the start of the sixth phase of the drama festivals. It emphasises the importance of giving room to children to be who they are and not to treat them or transform them into miniature adults. Hence it stresses a child's perspective in terms of communicating and addressing what is happening in society. See Osiako et al., *Kenya Schools and Colleges Drama Festival*, 3.

that they attached importance to being involved in the festivals as students in Kenya's education system but also as members of the broader society, possibly drawing lifelong benefits from their involvement and recognizing the opportunity of character development that drama presents. One female student emphatically stated, 'I joined drama to have a voice to express the kind of society that we require as students, and as Kenyans. We, the young people, need to pass a message to our Kenya leaders, which we need to promote unity and demote gender inequality, and that as students we need to unite as different schools. Our unity as tomorrow's leaders, as we are often told, begins with our unity as students of the various schools Kenya has'. Such students acknowledge the maxim that today's youth are the leaders of tomorrow. Their activities and interactions hold the potential to help identify best practices for application in the ongoing process of bringing about positive change in society.

Theme Relevance

The students noted that past annual drama festivals had addressed various peace education themes. The most frequently mentioned were human rights, governance and leadership, social justice, gender, and nonviolence and conflict transformation. One of the peace practitioners commented, 'The thematic areas presented in the drama festivals have a lot to teach about peace. They carry a strong message to all, especially to our leaders to shun corruption and provide good governance and leadership as a pillar to the realization of peace in the society. The message of the drama festivals is appropriate as content for peace education. In fact, the themes presented ten years back still feature at the festivals, an indication that our society still requires transformation. Themes of corruption, human rights, governance and leadership have all along been emphasized, and they still are today'.

Despite the importance of nonviolent action in conflict transformation, there was no indication of a sense that it needed to be promoted in the public discourse. A student participating in the national drama festivals asked, 'Don't you think the presentations presented here at the festivals [have] more meaning than chanting slogans in the streets as activists do?' This perhaps indicates that more knowledge is required about what nonviolent action involves in the broader context of peace and conflict transformation.

The students surveyed felt that the drama performances were appropriate for peace education because the festivals brought together young people and others from throughout the country, enabling them to meet and exchange ideas for advancing peaceful coexistence; drama not only serves as a tool for entertainment but a powerful tool for 'edutainment', which offers people from all walks of life an opportunity to interact, learn, and enjoy themselves.²⁴ Based on the views expressed by the students, they indeed recognize the nexus between drama and peace education. A few of them, however, felt that the content of the drama performances was inappropriate as peace education content because it was rather shallow, though still somewhat worthwhile. Others indicated that all the themes presented in the festivals were not relevant to the theme

24. As a tool for 'edutainment', drama educates through the powerful messages it conveys while at the same time providing amusement, pleasure, and uplift for audiences.

of peace in Kenya. To ascertain the validity of the students' assertions, however, one would need to establish their understanding of peace and peace education.

Lessons

The students emphasised the need for strengthening the drama festivals with a view toward using them as a tool for peace education because the effects of drama on society are real. Some suggested that drama be incorporated as a teaching subject in the curriculum, that there be more involvement by the Ministry of Education at the school level in the preparation of the festivals, and that more thematic areas focus on peace education. According to one student, 'Drama should be used as a tool for peace education beyond the Kenyan society; networking should be done with other countries [and] regions, and we should have international drama festivals for all nations to use the opportunity to encourage peaceful coexistence through their performances.'

This study affirms the place of various stakeholders in the drama festivals. Parents, the media, religious organizations, the Ministry of Education, and peers were all identified by the students, drama teachers, and peace educators as stakeholders. The study participants noted with concern, however, that the stakeholders had failed to fully support the festivals, being of the mindset that 'drama is a waste of time, time that should be spent on academics'. Informal conversations with drama teachers, students, and members of the public attending the national festivals revealed the need to build support among various institutions, that is, families, churches, the corporate world (media houses), nongovernmental organizations, tertiary-level institutions, multinational corporations, and experts within and beyond Kenya's boundaries to sustain the growth and impact of the festivals as a peace education tool.

There was some indication that more stakeholders are needed for the effects of drama to be felt and to have a lasting impact on Kenyan society. As one member of the audience at the 2009 national drama festival voiced, 'The work of these young people is great—great lessons for Kenyans. Our children are telling us what we lack courage to tell ourselves as adults, as leaders. We need to support their work. The same way a number of companies sponsor programmes on TV, why not have some people or companies partner to sponsor schools' drama festivals all year long?' This comment perhaps points to the need for networking and collaboration among stakeholders and for policy frameworks to spell out the functions of the various partners who support the drama festivals as a peace education tool.

In this instance, Lederach's pyramid model for structuring stakeholders could be used in cooperation with the peace process conceptual framework,²⁵ which builds from the citizenry up and entails continuous interaction among people at all levels. It involves three interrelated frameworks: the diagnostic (analytical) framework, in which the parties probe relationships and causes of conflict; the strategic or operational framework, where parties decide how to tackle a conflict; and the tactical framework, in which parties choose a specific approach of intervention to some element of the conflict. Approaching support for the festivals through a combined scheme could

25. H. H. Saunders, *A Public Peace Process: Sustained Dialogue To Transform Racial and Ethnic Conflicts* (New York, St. Martin's Press, 1999).

lead to the realisation of positive peace in Kenyan educational institutions, with a rollercoaster effect on other institutions in the country, among them family, church, social, economic, cultural, and political institutions.

In line with the need for increased stakeholder support, more resources are also required for the advancement of the drama festivals as a tool for peace education. Some of the drama teachers indicated that they were in need of more training to be able to develop better performances. One of them asserted, 'Training of the drama teachers should be more vigorous, perhaps beginning at the school level. The training could focus on producing skits, identifying and sharpening the student's artistic talents, and improvisation. A number of performances fail to see the light of day as drama is believed to be expensive. Teachers can be trained on how to make the best of what they have and at reasonable costs'. Another teacher was in favour of supporting the producers to have the works edited, published, and sold. This she felt was one of the best ways to motivate the producers to continue writing scripts and other works. She noted that the compositions would make good anthologies that could be used in schools as texts in literature classes.

These efforts would supplement the efforts of the Kenya Institute of Education in documenting the festival productions at the national level and selling the audio and audiovisual recordings to the public. Although these methods have their own value, a print component might be better suited for students; their teachers could use their productions for classes, and many of them would make interesting reads for various people. One of the suggestions made by the study participants was to have a programme on the local media that airs performances made during the festivals. The Nation Media Group (NMG), a sponsor of the 2009 festivals, aired some of the best performances for a few months after the festivals concluded. It was a commendable effort to bring drama to more people, as many cannot afford to travel to the selected venues. If more stakeholders partnered together, the efforts of NMG could be extended to showcase the performances on most if not all television channels, for longer periods of time, and with more frequency than once a week.

The message of the study's participants was clear: drama is life, and if drama disappears, there would be no life. Drama is the experience of the people, of participants in the drama (characters), and of the groups and communities reflected in the drama, which brings people together to celebrate and contemplate their shared identity. Drama is an opportunity that allows people to be themselves and to exploit talents. It is also a means of catharsis and a learning platform for equipping people with life skills, some of which are unavailable in other environments. Drama enables people to tell the truth without being ridiculed. The characters in drama performances can say the unspeakable and mirror society, allowing the actors and audience to explore problems and issues from an imaginary perspective and create room for process-focused learning.

During a focus-group interview, one female drama student said, 'Drama is life, its part of the way of culture, a people's way of life, and a means of imparting values and passing on what every society holds dear to its future generations'. In another school, a male drama student asserted, 'Drama is our way of life. Everywhere, its drama; we are staging what happens to us in various contexts in life, only that when it comes to the festivals, we reorganize and repackage the issues in a manner that they artistically appeal to people, so as to pass on the message laughingly'. The place of drama in the students' lives was clear during the drama festivals. The participating students were in-

terested not only in their own performances but also in those of other institutions. Non-drama students and members of the general public formed part of the audiences at the national festivals, and in between performances, audience members analysed the performances, linking them to current events and situations.

Some participating students considered the dominant themes in the 2009 drama festivals as relevant to contributing to peaceful coexistence. They pointed out the performances should not only be documented by the Kenya Institute of Education for research but form the content of a television programme that could be aired on local stations for all to have an opportunity to learn from the students' work. One of the drama patrons supported the student's proposal, noting that the themes of the festivals would be more effectively realised if the performances were made available to a wider audience. The 2009 theme of 'promoting national harmony through drama' could have far-reaching effects if the performances of all the educational institutions were aired so more people could engage about the message. The patron added, 'Some people only hear of starvation; they have never seen people starved. The various performances here that have depicted starvation of the people due to food insecurity should be performed on the local stations for [the] majority of the people to see, especially the many behind this particular reality'.

The students also revealed that drama was a means of livelihood for them. Some spoke of their former colleagues who had landed employment with the entertainment industry after participating in the drama festivals in school. One of the students thought that the role of drama in peace processes had become more evident in Kenya following the violence that rocked the country after the presidential elections of December 2007. Following the conflict situation, many local artists collaborated in spreading a message of reconciliation and the importance of a united people in rebuilding the country. A number of youth theatre groups have since been established, and their presence at the festivals was noticeable. Members were clad in T-shirts bearing the names of their groups along with peace messages. This is evidence that a link between the arts, in this case theatre arts and drama, and peace processes is becoming more visible in various contexts. The potential of drama as a methodology for peace education for all people is increasingly being recognised and utilised.

Drama is a powerful arts-based tool for learning about peace and facilitating coexistence among people. Drama breaks barriers of age, educational background, professions, ethnic, religious, and political affiliations and brings people together to pass along various messages that depict society in the present and what it should or could be. At the 2009 national drama festivals, people from all walks of life converged at the venues of the festivals: drama students, non-drama students, teachers, education officials, the young, the old, the rich and the poor. The performance halls were always filled to capacity; a good number had to stand outside by the windows and try to catch glimpses of what was going on inside.²⁶

The growing awareness of the role drama can play in people's lives, as individuals and as members of society, is evidenced by the efforts being made by various groups to highlight the nexus between the arts and peace and increase the resources allocated toward

26. Tickets are sold each day of the festivals, for morning and afternoon sessions. Even after purchasing a ticket, some people cannot find a seat; on average, the sitting capacity is for a thousand.

such ends. Though this study concerns only a few schools in Nairobi province, the findings are an indication of the need to further support drama as an effective tool for peace education not only in secondary schools but at other levels of society. The Ministry of Education and the Ministry of Culture and Social Services could partner to draft policies that support the use of the arts in educational institutions as well as other contexts that support the use of the arts to educate and promote peaceful coexistence.

RESEARCH LIMITATIONS

Several factors, including logistical issues, at times interrupted data collection. The main hindrance was having to wait for the schools involved to give their consent to conduct research among their students and staff. The teachers who spoke on behalf of their institutions indicated that they needed to cover the syllabus for the first term, which had been interrupted by a teachers' strike earlier in the year. The drama teachers, naturally, stressed that the students needed to prepare for the upcoming district and provincial festivals, so allocating time to data collection, especially in focus-group discussions, was unwelcomed. In most of the schools, the teachers also expressed some reluctance because their students were in the middle of the healing process following the election violence and subsequent school strikes, some of which turned violent. The situation in some of the schools was highly volatile and ill-suited for a study of this nature.

Although a research permit had been issued for this study, entry into some of the schools for this purpose was not straightforward. The administrations in some of them felt that blocking time for the research would interfere with the school timetables. Visits to the schools were thus made in the early evening (16:00), after the end of the teaching day, but then this researcher was informed that everyone was required to participate in after-school activities. In some places, scheduled appointments were deferred, leading to the schools being dropped from the list of participants and replaced by others.

At each school, the sampled participants were presented a consent form to sign. From a researcher's perspective, such consent is a tool for protecting participants, but it was interpreted otherwise in one of the schools. Each participant was expected to maintain the original, signed document as a personal copy and provide the researcher with the duplicate. One of the drama teachers thought the students might later become upset about having signed such a document for a stranger. She asserted that since a number of secondary students are below the age of eighteen, the students' consent forms should be signed by their teachers, who act as surrogate parents while the learners are in school. After this encounter, consent for students to participate in subsequent cases was provided by teachers.

Despite these challenges, the teachers and students that participated in the study were quite cooperative. In one school, a female drama teacher accompanied the researcher throughout the data collection exercise at her school and offered to be of assistance in case additional research was needed. She stated, 'I believe this study is opening up new ground. We participate in the drama festivals, win awards, and sit back waiting for the next time the festivals come around. No one has ever thought of assessing whether the festivals bring any change in the lives of the people, more so from the perspective of enhancing coexistence. We need to explore this area of research further, for indeed music and drama festivals have great potential in promoting coexistence among all peoples.'

The four schools sampled in Nairobi province may not be representative enough for purposes of generalising the findings in regard to schools in Kenya's other seven provinces. It should, however, be remembered that Nairobi province was selected for its cosmopolitan environment, having students from diverse ethnic and economic backgrounds and admitting students from all the provinces in Kenya. In this respect, the study can be said to provide a somewhat representative view of the students' evaluation of drama festivals as a tool for peace education. In addition, at the national festivals, informal interviews were conducted with students from throughout the country who confirmed the earlier findings from the four schools. This study is yet to be replicated in other provinces of Kenya.

CONCLUSION

The findings from this study reveal that drama, though not originally established as a tool of peace education in public secondary schools in Nairobi province, is nonetheless enabling people to come together and speak in one voice in favour of promoting cultures of peace in the society. In a focus-group interview in early 2009, a student said, 'Drama is a very powerful education tool, which brings the old and the young together to educate them about the ills of our society and to provide answers artistically on the way forward. Look at this year's performance: it's a depiction of what Kenya, and the world at large, is going through. We have said it in our own way as young people, as students, [that] food is a priority, we need to say no to ethnicity which only further divides us rather than uniting us, and our environment must be protected. And this is peace education.'

The stakeholders in the drama festivals at the school level are aware of the limitations the programme faces but are optimistic that if the festivals are well organized, they will be highly effective tools for peace education that complement other approaches. The students remain hopeful that drama as an activity is becoming entrenched in school culture and that the broader society is embracing the contribution of drama not only as a source of entertainment but also a forum for unification of different groups in the society.



Child Soldiers in Postwar Liberia: The Challenges of Reintegration

Awodola Bosede

The use of children as soldiers was a dominant feature of the civil war in Liberia that lasted from 1989 until 2003. In the postwar period, reintegrating these children into society became the responsibility of a number of stakeholders, including local and international nongovernmental organizations. The engagement of these agencies has been beneficial, but fieldwork in this area found that improvement of the status quo requires better funding to support them in their capacity building.

THE REINTEGRATION OF CHILD SOLDIERS is one of the major challenges confronting most postconflict societies in the world. Apart from the possible rejection of these children by the communities that suffered atrocities committed during war, their reintegration may be hampered by their personalities, traumas, and overall maladjustment. The literature on reintegration has focused on what are thought to be the best approaches to reintegration. Most scholars have conceptualized reintegration as a sociocultural process.¹ They argue that reintegration efforts must go beyond keeping the child in school or involved in a vocation to include psychological support for those traumatized as a result of their involvement in heinous activities.

The reintegration process in Liberia has attracted the participation of a range of stakeholders. Local and international nongovernmental organizations (NGOs), community-based organizations (CBOs), faith-based organizations (FBOs), government ministries, and the private sector have come together under the umbrella of the National Commission for Disarmament, Demobilization, Rehabilitation, and Reintegration (NCDDRR) in a synergistic attempt to achieve success in this area. As this process has unfolded, however, the NGOs have come to play the central role in the implementa-

1. B. Verhey, 'Child soldiers, preventing, demobilising and reintegrating', World Bank Africa Region Working Paper Series no. 23, November 2001, www.worldbank.org/afr/wps/wp23.pdf; M. Utas, *An Anthropology of Contemporary Armed Conflicts* (Athens, Ohio University Press, 2005).

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tion of the reintegration programs and have shown themselves to be the most responsive to the needs of the children.

METHODOLOGY AND CONCEPTUAL FRAMEWORK

This study of the Liberian reintegration program examines a number of questions: How do NGOs view their place and position in the reintegration process? What approaches have they adopted in realizing their mandates? How does the operational framework of reintegration affect the work of NGOs? What are the social and economic factors that hinder full implementation of their mandates? How do the former child soldiers view the roles of the NGOs?

Field observation, interviews, and questionnaires were employed to obtain data on the role of NGOs in the reintegration process in Liberia. Interviews were conducted in Monrovia with staff members of the Don Bosco Homes, the Children Assistance Programme (CAP), and the Zorzor District for Women Care. Documentation of these interviews included audiotapes as well as field notes. The study concerns the 2003 reintegration program and focuses mainly on male children, who were the more visible participants, an observation also made during fieldwork carried out between May and July 2006. Policy suggestions for improving the work of NGOs can be compiled through an examination of reintegration concepts, a review of the literature, and analysis of the experiences of the NGOs in Liberia.

The Liberian civil war broke out in 1989 and continued for more than a decade. The phases of the war were marked by a series of peace agreements, the most recent one being the 2003 deal that forced Charles Taylor, former warlord and president, into exile in Nigeria. The war left in its wake thousands of young combatants whose chances of living meaningful and fulfilling lives is now dependent upon how fruitful the reintegration process turns out to be. Toward the end of 2003, a UN peacekeeping force deployed to Liberia to start a process of disarmament, demobilization, rehabilitation, and reintegration. Some former child soldiers went through a formal process of disarmament and demobilization, but some of the elements critical to successful family and community reintegration were missing.

According to the Cape Town Annotated Principles, a child soldier is a person under eighteen years of age who is part of a regular or irregular armed force in any capacity, including but not limited to cooks, porters, messengers, and those accompanying such groups, other than as family members, as well as girls recruited for sexual purposes and forced marriages.² In Algeria, Angola, Burundi, Congo-Brazzaville, the Democratic Republic of the Congo, Liberia, Rwanda, Sierra Leone, Sudan, and Uganda, more than 120,000 children have actively participated in intrastate conflicts.³ Although not a new phenomenon or one unique to Africa, the use of child soldiers in Africa has assumed a magnitude that portends grave consequences for long-term peace there. Keeping

2. 'Cape Town: Annotated principles and best practice. On the prevention of recruitment of children into the armed forces and demobilization and social reintegration of child soldiers in Africa', 30 April 1997, www.mdrp.org/PDFs/capetownprinc.pdf.

3. Coalition to Stop the Use of Child Soldiers, cited in Mark Malan, 'Disarming and demobilising child soldiers: The underlying challenges', *African Security Review* 9:5/6 (2000).

children away from armed conflict and reintegrating child soldiers should thus be considered a viable means of safeguarding peace.

Reintegration refers to the social and economic process by which ex-combatants return to civilian status and gain access to non-military forms of work and compensation. Conducted with an open time frame, the process represents a national responsibility but may require outside assistance. It usually includes implementing long- and short-term skills-acquisition training, education, and psychosocial support for former combatants and civilian populations. The objective is to reduce the fighters' ability and desire to become political spoilers, engage in criminal violence, or derail the peace and recovery process. Reintegration also aims at preparing them and their families for civilian life and promoting reconciliation between the soldiers and the civilian population. In addition to improving the potential of former combatants and their families to earn their livelihood through peaceful means and to participate in the routine economic and social life of their communities, reintegration must also build the capacity of these communities to integrate demobilized soldiers. If successful, overall social conditions should be improved.⁴

The reintegration program in Liberia is premised on an institutional framework for reintegration that has as its basis the Accra Peace Agreement, the accord signed in Accra, Ghana, ending the Liberian civil war, and UN Security Council Resolution 1509 of August 2003, which sought a negotiated settlement of the crisis in Liberia. The objectives are to enable former combatants to contribute to the national security, reconciliation, and development of Liberia through economic self-reliance, responsible citizenship, and proper conduct. The overall goals include national reconciliation, conflict prevention, and sustainable development to ensure the welfare of all residents of Liberia. Expected results are the social and economic reintegration of demobilized soldiers into the civil society and the national economy.⁵ According to the medium- and long-term development frameworks, the goals of social reintegration are the ex-combatants' acceptance as active members of their society, their participation in traditional and social events, and improvement in the perception of social security. Economic reintegration should focus on the acquisition of marketable skills, the ability to access employment opportunities, and income generation at least at a subsistence level.

Social reintegration support covers intervention measures that promote the restoration of social capital, individual social adaptation, psychosocial counseling, traditional means of reconciliation, as well as programs for former child soldiers and other war-affected groups. Measures for economic reintegration assistance include vocational skills acquisition, small enterprise development, apprenticeships and job placement, agriculture- and community-based initiatives, public works programs and job creation, and formal education.⁶

4. C. Gleichmann et al., *Disarmament, Demobilisation, and Reintegration: A Practical Field and Classroom Guide* (Frankfurt, GTZ, NODEFIC, PPC, and SNDC, 2004), 65, www.smallarmsnet.org/pubs/gtzddr.pdf.

5. United Nations Development Programme, Strategic and operational framework of reintegration support for ex-combatants, cited in 'Liberia Disarmament Demobilisation and Reintegration Programme (DDRR): Activity report. United Nations Development Programme Administered Trust Fund, December 2003 to August 2004', 34–48, www.lr.undp.org/DEX/DDRR%20Trust%20Fund%20%20Report.pdf.

6. Ibid.

While some of the NGOs at the forefront of the implementation of the reintegration program in Liberia existed prior to the civil war, others were established to meet the challenges of the war. NGOs have become visible partners in development throughout Africa, and their roles have been acknowledged by governments. Due to the relative transparency and flexibility in their operations, NGOs are relied upon by international funding agencies to execute reintegration projects, among others. In the Liberian reintegration process, they focus on family reunification, skill acquisition, and psychological support.

THE CHILD SOLDIER

In a bid to forestall the continued use of children as soldiers, the Convention on the Rights of the Child in 1990 prohibited the recruitment of children less than fifteen years of age as soldiers. In addition, legal obligations were placed on peacekeepers who encounter child soldiers. For instance, the Fourth Geneva Convention and the Additional Protocols I and II include provisions governing the recruitment and participation of youths in hostilities, their treatment when detained during conflict, and the status of youths who actually take up arms. There is therefore culpability by commanders who use children in combat and an obligation to bring them to book.⁷

The use of children in wars is a global phenomenon and has a long history. The transformation in the nature of armed conflict has led to an increase in the number of children involved in conflicts and has altogether changed their contributions to it. Alcinda Honwana makes note of the Children's Crusade of 1212, in which a large number of the 30,000 children involved were sold into slavery; many others drowned in the Mediterranean.⁸ In 1813 France used children as combatants in battles against the Russians and Prussians. Henry V served at the age of fourteen as a general in his father's army in the war against Wales.⁹

The pattern of recruitment varies among countries. Amadu Sesay and Wale Ismail point out that today children are recruited even in developed countries, including the United States, where boys and girls under eighteen are exposed to military training through such programs as the Young Marines to be groomed to eventually join the armed forces.¹⁰ In the United Kingdom, the phenomenon of child soldiers 'is increasingly taking the form of volunteers into military service in a bid to overcome persistent shortfalls in recruitment quotas.'

In contrast, in most developing countries where child soldiering exists, recruitment takes the form of conscription, intimidation, and force. For example, in the Middle East the use of children as soldiers is rampant among some Islamist groups and armies in Egypt, Iran, Iraq, and Lebanon. A report by P. W. Singer states, 'In 1984, Iranian

7. Malan, 'Disarming and demobilising child soldiers', 8.

8. A. Honwana, 'Negotiating post-war Identities: Child soldiers in Mozambique and Angola', *CODESRIA Bulletin*, no. 1-2, 1999, 4, available at www.medico-international.de/en/projects/social/ps_honwana_en.pdf.

9. O. O. Oluwaniyi, 'The phenomenon of child soldiers in Liberia and Sierra Leone', *African Journal of Peace and Conflict Studies* 1:1 (June 2003), 141.

10. A. Sesay and W. Ismail, 'The phenomenon of child soldiers in armed conflicts in Liberia and Sierra Leone' in A. Sesay (ed.), *Civil Wars, Child Soldiers and Post Conflict Peace Building in West Africa* (Ibadan, Nigeria College Press, 2003), 140.

President Ali-Akbar Rafsanjani declared that “all Iranians from twelve to seventy-two should volunteer for the Holy War”. Thousands of children were pulled out of schools, indoctrinated in the glory of martyrdom, and sent to the front line [in the Iran-Iraq War] only lightly armed. . . . Wearing keys around their necks (to signify their pending entrance into heaven), they were sent forward to help clear paths through minefields with their bodies. All said and done, some 100,000 Iranian boy soldiers lost their lives.¹¹

In Africa, children have long participated in wars alongside their fathers, fighting to defend their villages. Among the pastoralists in East Africa and the Horn, children were organized in an age-grade system as part of the military administrative system and assigned military roles. They were not, however, allowed to participate in wars until they graduated to a warrior age grade, in their late teens, from the nineteenth to the twenty-first century.¹² In West Africa, the use of children as soldiers dates to the start of the Liberian conflict in 1989. In Liberia, Taylor’s National Patriotic Front of Liberia (NPFL) introduced the abduction and use of boys during the civil war, and other Liberian factions, as well as other fighting groups in West Africa, adopted the practice. Between 6,000 and 15,000 children were estimated to have taken up arms from 1989 to 1997.¹³ In Sierra Leone, which has one of the worst records of using children in war, more than 10,000 children served as soldiers for the various factions between 1991 and 2002, when the conflict there officially came to an end.¹⁴

Many reasons have been given for why children are targets of armed factions and commandants. Karl Maier posits two broad and plausible explanations. First, in many impoverished African, Asian, and Latin American conflicts, children are cheaper and more pliable soldiers than adults. Men (and women) are more difficult to control because they find it easier to migrate or hide and to refuse or resist the pressures of armed factions. Adults are also expensive to support, more difficult to discipline and command, and most important, are more likely to switch allegiance at critical moments. Second, children are more pliable in terms of indoctrination and can more easily become emotionally attached to adult leaders and soldiers who act as authority figures.¹⁵ Funmi Olonisakin notes that Taylor in Liberia and Foday Sankoh, the head of the Revolutionary United Front (RUF) in Sierra Leone, were both fondly called Papay (‘papa’ or ‘father’) by their young followers.¹⁶

Furthermore, Paul Richard states that with limited access to education, employment, and political power, many young people and children can become alienated from the state and mainstream society.¹⁷ This pool of children and young people, listless prior to the outbreak of conflict, thus becomes cannon fodder for ruthless warlords.

11. Cited in Kevin McClay, ‘Children and war: Modern transitions of violence’, 18 April 2007, 3, www.terry.ubc.ca/index.php/2007/04/18/children-and-war-modern-transitions-of-violence.

12. A. Waal, ‘Contemporary warfare in Africa’ in Mary Kaldor and Basker Vashee (eds.), *Restructuring the Global Military Sector* (London, Pinter, 1997), 1: 318–20.

13. David Kelly, ‘Disarmament, demobilisation and reintegration of child soldiers in Liberia, 1994–1997: The process and lessons learned’, UNICEF, New York, 1998, 39.

14. Amnesty International, ‘Sierra Leone: Childhood—A casualty of conflict’, Amnesty International, London, August 2000, 1, www.amnesty.org/en/library/info/AFR51/069/2000.

15. Karl Maier, ‘The universal soldier (child soldiers)’, *Yale Review*, 86 (January 1998).

16. F. Olonisakin, ‘Children and armed conflict’ in A. Adebajo and I. Rashid (eds.), *West Africa’s Security Challenges: Building Peace in a Troubled Region* (Boulder, Colo., Lynne Rienner, 2004), 247.

17. P. Richard, ‘Fighting for the rainforest’, paper presented at the Development Studies Association Conference, University of Bath, September 1996, 14–16.

Based on studies carried out by Oliver Furley, rather than being convinced of any political or military ideology, many children join a faction because of potential personal gain, including prospects for looting.¹⁸ In fact, false promises of \$5 and a pair of Levis by rebel commanders easily lured poor, semi-literate children from rural subsistence-level farming families into childhood soldiering.¹⁹ This fact is not unrelated to the paucity of their economic situation. Other studies reveal that some children join rebel factions because of the loss of members of their family or a relative as a result of conflict. In the views of Sesay and Ismail, the presence of children in the ranks of the National Resistance Army in Uganda, the RUF in Sierra Leone, and the NPFL and other factions in Liberia illustrates the fact that children see their membership in such groups as a rare opportunity to avenge the death of family members and loved ones.²⁰

Some warlords have taken advantage of the geographical proximity of other countries to recruit children into soldiering. When coupled with the nature of armed conflicts that are internally driven but have spilled across borders, this can contribute to a bandwagon effect in recruitment. Another factor that has led to the recruitment of child soldiers is the nature of the arms used in conflicts. The evolution in weapons, especially their portable nature and the easy availability of small arms since 1945, has encouraged under-age soldiering.²¹ The weight and size of small arms make it easy for a child as young as eight years of age to be taught to fire an assault rifle or a machine gun. The use of small arms in conflicts has physically and emotionally scarred and traumatized generations of children. The vast majority of casualties among them are directly attributable to these firearms.

Long after peace agreements have been signed and soldiers have gone home, the prevalence of small arms in postconflict societies perpetuates a culture of violence. Some former combatants view the gun as a means of economic survival. In other cases, civilians arm themselves to protect their families and property. Children are then exposed in their own homes to the dangers of weapons, potentially resulting in a vicious cycle of crime and violence.

REINTEGRATION PERSPECTIVES

The objective of part of the peace accord to end Liberia's fourteen-year war was to help ex-combatants transition into decent lives, with respect for the rule of law and human rights. UN secretary-general Kofi Annan reiterated that reintegration and repatriation programs for former combatants and non-combatants, respectively, would equally require the generous support of the international community. He opined that without an effective reintegration program, the entire disarmament, demobilization, rehabilitation, and reintegration effort could be seriously undermined, possibly resulting in renewed insecurity in the country.²²

18. O. Furley, 'Child soldiers in Africa' in Oliver Furley (ed.), *Conflict in Africa* (London, Taurus, 1995), 28–44.

19. Kelly, 'Disarmament, demobilisation and reintegration', 13.

20. Sesay and Ismail, 'Phenomenon of child soldiers', 141.

21. M. Klare, 'An overview of the global trade in small arms and light weapons' in J. Dhanapala et al. (eds.), *Small Arms Control: Old Weapons, New Issues* (Aldershot, Hants, for the UN Institute for Disarmament Research, 1999), 4–5.

22. UN News Centre, 'Stability returning to Liberia but challenges remain', 2005.

The appropriate approach to reintegration has so far been contentious. Irrespective of what it should be, however, Rachel Brett and Margaret McCallin suggest that it must counter any tendency to give up or to accept child soldiers as part of a lost generation. According to them, rather than view child soldiers as psychopathic killers beyond rehabilitation and the boundaries of civil society, it would be more fruitful to move away from deeds committed to focus on the consequences suffered by child soldiers as children and to attempt to address the deficiencies in personal development caused by participation in armed conflict.²³

Beth Verhey provides insight into the reintegration of child soldiers by examining the place of culture in the process of addressing the psychosocial impacts of conflict on them.²⁴ She focuses on the social importance of traditional healing rituals for child soldiers as part of the reintegration process. These provide for the acceptance of the child, assuaging the ill-spirit associated with the child soldier's activities during conflict and reconciling the child with ancestral spirits. Similarly, Mats Utas reiterates the difficulty of rebuilding social solidarity, emphasizing the importance of knowing and engaging the social environment in the process of peacebuilding.²⁵ John Williamson and Randolph Carter, in their review of the progress of the International Rescue Committee in implementing Vulnerable Children and Youth Protection and Development, a reintegration project for Liberian and Sierra Leonean child soldiers, recommend several measures that are considered elements critical to successful reintegration, including traditional cleansing ceremonies, traditional healing rituals, and religious support.²⁶

The reunification of child soldiers with their families and communities has held a dominant position in reintegration approaches based at least in part on the consideration of the family by the Convention on the Rights of the Child as the 'fundamental group of society and the natural environment for the growth and well-being of all its members.' The convention further affirms that the child, 'for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.' Mark Malan considers a situation in which efforts to trace a child's family fail or the entire family has perished in conflict or is rendered incapable of providing the physical means of sustenance, happiness, love, and understanding.²⁷ In such a circumstance, it is suggested that other care-giving arrangements be pursued that will meet the child's physical, social, and emotional needs.

THE CASE OF LIBERIA

The reintegration of child soldiers in Liberia is based on the 'Strategic and Operational Framework of Reintegration Support for Ex-Combatants', a working document of the National Commission for Disarmament, Demobilization, Rehabilitation, and Reintegra-

23. R. Brett and M. McCallin, *Children: The Invisible Soldiers* (Stockholm, Radda Barnen, 1998).

24. Verhey, 'Child soldiers'.

25. Utas, *An Anthropology of Contemporary Armed Conflicts*.

26. J. Williamson and L. R. Carter, 'Children's reintegration in Liberia', U.S. Agency for International Development, February 2005, 13, http://pdf.usaid.gov/pdf_docs/PNADE015.pdf.

27. Malan, 'Disarming and demobilising child soldiers', 12.

tion. Its intervention measures are aimed at social and economic reintegration. The process, however, has been hampered by a series of constraints that undermine its general performance.

The Liberian framework notes that for successful program implementation, the participation of various local and international NGOs, CBOs, as well as relevant government ministries and the private sector is of vital importance in ensuring maximum impact. The relevance of NGOs, especially locally based ones, hinges on knowledge and awareness of the socioeconomic and political landscape of Liberia. As noted, the organizations whose participation has been vital to the reintegration of child soldiers include the International Rescue Committee (IRC), the Don Bosco Homes (DBH), the Children Assistance Programme (CAP), and Zorzor District for Women Care. These groups have depended on international donor agencies for financial support, and some have also raised funds from individuals and foundations.

Don Bosco Homes, a Roman Catholic organization, is one of the most visible NGOs in Liberia. Currently working in four of Liberia's fifteen counties, it focuses on providing rehabilitative community and in-center skills-acquisition training, counseling, recreation, family tracing and reunification, academic tuition and fees, HIV/AIDS awareness, family mediation, child rights and protection services, and legal assistance. In addition to these services, DBH also operates the Accelerated Literacy Programme (ALP) and Literacy and Numeracy, fast-track learning programs. The ALP is for street and community-based children to quickly teach those who have missed years of school or have never attended. The curriculum is designed to make learning attractive and is interspersed with activities like playing football and checkers, bike riding, videos, and so on. The Literacy and Numeracy program is offered only at skill-training centers and is aimed at teaching how to read and write and to keep basic records in the work place.²⁸ Don Bosco Homes was not opened to specifically target child soldiers but has taken advantage of its capabilities to rehabilitate and reintegrate them. In addition to helping with family tracing and unification, DBH has worked reintegration into the context of its support program for street children, orphans, and children in dire situations.

Workers at DBH, however, have criticized some aspects of the DDRR. For instance, they question the rationale behind the subsistence allowance given to the children. Nathaniel Roberts, a DBH worker, said 'from my own professional point and DBH's we do not believe in giving these children money.'²⁹ The payment, most other informants at the home opined, had given the children the feeling that they should somehow be rewarded.³⁰ Despite the differences in approach, the Don Bosco Homes, according to Roberts, has been collaborating with the Joint Implementation Unit (JIU), an interdisciplinary and interdepartmental entity formed by the United Nations Development Programme, United Nations Mission in Liberia, and National Commission for Disarmament, Demobilisation, Rehabilitation, and Reintegration as a mechanism to carry out the planning and day-to-day activities of the reintegration program for children, especially in the area of providing educational support. The major constraint faced by DBH is inadequate funding and a lack of support from international agencies. This

28. *Don Bosco Link*, no. 20, October 2005, 14.

29. Nathaniel Roberts, personal communication, June 2006.

30. The payments caused problems on another level, because some of the demobilized child combatants did not receive the monthly cash allowances, which they believed had been promised to them.

notwithstanding, the staff were of the view that they owed the children a chance. Wollem Bohlem, DBH's child protection coordinator, commented, 'We are not equipped financially, but if we can get the kind of support, the needed support, we will definitely ensure that the reintegration program continues when the UN eventually leaves the country. For instance, I can say that out of about 11,000 children that were disarmed, not more than 25 percent have been covered by the program. There is the need for us to continue the rehabilitation and reintegration activities'.³¹

Workers at the homes were asked which aspect of reintegration they considered the most challenging. Out of the five workers interviewed, four said integrating the children into families and communities. They estimated that about 75 percent of the children were returned home to their parents, but also acknowledged the frustration of seeing increasing numbers of children in the streets. Bohlem put the situation into perspective: 'I remember we did a survey in 2003 and in that survey it was revealed that about 3,000 children were in the streets of Monrovia alone. In the follow up that we did in March 2006, we discovered that between 5,000 and 6,000 children were roaming the street every day'.³²

Informants ascribed different reasons for former child soldiers not fully reintegrating into families. These include placing children in families that were broken or headed by a single parent and the fact that some were reunited with relatives who have little or no economic capacity to support them. DBH staff members reiterated their readiness to continue with reintegration work with or without the support of international agencies.

Vulnerable Children and Youth Protection and Development, a project of the International Rescue Committee, had some three months to conclude its work at the time this study was conducted. The goal of the project was to mitigate the effect of violence and displacement on Liberian youth by engaging communities in addressing protection concerns and ensuring their psychological well-being. In specific, the project aimed at ensuring that children, whether in or out of school, participate in activities promoting their psychological and educational development, with particular attention paid to more vulnerable children, such as former child soldiers and children separated from their families. Financial support for this project was provided by the U.S. Agency for International Development through the Displaced Children and Orphans Fund.

The IRC, like many other international NGOs addressing the issue of reintegration in Liberia, received funding for its project but lacked sufficient knowledge of the grassroots. As such, the organization mainly provided support to community-based organizations constituted as the Child Welfare Committees (CWCs). The CWCs were mandated to carry out the following activities:

- identify the primary issues affecting the welfare of children,
- survey current human and organizational resources in their communities to identify and mobilize existing community resources to support war-affected children,
- engage in dialogues on identifying and revising the best child-protection practices that communities relied on prior to the conflict,
- carry out community-wide awareness raising events around child protection issues,

31. Wollem Bohlem, personal communication, June 2006.

32. Ibid.

- lead discussions with smaller groups of community members,
- raise awareness of prevention of separation strategies,
- carry out joint sensitization activities with teachers, teaching assistants, and school administrators regarding the need for inclusion of vulnerable groups in the classroom,
- design the most appropriate methods for addressing the child welfare concerns, and
- work with the community to identify solutions and reform local policies.³³

The work of the IRC that the CWCs carried out centered on mobilizing community action to address the issues of vulnerable children. Although direct intervention was said to have been contemplated, it remained only a wish, at least at the time this study was conducted. The IRC's intervention was thus devoid of direct engagement with the former child soldiers. Many of the children interviewed did not know of the IRC's existence.

Being an international NGO, it is understandable that without being able to take on a level of responsibility for the continuity of an activity, there is little that the IRC can do in terms of issues to be addressed, the approach to be taken, and the objectives to be achieved. Doing otherwise, however, might be difficult due to the existence of time frames for projects funded by donor organizations. In essence, the work of the IRC tended more toward advocacy than direct intervention.

Another organization with visibility in the reintegration program for child soldiers is the Children Assistance Programme. CAP works to improve the well-being of all people, especially children, by rendering various forms of social services to all categories of disadvantaged children, whether abandoned or unaccompanied, war affected, or socially and economically deprived. Although the scope of its work transcends child soldiers, CAP has shown a great deal of commitment to the cause of reintegration. Being a skill-acquisitions center, CAP's role in reintegration focuses on helping soldiers acquire the skills that will make them economically self-sufficient. In assisting former child combatants, CAP has succeeded in creating more jobs in the informal sector.

From interviews with children undergoing training at the center and with staff members, CAP appears to be a success story as far as its reintegration program is concerned. The interviews also revealed the challenges faced by the children in the course of their reintegration and the constraints confronting CAP in executing its mandate. One of the general views expressed by the child soldiers was that although they felt their lives to be meaningful while working with CAP, upon leaving the center at the end of each day, the harsh reality of life confronted them, especially regarding food and accommodations. The children were content with their placement in jobs and in schools after the initial rehabilitation process, but lamented the apparent lack of financial assistance afterward.

According to staff members, CAP regularly monitors the progress made by program participants placed in schools. The organization also assists those who want to establish small businesses. Most of the children who have learned a skill were also engaged and paid by CAP to execute some contracts. Simultaneously, however, adequate funding was identified by CAP workers as the greatest challenge the center faces. Most of the time, the organization can only function within the limitations of the funds it has received from international donor agencies. Inasmuch as CAP would have liked to

33. Williamson and Carter, 'Children's reintegration', 7.

keep children for longer periods, funding restrictions necessitated that they be released after some of the negative behavioral traits they initially exhibited had disappeared. Insufficient funding was equally identified as an encumbrance to staffing. Most staff worked on contract and could not be guaranteed continued employment or even the center's sustainability.

Zorzor District for Women Care was established specifically to assist in resettling victims of the Liberian war, focusing on skills-acquisition training for women and girls. Although the organization was not as big as those discussed above, participants felt that their lives had been changed by the support provided. As with the other NGOs discussed here, Zorzor staff mentioned inadequate funding as a major constraint.

Agnes Kortimai, the executive director of Zorzor, asserted that donor agencies tend to give preference to international NGOs when it comes to funding. These agencies, she averred, did not consider it expedient to engage local NGOs in the process of project implementation. The difficulty in accessing fund, she said, accounted for the low profile of her organization. If her view is accurate, the knowledge of local, sidelined NGOs is not being utilized. According to Kortimai, 'The international NGOs are implementing for themselves. They are not empowering the local NGOs who are supposed to go down to the grassroots and work. . . . [I]nternational NGOs . . . , they just pass through the town, they don't know the people, they don't speak their dialect. But the local NGOs are community-based NGOs that work and know the people in the community. The international NGOs go to [the UN Development Programme] to get jobs, but remember if the international NGO [leaves], it is the local NGOs that would remain and work with the people'.³⁴

Based on the interviews conducted during this study, it is possible to deduce an unhealthy rivalry among organizations engaged in the reintegration process. We can equally infer an apparent lack of trust in the local NGOs that makes it difficult for them to obtain funding from international agencies.

The track record of NGOs as platforms for assisting reintegration has also been determined by the perceptions of the former child soldiers about the NGOs' roles. On a general note, sizeable numbers of these children were of the view that the NGOs play more active roles in their reintegration than they actually do. The response to a survey question—"Who plays the most important role in the reintegration of child ex-soldiers?"—indicates that a third of respondents had given some consideration to the role played by NGOs.

The significant role of NGOs in Liberia's reintegration process more or less supports the now popular view that civil society organizations are more responsive to people's needs than are government agencies. The organizations examined in this study have structural and functional similarities and differences. Don Bosco Homes and CAP are more direct in their intervention approaches, whereas the IRC engages networking, community-based organizations to implement its program. As such, IRC lacks the physical presence of DBH and CAP. The Zorzor District for Women Care is gender based and operates at the grass-roots level. Despite some efficiencies, all the organizations face inadequate funding and an inability to define their own agendas, which are considerable limitations. With more funding at their disposal, there is every possibility that

34. Agnes Kortimai, personal communication, June 2006.

Table 1

Assessment of the Roles of Stakeholders in Reintegration Programs

Question: Who plays the most important role in the reintegration of child ex-soldiers?

Response category	Frequency	Percentage
Liberian government	45	18
Nongovernmental organizations	85	34
UN agencies	62	24.8
UN Mission in Liberia	58	23.2
No response	—	—
TOTAL	250	100

Source: Awodola Bosede, 2006.

they will fair better than they have thus far. The lack of synergy in the operations of the international NGOs and local NGOs and the resultant underutilization of capacity have led to underachievement. Better cooperation could lead to greater success.

CONCLUSION

NGOs play large roles in the Liberian reintegration process, but their responsibilities have not been supported with adequate funding. Based on what they have so far accomplished, there is every reason to believe that better results are likely to be attained if more funding were available.

Former child soldiers remain a common sight on Monrovia's streets. This does not, however, mean that the NGOs' ability to carry out their respective mandates has been a failure. Instead, the level of success they achieve in the reintegration process should be viewed in proportion to the funds at their disposal. Inadequate funding has for ages been an intractable challenge confronting development work.

In Liberia, local NGOs appear to be best equipped to provide assistance for former child soldiers, in part because of their familiarity with the sociocultural contexts of the country. In most cases, however, local NGOs play secondary roles to their international counterparts, who act more as gatekeepers for funding. Considering the advantaged position of local NGOs vis-à-vis reintegration assistance, supporting them in the areas of funding and capacity building will serve to promote qualitative reintegration. The appropriateness and effectiveness of NGOs as reintegration platforms are well established. Their commitment shown to the process surpasses that of governmental agencies; former combatants attested to this. It can, therefore, be concluded that the engagement of NGOs as platform for reintegration has not been misplaced.



Forgiveness, Reconciliation, and Judicial Process in Northern Uganda: The Lord's Resistance Army and the International Criminal Court

Michael Bartlet

The discoverer of the role of forgiveness in the realm of human affairs was Jesus of Nazareth. The fact that he made this discovery in a religious context and articulated it in religious language is no reason to take it less seriously in a strictly secular sense. It has been in the nature of our tradition of political thought to be highly selective and to exclude from articulate conceptualization a great variety of authentic political experiences, among which we need not be surprised to find some of an even elementary nature.

— Hannah Arendt, *The Human Condition* (1958)

THE ROME STATUTE of the International Criminal Court needs to be flexibly interpreted in ways that validate and integrate local and traditional conceptions of justice into a framework of international humanitarian law. By presenting the International Criminal Court and the comprehensive peace agreement for the northern Uganda conflict as expressing a dichotomy of values between punitive law and reconciliation, nongovernmental organizations and lawyers have made the prospect of sustainable peace more remote. A broad interpretation of complementarity, in which the voices of victims inform a process of legal accountability, offers the best prospect of sustainable peace. Such a layering of accountability at local, national, and international levels could combine notions of individual liability for criminal violations with elements of truth telling, inquiry into the causes of the conflict, and forms of traditional justice. International humanitarian law needs to be a living instrument that is sufficiently flexible to accommodate regional particularity and local perspectives in reconciling the complex requirements of justice and peace. While impunity is often cited as a cause of recurrent violence, excluding those most affected locally from processes of accountability may be far more damaging to prospects of long-term justice and peace. Where legal forbearance is combined with sufficient local investigation, even where this does not involve universal criminal trials, such attenuation can be compatible with the jurisdiction of the Rome Statute.

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THE TWENTY-TWO-YEAR CONFLICT between the Lord's Resistance Army (LRA) and the Ugandan government has taken place largely hidden from the glare of CNN cameras. Jan Egeland, UN undersecretary for humanitarian affairs, has described it as the 'biggest neglected humanitarian emergency in the world'.¹ While the precise causes of the conflict are contested, contributory factors include the continued existence of large remnants of the Uganda National Liberation Army (UNLA, which had been loyal to the regime of Milton Obote before Yoweri Museveni's National Resistance Army took power in 1986 but was never fully demobilised); the suppression of a region that had provided a significant proportion of senior military officials during the period 1962 to 1986; ethnic rivalry between the northern Acholi and Bantu-speaking southerners, and the historic economic inequality between the north and south.²

Josef Kony, leader of the LRA and the protagonist of the rebellion, combined the role of warlord with religious leader. After the defeat of his cousin Alice Lakwena's Holy Spirit Movement in November 1987, he recruited from her army and claimed the mantle of her religious powers, exhorting his troops to lead a life based on his distorted version of the Ten Commandments. While ostensibly seeking to create a theocratic state and to replace the national Ugandan government, support for the LRA has been confined to the north, where it has sought to exploit regional grievances and build on the political alienation of the Acholi people. Many of its attacks have been against civilians and have frequently included the forced recruitment of child soldiers. Antagonism between the Sudanese government in Khartoum and Uganda exacerbated the conflict and led to the Sudanese lending military and logistical support to the LRA.³

The conflict between the government of Uganda and the LRA has resulted in horrendous crimes, including the abduction of children who are forced to become soldiers and sexual partners, violations of humanitarian law by the Uganda People's Defence Force (UPDF) and the LRA, and the forced displacement of nearly 2 million people. By mid-2002, it was estimated that more than 10,000 children had been abducted by the LRA.⁴ The rebellion had by then been fought to a stalemate in which the LRA rebels could never hope to take over even the regional government, but the national government could not dislodge LRA warlords from the borders with Sudan and Congo.

In 1998 the government had come under strong internal and foreign pressure to halt the insurgency. Community groups most affected in the north argued that members of the LRA needed to be persuaded to defect. The government passed the Amnesty Act of 2000 as a way of encouraging LRA combatants to surrender.⁵ The Amnesty Act of 2006, an amendment to the 2000 law, provided that 'a person shall not

1. International Crisis Group, 'Northern Uganda: Understanding and solving the conflict', Africa Report no. 77, 14 April 2004, www.crisisgroup.org/home/index.cfm?id=2588.

2. Kasaija Phillip Apuuli, 'Amnesty and international law: The case of the Lord's Resistance Army insurgents in northern Uganda', *African Journal on Conflict Resolution*, 5:2 (2005), 33–61.

3. Heike Behrend, *Alice Lakwena and the Holy Spirits*, trans. Mitch Cohen (Oxford, James Currey, 1999); Matthew Green, *The Wizard of the Nile: The hunt for Africa's most wanted* (London, Portobello Books, 2008).

4. Human Rights Watch, 'ICC: Investigate all sides in Uganda', press release, 4 February 2004, www.hrw.org/en/news/2004/02/04/icc-investigate-all-sides-uganda.

5. Apuuli, 'Amnesty and international law'.

be eligible for grant of amnesty if he or she is deemed not eligible by the Minister by statutory instrument made with the approval of Parliament.⁶ To date, no names have been put before the parliament. The offer of amnesty is contingent on reporting to a recognised official, renouncing conflict, and surrendering weapons. Clause 7 of the act provides for an Amnesty Commission to promote programmes of 'demobilisation', 'reintegration', 'resettlement of reporters' (that is, those surrendering), 'appropriate reconciliation mechanisms in the affected areas', and 'dialogue and reconciliation within the spirit of this Act'.⁷ By December 2006, more than 21,000 insurgents had come forward.⁸

In December 2003, President Museveni referred the situation of the LRA insurgency to the International Criminal Court (ICC),⁹ and on 8 July 2005 the court issued arrest warrants, under seal, for Kony and four senior LRA commanders; the warrants were made public on 13 October 2005. The ICC alleges that the LRA leader issued orders in 2002 and 2003 to attack, loot, and abduct civilian populations. Of the accused, Vincent Otti and Raska Lukwiya have since died, and Okhot Odhiambo is apparently ready to surrender.¹⁰ The case of Dominic Ongwen raises complex issues, as he had been abducted at the age of ten and made a child soldier. The ICC prosecutor has submitted evidence that these commanders participated directly in carrying out Kony's orders.

While seeking a legal remedy, the government also participated in peace talks mediated by Riek Machar, the vice president of South Sudan. The discussions began on 16 July 2006 and resulted in a cessation of hostilities on 26 August 2006. During negotiations, the government took the position that it was willing to approach the ICC with a request to lift the arrest warrants provided a final peace agreement was first signed.¹¹ In February 2008, the government and the LRA agreed to a permanent cease-fire. In an interview with the Associated Press on 11 March 2008, Museveni announced his preference that commanders face 'traditional justice, which is more compensatory than a retributive system'.¹² Kony, however, did not show up to sign the agreement at Ri Kwangba on 10 April 2008, claiming that he wanted first to 'understand the relationship between the proposed Special Division of the High Court [for trying crimes committed during the conflict] and the traditional mechanisms of the

6. The Amnesty Act of 2006 is available at the Uganda Online Law Library, www.ugandaonlinelawlibrary.com/lawlib.

7. Ibid.

8. The figure includes combatants from the LRA rebellion as well as other conflicts. The Amnesty Commission estimates that 15,300 LRA combatants had already surrendered by June 2005. See www.unddr.org/countryprogrammes.php?c=37.

9. Phil Clark, 'Law, politics and pragmatism: The ICC and case selection in Uganda and the Democratic Republic of Congo' in Nicholas Waddell and Phil Clark (eds.), *Courting Conflict? Justice, Peace and the ICC in Africa* (London, Royal African Society, 2008). *Courting Conflict* is available at www.crisisstates.com/download/others/ICC%20in%20Africa.pdf.

10. 'The Security Council Report' asserts that on 29 January 2009 Odhiambo was in negotiations with the IOM to obtain safe passage to Uganda and was reportedly seeking a pardon from the Ugandan government. See www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.2880391/k.1C6F/Northern_UgandaLRABr_Historical_Chronology.htm.

11. Michael Otim and Marieke Wierda, 'Justice at Juba: International obligations and local demands in northern Uganda' in Waddell and Clark, *Courting Conflict*.

12. Anthony Dworkin, 'The Uganda-LRA war crimes agreement and the International Criminal Court', Crimes of War Project, 25 February 2008, www.crimesofwar.org/print/onnews/Uganda2.html.

Acholi'.¹³ To what extent would traditional justice mechanisms be compatible with the jurisdiction of the ICC?

THE JUBA PEACE AGREEMENTS

The Juba peace agreements probably provide the best public record of the government's intentions regarding the framework for the legal accountability of the leadership of the LRA. Negotiations between the government and the LRA concluded with five separate agreements as part of a comprehensive peace agreement: Cessation of Hostilities; Comprehensive Solutions to the War; Accountability and Reconciliation and Annexure; Permanent Ceasefire; Disarmament, Demobilisation and Reintegration Implementation and Monitoring Mechanisms.¹⁴ A final peace agreement consolidating the five-part agreement was drafted but not signed.

The comprehensive peace agreement proposes forms of judicial accountability that would go beyond the limited provisions currently envisaged by the Amnesty Commission. The Agreement on Accountability and Reconciliation recognises the government's obligation as a party to the Rome Statute, 'to provide the necessary structures to try perpetrators of international crimes and grave violations of humanitarian law'.¹⁵ It provides for trials, formal criminal and civil justice measures for those responsible for 'serious crimes and human rights violations' (clause 4), the forum depending on the 'nature and gravity of offending conduct'. The annexure then sets out that a 'special division of the High Court of Uganda shall be established to try individuals who are alleged to have committed serious crimes during the conflict' (clause 7). This same part of the agreement states that the 'Parties shall promote appropriate reconciliation measures to address issues arising from within or outside Uganda with respect to the conflict' (clause 7). The annexure then lays out a framework (clause 4) under 'Inquiry into the Past and Related Matters':

The Government shall by law establish a body, to be conferred with all the necessary powers and immunities, whose functions shall include:

- a) to consider and analyse any relevant matters including the history of the conflict;
- b) to inquire into manifestations of the conflict;
- c) to inquire into human rights violations committed during the conflict, giving particular attention to the experiences of women and children;
- d) to hold hearings in public and in private;
- e) to make provision for witness protection, especially for children and women;
- f) to make special provision for cases involving gender-based violence;
- g) to promote truth-telling in communities and in this respect to liaise with any traditional or other community reconciliation interlocutors;
- h) to promote and encourage the preservation of the memory of the events and victims of the conflict through memorials, archives, commemorations and other forms of preservations;

13. 'Report and recommendations of the chief mediator of the peace process between the government of Uganda and the Lord's Resistance Army', Juba, 16 June 2008.

14. The full text of the comprehensive agreements is available at www.resolveuganda.org/peaceagreement.

15. Ibid.

- i) to gather and analyse information on those who have disappeared during the conflict.

The annexure to the Agreement on Accountability and Reconciliation recalls in its preamble the 'requirements of the Rome Statute of the International Criminal Court (ICC) and in particular the principle of complementarity'. Its clause 19 refers to traditional justice as a 'central part of the alternative justice and reconciliation framework identified in the Principal Agreement'.

It was assumed at the time of the agreements that LRA leaders would be tried in the Ugandan High Court. The draft final peace agreement provided that during a transitional period, the 'Government shall request the UN Security Council to adopt a resolution under Chapter VII of the Charter of the United Nations, requesting the International Criminal Court to defer all investigations and prosecutions against the leaders of the Lord's Resistance Army' (clause 40). International representatives witnessed the agreements, in the case of the annexure those of the European Union, Kenya, Mozambique, South Africa, Tanzania, and the United States. Mirjam Blaak, Ugandan ambassador to the Netherlands, subsequently reiterated a willingness to proceed with prosecution in a special division of the High Court of Uganda: 'Trials at a national level would make use of the principle of complementarity, for which the court was established in the first place'.¹⁶

JURISDICTION OF THE INTERNATIONAL CRIMINAL COURT

The Rome Statute attempts to integrate the sovereignty of states and the International Criminal Court into a consistent supranational jurisdiction for the most serious crimes. Its preamble recognises that 'such grave crimes threaten the peace, security and well being of the world', and determines 'to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes'.¹⁷ It consolidates definitions of genocide, crimes against humanity, and war crimes into one text and aspires to ensure that 'respect for the law will guarantee lasting peace'.¹⁸

Article 1 defines the jurisdiction of the ICC as 'complementary' to national courts. It is left to the judges of the court to determine the extent of that jurisdiction. Unlike the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for Former Yugoslavia, national courts retain the primary jurisdiction for criminality, leaving the ICC a residual jurisdiction when a state is unwilling or unable to carry out an investigation or prosecution.

Article 16 provides that investigations or prosecutions may be deferred for a period of twelve months by a UN Security Council resolution adopted under Chapter VII of the UN Charter. Article 17 of the Rome Statute provides that a case will be inadmissible before the ICC under the following circumstances:

16. Katy Glassborow, 'Uganda insists peace not at odds with ICC', Institute for War and Peace Reporting, 14 April 2008. For updates on Uganda, see www.genocidewatch.org/uganda.html.

17. The Rome Statute of the International Court of Justice is available at <http://untreaty.un.org/cod/icc/index.html>.

18. Luis Moreno-Ocampo, ICC prosecutor, 'The tenth anniversary of the ICC and challenges for the future: Implementing the law', speech to the London School of Economics, 8 October 2008.

- a) The case is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution;
- b) The case has been investigated by a State which has jurisdiction over it and the State has decided not to prosecute the person concerned unless the decision resulted from the unwillingness or inability of the State genuinely to prosecute;
- c) The person concerned has already been tried for conduct which is the subject of the complaint, and a trial by the Court is not permitted under article 20, paragraph 3;
- d) The case is not of sufficient gravity to justify further action by the Court.

Where a case meets the admissibility criteria of Article 17, the prosecutor has a countervailing discretion under Article 53, clause 2(c), if a 'prosecution is not in the interests of justice, taking into account all the circumstances, including the gravity of the crime, the interests of victims and the age or infirmity of the alleged perpetrator, and his or her role in the alleged crime'. It is subject to review by the Pre-Trial Chamber.

PROSECUTIONS OF THE LRA LEADERSHIP: SUSPENSION OR DISCONTINUATION

The negotiations between the Ugandan government and the LRA were undertaken in the context of an informed understanding of the powers of the ICC, at least on the part of the government. The Juba peace agreements envisaged the trial of LRA leaders in a special division of the High Court, which would also require the discontinuation of the ICC investigation and prosecutions. This could have happened in any of the ways set out above.

The Security Council route provides for a suspension of twelve months, rather than a dismissal, of the arrest warrants against LRA members. The council would be reticent to intervene politically, unless requested by the government of Uganda and would in any case be reluctant to act in a way that could be seen as undermining the judicial credibility of the ICC.

As regards Article 53 of the Rome Statute, the request would have to come from the prosecutor. The Office of the Prosecutor (OTP) has published a policy paper, 'Interests of Justice', setting out the office's understanding of Article 53.¹⁹ It emphasises that the exercise would be exceptional in its nature. The prosecutor is not required, it suggests, to establish that an investigation or prosecution is in the 'interests of justice'; the issue, rather, is to provide a countervailing consideration where positive requirements of admissibility and jurisdiction are established. In relation to Uganda, the paper states that the 'situation demonstrates well the exceptional nature of the interests of justice as well as the differences between this concept and the interests of peace'. The paper refers to twenty-five consultations with victims and to the statutory role of the United Nations in respect to deferring ICC action where it considers it necessary for the maintenance of peace and security.

19. International Criminal Court, 'Interests of Justice', September 2007, www.iccnw.org/?mod=interestofjustice.

It may be, however, that the reading of the OTP is unduly narrow. *Travaux préparatoires* (the record of negotiations) suggests that any attempt at such a restrictive definition would have led to the collapse of an agreement at the Rome Conference itself. William Schabas, in a thoughtful gloss on the text, argues convincingly that ‘in distinguishing the interests of peace from the interests of justice, the prosecutor is reading too much into the term. Sometimes legal texts cannot codify concepts that require the exercise of common sense and good judgment by responsible professionals.’²⁰ A prosecution that would be likely to perpetuate a cycle of violence with subsequent atrocities cannot be in the interests of justice.

Given the OTP’s assessment and the chief prosecutor’s opposition to judicial impunity, there appears to be little prospect of his seeking this route in a process that he has initiated, in relation to crimes he considers particularly grave. The most realistic and promising avenue for discontinuance is therefore a challenge by way of admissibility under Article 17, were the government of Uganda to seek to reassert its jurisdiction. A prior step in that case would be for the government to request the Security Council to provide a deferral for twelve months, during which time the case would be considered. In these circumstances, the government would have to conduct genuine domestic investigations and prosecutions of the cases before the ICC.

Admissibility of Amnesty

For some critics of the Juba negotiations, the agreements reached were tantamount to amnesty. Opponents of amnesty point to the preamble to the Rome Statute to argue that amnesties for the most serious crimes are incompatible with international law, noting that signatories are ‘[d]etermined to put an end to impunity for the perpetration of these and thus to contribute to the prevention of such crimes’.

The UN secretary-general, Kofi Annan, suggested, in the context of Sierra Leone, that ‘amnesty cannot be granted in respect of international crimes, such as genocide, crimes against humanity or other serious violations of international humanitarian law’.²¹ The International Committee of the Red Cross offers support for this position, and state practice confirms an emerging norm for the prohibition or non-recognition of amnesties.²² The UN Human Rights Committee has concluded that at least in relation to torture, ‘[a]mnesties are generally incompatible with the duty of States to investigate such acts; to guarantee freedom from such acts within their jurisdiction; and to ensure that they do not occur in the future. States may not deprive individuals of the right to an effective remedy, including compensation and such full rehabilitation as possible’.²³ Both the UN Human Rights Committee and the Inter-American Com-

20. William A. Schabas, ‘Prosecutorial discretion v. judicial activism at the International Criminal Court’, *Journal of International Criminal Justice*, 6 (2008), 731–61 at 749.

21. ‘Report of the secretary-general on the establishment of a special court for Sierra Leone’, para 22, www.afrol.com/Countries/Sierra_Leone/documents/un_sil_court_041000.htm.

22. Carsten Stahn, ‘Complementarity, amnesties and alternative forms of justice: Some interpretive guidelines for the International Criminal Court’, *Journal of International Criminal Justice*, 3:3 (2005), 695.

23. Human Rights Committee, General Comment 20, Art. 7 (44 sess. 1992), UN Doc HRI/GEN/1/Rev 1 at 30 (1994).

mission consider that ‘whatever the legal status of amnesties, they result in the violation of international law obligations.’²⁴

Amnesty International and Human Rights Watch have expressed a similar position in relation to Uganda: ‘it is not acceptable for the Ugandan Government and the LRA to make a deal that circumvents international law.’²⁵ Human Rights Watch has set out detailed benchmarks with which an alternative national trial would need to comply.²⁶

Supporters of amnesty laws come from a position of *Realpolitik* as well as from the perspective that far from undermining law, such arrangements more accurately reflect a cultural understanding of justice that sees social pardon as better addressing the requirement of reconciliation than punishment meted out within legal structures.²⁷ For members of the Acholi Religious Leaders Peace Initiative, they represent an infusion into legal practice of the redemptive value of mercy and forgiveness.²⁸ While there are clearly problems in institutionalising forgiveness, the example of the Truth and Reconciliation Commission (TRC) in South Africa illustrates the potential for conditional amnesty in keeping spaces open for rebuilding relationships.²⁹ Former ICC president Philippe Kirsch has considered that ‘some limited amnesties may be compatible’ with a country’s obligations genuinely to investigate or prosecute under the Rome Statute.³⁰

Northern Ugandan Perspectives

Traditional justice mechanisms, such as *mato oput*—the communal drinking of a bitter root by antagonists—provide for ritualised forms of reconciliation. Anthropologists are divided about their significance. Most institutions are presided over by local elders, and in the most serious circumstances may require the involvement of traditional chiefs, or *rwodi*. Although not ostensibly punitive, these mechanisms require a public acknowledgment of wrongdoing and are similar to other indigenous practices associated with conflict resolution in ritualising remorse. In a deeply private society,

24. Jessica Gavron, ‘Amnesties in the light of developments in the international law and the establishment of the International Criminal Court’, *International Comparative Law Quarterly*, 51 (2002), 91–117.

25. ‘Uganda: Government cannot negotiate away International Criminal Court arrest warrants for LRA’, 20 February 2008, www.amnesty.org.uk/news_details.asp?NewsID=17665.

26. Human Rights Watch, ‘Benchmarks for justice for serious crimes in northern Uganda’, Human Rights Watch Memoranda on Justice Standards and the Juba Peace Talks, 2 September 2008, www.hrw.org/en/news/2008/09/01/benchmarks-justice-serious-crimes-northern-uganda.

27. As an example of the former, consider the stance of Kony in the 1996 negotiations; for the latter, see, for instance, Zachary Lomo, ‘Whose justice? Perceptions of Uganda’s Amnesty Act 2000’, Refugee Law Project Working Paper no. 15, February 2005.

28. See Matthew 5:38–40. This would be close to the thinking of the Acholi Religious Leaders Peace Initiative.

29. See Francois Du Bois and Antje Du Bois-Pedain (eds.), *Justice and Reconciliation in Post-Apartheid South Africa* (Cambridge, Cambridge University Press, 2008); for an account of the wider context of some of the dilemmas, see Priscilla B. Hayner, *Unspeakable Truths* (New York, Routledge, 2002), and Thomas Brudholm and Thomas Cushman (eds.), *The Religious in Responses to Mass Atrocities: Interdisciplinary Perspectives* (Cambridge, Cambridge University Press, 2009).

30. Anthony Dworkin, ‘Introduction’, *The International Criminal Court: An End to Impunity?* Crimes of War Project, December 2003.

this public expression and acknowledgment of wrongdoing may in itself be as significant as a judicial process. Mato oput is a way of accepting former offenders back into the community once they have acknowledged and accepted responsibility for what they have done.

Mato oput involves the drinking of a concoction of the blood of a sheep and a bitter root. It is shared between former adversaries only after elaborate negotiation and when compensation has been agreed to as an expression of remorse and indication that the conflict has been resolved. The sharing is done by representatives of both sides of the conflict.³¹ Previously, mato oput occurred only rarely, usually after a murder within a moral community, rather than after a war.³² Properly speaking, such rituals are supplementary to, rather than a substitute for, legal processes. During the period 1986 to 1996, however, when the formal policing and court systems had collapsed in Uganda, many victims of crimes turned to their local elders for a means of redress that was more trusted than appealing to the occupying army. Thus mato oput and traditional justice mechanisms assumed an enhanced significance.³³

It is significant that the Agreement on Accountability section of the peace agreement refers specifically to mato oput. Its function appears, however, to be supplementary and symbolic rather than complementary to other processes: 'Mato Oput refers to the traditional rituals performed by the Acholi to reconcile parties formerly in conflict, *after full accountability*' (emphasis added).

Many community groups in northern Uganda have strongly criticised the ICC. Traditional and religious leaders have advocated local and traditional accountability processes as an alternative to the court. For some, the ICC is a form of neocolonial, or victors', justice in which the Uganda People's Defence Force has not been held accountable for the rape of civilians and forced displacements or treated with the same regard as the LRA.³⁴ The Refugee Law Project at Makerere University has made this case persuasively in a number of its reports.³⁵ Phil Clark sees the ICC as 'fundamentally motivated by self-interested pragmatic concerns, avoiding the fraught task of investigating and prosecuting sitting members of government who are responsible for grave crimes, while also overlooking the capacity of domestic jurisdictions to address the atrocities concerned'.³⁶ Tim Allen emphasises the limitations of mato oput and traditional justice mechanisms, outlining the dangers of exceptionalism in presenting the Acholi as 'other' and outside the Ugandan cultural mainstream. He suggests that an 'obsession of so many concerned about suffering in northern Uganda with "traditional justice" inadvertently reinforces a tendency to demonise the people of the region'.³⁷ Nevertheless, he

31. Generally the ritual takes place between two women and two men as representatives of the adversaries. Bishop McLeod Ochola, telephone interview, 8 July 2009.

32. Tim Allen, 'Ritual (ab)use? Problems with traditional justice in Northern Uganda' in Waddell and Clark, *Courting Conflict*.

33. Caesar Poblicks, former programme officer for Kacoke Madit, interview, 3 July 2009.

34. Lomo, 'Whose Justice?'

35. For instance, it charges that 'the ICC has shown bias by ignoring evidence of similar crimes committed by the government army, the UPDF'. Refugee Law Project, 'Peace first justice later: Traditional justice in northern Uganda', Refugee Law Project Working Paper no. 17, July 2005, www.refugeelawproject.org/resources/papers/workingpapers/RLP.WP17.pdf.

36. Clark, 'Law, politics and pragmatism', 44.

37. Allen, 'Ritual (ab)use', 53.

considers that in Rwanda 'the case of Gacaca shows that it is feasible to create hybrid mechanisms that combine rituals with formal mechanisms'.³⁸

The UN Office of the High Commissioner for Refugees as well as the Gulu District NGO Forum have conducted consultations and surveys about the situation with local groups. One of the most detailed and comprehensive surveys so far was coordinated in 2007 by the Human Rights Center of the University of California at Berkeley, the Payson Center for International Development at Tulane University, and the International Center for Transitional Justice.³⁹ The survey illustrates a range and fluidity of public opinion. In a survey of 2,785 people, using a standard questionnaire, 54 percent of respondents favoured forgiveness, reconciliation, and reintegration and 41 percent more formal justice mechanisms. When questioned about their overall priorities, only 3.2 percent identified justice as their highest priority, as opposed to 45 percent who chose health and 44 percent who preferred peace.⁴⁰ Perhaps the most interesting feature of the study is the reversal of positions since a previous survey in 2005, when a majority of respondents, 66 percent, favoured trials, imprisonment, or death for LRA leaders, and only 22 percent preferred forgiveness, reconciliation, and reintegration.⁴¹

Traditional and religious leaders in northern Uganda have been strongly in favour of finding alternative means of accountability that would obviate the need for the ICC. Bishop McLeod Ochola, former Anglican bishop of Kitgum, and vice president of the Acholi Religious Leaders Peace Initiative, has shown a remarkable forbearance, speaking in the context of the death of his wife from an LRA land mine. He views the ICC process as inimical to peace: 'People want the war to stop. If we follow the ICC in branding the LRA criminals, it won't stop'.⁴² Said Ochola, 'Mato oput is one of the best justice systems in the world because it forgives, and restores broken relationship and creates the process of healing in the hearts of those who have been wounded by violence and death. Mato Oput has a process which starts with truth telling. The public expression of remorse through truth telling is meant to put an end to intent of im-

38. Allen, 'Ritual (ab)use', 51, cites Phil Clark, 'Hybridity, holism and 'traditional' justice: The case of gacaca courts in post-genocide Rwanda', *George Washington International Law Review*, 39:4 (2008). In Rwanda, *gacaca* courts embody elements of local and traditional accountability. More than 8,000 such courts have been set up as a transitional system of helping to achieve truth, justice, and reconciliation in the aftermath of the recent genocide and war crimes. Based on a tradition of settling village disputes within the community, the *gacaca* courts involve unrepresented plaintiffs and witnesses being heard before a panel of nine elected village representatives. While they can hear crimes involving homicides and serious crimes, the courts are barred from hearing cases involving first category crimes, including the planning, instigation, or supervision of genocide. They have the jurisdiction to hand down sentences of life imprisonment but not death.

39. See P. Pham et al., 'When the war ends': A population-based survey of attitudes about peace and justice in northern Uganda, Human Rights Center, Berkeley, Payson Center for International Development, New Orleans, International Center for Transitional Justice, December 2007.

40. The methodology of the survey raises as many questions as it answers. Respondents were asked to choose between twelve different priorities that included peace, health, and water. Only 0.7 percent prioritised water, which surely cannot be taken as indicating its lack of importance. In addition, the concepts were not defined. In subsequent questions regarding their understanding of justice, 41 percent defined it as 'being fair', 29 percent associated it with 'trials', 17 percent with 'reconciliation', and 8 percent with 'compensation'.

41. P. Pham et al., 'Forgotten voices: A population-based survey of attitudes about peace and justice in northern Uganda', International Center for Transitional Justice and Human Rights Center, Berkeley, July 2005.

42. United Nations Integrated Information Networks, 30 January 2004.

punity and restore the violator to a position of vulnerability'. He continued, 'In close knit societies which prioritise collective as opposed to individual responsibility, the public nature of acts of acknowledgment may be more personally costly and demanding than trials and have greater public significance'.⁴³ Truth telling has the potential for rebuilding social connections in a way that the isolation of imprisonment cannot achieve.⁴⁴ Rwot David Ocana, paramount chief of Acholiland (elected from among traditional chiefs), is reported as having said that the ICC needed to learn about 'forgiveness and reconciliation' from the people in Acholiland and that the 'eye for an eye' form of justice that the ICC was attempting was not suited for Acholiland, 'where it is widely perceived here that this is primitive'.⁴⁵

From a judicial perspective, Justice Peter Onega, head of the Amnesty Commission, asserted, 'The ICC should have known all the consequences before they issued the warrants. They should have also considered another issue in all this—reconciliation. Does the taking of only five people for prosecution at The Hague bring about reconciliation among the divided Acholi people?'⁴⁶

TENSIONS BETWEEN JUSTICE AND PEACE

Justice and peace are elusive concepts. Different languages construct the semantic field in different ways. States can legitimately maintain competing constructions. Although there is clearly a tension between these concepts it would be misleading to reduce their application to a simple dichotomy between the ICC and the comprehensive peace agreement.

As an illustration of how broad and problematic the usage of these terms can be even in a legal context, Black's Law Dictionary (1999) distinguishes at least six types of justice: commutative, concerned with relationships, especially in the exchange of goods; distributive, concerned with the relationship of a community with its members; Jedbergh, involving punishment before trial; personal, between people irrespective of broader principles; popular, satisfying prevailing opinion; positive, as expressed in civil law; social, conforming to moral principle; and substantive, fairly administered according to substantive law. (Within the notion of substantive justice a further typology could be suggested on a spectrum from 'restorative' through 'punitive' to the 'wild justice' of revenge.)

To be sustainable, any understanding of justice needs to be consonant with the values of the society in which it is expressed. The danger of an externally imposed system is that it may lack legitimacy and indeed be experienced as victor's justice. The origin of the *Lex Talionis*, 'an eye for an eye and a tooth for a tooth', was not in revenge but in a limiting principle of 'no more than an eye for an eye' and 'no more than a tooth for a tooth'. Proportionality is an intrinsic aspect of law. It is fundamental to the rule of law that 'laws' are sufficiently respected to prevent wronged individuals from taking the law into their own hands.

43. Ochola, telephone interview, 8 July 2009.

44. Poblacks, interview, 3 July 2009.

45. Amy Colleen Finnegan, 'A memorable process in a forgotten war: Forgiveness within northern Uganda' (M.A. thesis, Fletcher School, Tufts University, 2005), <http://fletcher.tufts.edu/research/2005/finnegan.pdf>.

46. 'Uganda: ICC indictments to affect northern peace efforts, says mediator', www.irinnews.org/report.aspx?reportid=56654.

The concept of peace is no less elusive. The *Oxford English Dictionary* defines it in a largely negative context—as freedom *from* ‘war’, ‘civil commotion’, ‘disturbance or perturbation’, ‘quarrels . . . between individuals’, ‘mental or spiritual disturbance or conflict’ and ‘absence of noise’. Certainly peace, in the sense of the absence of armed conflict, and a minimum degree of harmony and stability, is a necessary precondition for the justice and trust inherent in the ‘rule of law’. Although the mere absence of fighting may be maintained by the imposition of superior force, even in the absence of distributive and substantive justice, the more sustainable and resilient positive peace of reconciliation presupposes a sense of justice in corrective and distributive terms. Justice and peace define each other’s semantic boundaries and are mutually reinforcing. *Shalom* in the Old Testament contains powerful elements of both justice and peace in its vision of security, health, and wholeness of relationship.

In explaining this tension, John Paul Lederach offers the vision of harmony in Psalm 85 as the basis of a meditation on the nature of reconciliation.⁴⁷ It is a practical vision that involves holding in tension the values of justice, peace, truth, and mercy in two paradoxes. In citing the text of the psalm, he translated from the Spanish version:

Truth and Mercy have met together
Justice and Peace have kissed.

Peace requires that justice be tempered by mercy, if it is not to be corrective in dangerously escalatory or vengeful ways. Truth and the exposure of past injustice are necessary complements to mercy, if justice is not to be eclipsed or occluded by the generosity of forgiveness. While the language used here is of cosmic balance, it resonates with the essential requirement of compromise as the art of settling what is right between people at a community level.

In writing of the concept of ‘transitional justice’ in the context of South Africa, Antje du Bois-Pedain points to the significance of ‘trade-offs’ or principled compromises between different aspects of justice: individual (corrective); the punishment of the guilty (punitive); and other goals, such as social peace and economic reconstruction (social).⁴⁸ For the TRC, *ubuntu* became a pivotal concept emphasising the communal nature of justice. While the nature of amnesty requires a downplaying of corrective justice, it privileges social justice by providing for the very public forum of hearings involving greater exposure and shaming than would normally occur with criminal rules of evidence. The provision for reparations also entails a prioritising of social justice. Crucially the TRC was itself complementary to a much wider process of political accountability that included the negotiation of a constitution, itself part of further trade-offs, and that neither began nor ended with the TRC.

In seeking a transition from regional rebellion to a sustainable peace in northern Uganda, different balances need to be struck that involve a layering of accountability—to the individual, to the community, to the tribe, to the nation, and in the context of the ICC, to an international community. The comprehensive peace agreement proposes a flexible geometry of accountability, including trials in the High Court for

47. John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C., United States Institute of Peace Press, 1997).

48. Antje du Bois-Pedain, *Transitional Amnesty in South Africa* (Cambridge, Cambridge University Press, 2007).

the most serious perpetrators, local and traditional elements of justice, and an 'inquiry into the past'.

Accountability in this context, while touching on many of the concepts of justice, can never be reduced to an individual corrective dimension. One of the problems for many victims in Acholiland is that the arrest warrants addressed to the LRA commanders are experienced as too distant from their own experience of violence or abductions at the hands of individuals who may in the future return to be their neighbours. Accountability for the person who was responsible for the physical act of killing a close relation may be more psychologically relevant than accountability for the person who ordered their death. In this respect, such ceremonies as *mato oput* may be more significant in the rebuilding or repairing of relationships and in preempting the dangers of escalatory revenge.⁴⁹ In the Acholi language, the concept of *nyong* is the antithesis of justice and has a meaning close to impunity.⁵⁰ It is interesting that it is just this *nyong*, or impunity, that *mato oput* invites participants to redress. It requires antagonists, in ritual form, to relate to each other head to head.

Unconditional amnesties for the most serious of crimes may subvert the rule of law, yet in many circumstances it is only by negotiation that intractable regional conflicts have been settled.⁵¹ In the case of northern Uganda, the framework of accountability set out in the comprehensive peace agreement explicitly refers, as noted above, to the complementarity provisions of the ICC. Article 17 of the Rome Statute would clearly require that there be an investigation and prosecution of those for whom arrest warrants have been issued, but these represent only a small proportion of those responsible for atrocities. The special division of the High Court is intended to go beyond the most senior commanders for whom arrest warrants have been issued.

The measures set out in the comprehensive peace agreement, containing overlapping elements of accountability at formal and informal levels, are not to be equated with unconditional amnesty. While traditional rites of reconciliation cannot, in themselves, substitute for prosecution, arguments for transitional justice, including inquiries into the past, can be rooted in Acholi values of restorative community justice and the deeply held sense of forgiveness as a social value inhering a close-knit community.⁵²

Although the provisions in the comprehensive peace agreement may be uncomfortable for legal positivists who start their analysis from the supranational perspective of the ICC Office of the Prosecutor, when properly considered they are reconcilable with the framework of the Rome Statute, which is itself premised on the concept of

49. Poblacks, interview, 3 July 2009.

50. Bishop Ochola describes 'nyong' as impunity for deliberate killing done from a position of strength or pride. Unless redressed by the acceptance of responsibility, it would justify revenge. *Mato oput* has the potential to put an end to this cycle of revenge. Poblacks suggests a more colloquial translation would be, 'I have done it and am not going to pay for it'. Telephone interview.

51. The exile of Idi Amin to Libya and then Saudi Arabia after his overthrow in 1979 probably stuck in the gullet of many of his victims, but it is surely preferable that a small number of guilty go unpunished than that the number of victims be further increased.

52. The International Bar Association was unduly restrictive in considering the potential for soft law solutions. International Bar Association, 'ICC Monitoring and Outreach Programme: Second Outreach Report', May 2007.

complementarity.⁵³ Antonio Cassese, first president of the International Criminal Tribunal for Former Yugoslavia, suggests that ‘the best response to atrocities lies in a prudent and well thought out combination of various approaches, seen, not as alternatives, but as a joint reaction to the appalling suffering we are obliged to witness every day with a deep sense of indignation’.⁵⁴ If genuine proceedings at a national level lead to the conviction of a person for conduct covered by the Rome Statute, there would be no statutory basis for the court to subsequently assume jurisdiction should they then be pardoned or paroled.

In each case, it is the investigation and prosecution, or their absence, that the ICC needs to consider rather than the question of judicial sentencing. Although Article 17(1)(a) and (b) requires investigation, it does not specify that this should necessarily be of a ‘criminal’ nature. In an article arguing for the restriction of amnesties to exceptional cases, Carsten Stahn concedes that Article 17 ‘leaves room for individualised truth and reconciliation formulas where exemption from criminal responsibility was made conditional upon person personalised testimony relating to the facts and the conduct of the alleged perpetrator’.⁵⁵

CONCLUSION

Balancing the interests of justice and sustainable peace requires a response to the rebellion in northern Uganda that goes beyond strict legal accountability for serious crimes. A flexible combination of traditional, local, and national justice brought together with the catalyst of the ICC offers the chance to give expression to the spirit of complementarity and to provide a flexible architecture for establishing accountability for the crimes committed by the LRA. In every case, trade-offs need to be carefully considered, and there will need to be a clear quid pro quo for amnesty, pardon, or parole. Such an agreement offers the best possibility of transition from the LRA rebellion to a sustainable peace and would bring the leadership of the LRA to trial in Uganda on the understanding that their peaceful surrender could be recognised by lessening the severity of their sentence. Essentially, the task in a transitional period cannot be to ensure that all the guilty are tried but to prioritise where limited resources for criminal investigation can be most wisely applied.

In investigating and prosecuting those responsible for serious crimes, there is a need for a broad interpretation of justice that involves national trials for the most serious offenders but also goes beyond individual accountability for violations to include elements of truth telling, an inquiry into the causes of the conflict, and forms of traditional justice. Such measures follow the principle and practice of the South African Truth and Reconciliation Commission and the Good Friday Agreement in Northern Ireland in allowing for the relaxation of strict judicial accountability in the

53. It may be worth reflecting also on the heavily symbolic nature of the four arrest warrants as a way of consolidating responsibility for criminal acts in four named individuals.

54. A. Cassese, ‘A big step forward for international justice’, *International Criminal Court: An End to Impunity?* Crimes of War Project, December 2003, www.crimesofwar.org/icc_magazine/icc-cassese.html.

55. Stahn, ‘Complementarity, amnesties and alternative forms of justice’, 695.

interest of a broader common good. In both cases, amnesties for violators have been conditional and have depended on acknowledgment of wrongdoing.

In northern Uganda, the proposals for accountability set out in the comprehensive peace agreement probably represent the best hope of a sustainable peace. The agreement goes beyond unconditional amnesty to providing measures expressive of the values of the local culture. They are more meaningful to those affected by the conflict and more extensive in their reach than those offered for by individual criminal liability alone.

In resolving intractable and violent conflicts, the dividing line between victims and perpetrators is difficult to draw, especially where abductees have subsequently become responsible for terrible crimes. During the armed conflict in Uganda, the populations of whole villages have been compelled to live in militarily protected compounds to guard against LRA attacks. There has been such a widespread deficit of human rights across the region that it would be hard to find an extended family that has not been affected. In addition to the violations perpetrated by individual members of the UPDF, the movement of entire populations by the government of Uganda could itself be considered as a war crime under the ICC, but in a system based on state sovereignty, any legal investigation to which they are subject is likely to be severely limited and determined by political ends.

It is only by listening to the voices of victims, and their preference not for revenge but for forbearance, that the requirements of justice and of peace can be reconciled. From the point of view of justice and peace, it is in the interest of the ICC to offer the Ugandan government a 'margin of appreciation' (or broad discretion), knowing that in the last resort, a case could always be returned to it by the Security Council. Such rituals as *mato oput* may have a significant role to play on the boundaries and in consolidating a just peace. They represent the significance of truth telling as a component of justice and the contribution that can be played when local communities take responsibility for the actions of their members. While they are not in themselves an alternative to criminal investigations where arrest warrants have been issued, they may play a crucial role subsequent to the accountability of full legal investigations.

As an early example of where the ICC has exercised its jurisdiction, the case of Uganda has considerable significance for the court's future operation and effectiveness. It is unhelpful to see the principles informing the ICC and the CPA as representing a dichotomy of values. Both will need to be read flexibly in what may be an uncomfortable transition to peace. The existence of the ICC has acted as a catalyst for focussing discussion on a previously unrecognised conflict and for the development at a national level of alternative forms of accountability that comply with the Rome Statute. In a fluid situation and a rapidly developing area of law, it is at least arguable that the nature of the conflict has changed so significantly since the comprehensive peace agreement that the scope of the arrest warrants themselves needs to be widened. While it may be reasonable for Uganda to assume jurisdiction in relation to crimes taking place within its own borders, the existence of the LRA in the border areas between the Democratic Republic of the Congo and the Central African Republic could in the future mean that any crimes now committed may be of such an international nature as to make trial in Uganda no longer acceptable to its neighbours.

International humanitarian law as a human construct needs to be sufficiently malleable and democratic to incorporate local traditions of justice and to respond

to the particularity of regional conflict. This requires the Rome Statute, if it is to be effective, to be a living instrument that can conciliate national notions of when it is appropriate to grant pardon or amnesty for political crimes. As Justice Albie Sachs has commented gnomically, ‘ in so many areas where law impacts on public life, context is everything’.⁵⁶

56. Introduction in Waddell and Clark, *Courting Conflict*.



Building Peace from Below: The Centre Ubuntu in Burundi

Sylvester Bongani Maphosa

The community-based peacebuilding programme initiated by Centre Ubuntu in Burundi involves working partnerships between local community groups and national and international actors. It offers a case study in how civil society organizations can work with communities to contribute to a process of national reconciliation and peacebuilding. The approach taken is one of capacity building from below by working with community elders and local groups, as well as government agencies and non-state actors.

BURUNDI, A SMALL AND DENSELY POPULATED CENTRAL AFRICAN COUNTRY, has an estimated population of 8.9 million. As the country continues to emerge from a decade of violence that began in 1993, community life and relationships remain torn by individual and community structural violence involving mutual mistrust and fear, alcohol and drug abuse, depression, internalized oppression and trauma, interpersonal and household violence, rape, and resource predation. The Centre Ubuntu, based in the capital, Bujumbura, has engaged and mobilized people across seventeen provinces to encourage peaceful relations and establish mechanisms geared toward creating a nonviolent culture.

The Centre Ubuntu was chosen as a case study because it represents an example of a civil society organization firmly rooted and engaging directly with local community elders and local groups to reconstruct *ubuntu* values in ways that contribute to strengthening the social fabric and reviving traditions, knowledge, and skills that can be put to use in dealing with the difficulties of past and present violence. *Ubuntu* is a common word in the Bantu linguistic groups in the eastern and southern parts of Africa. In Burundi, it refers to the synthesis of all values that make a human being different from all other creatures. Some of the attributes of *ubuntu* include love, respect, trust, reciprocity, peacefulness, justice, reconciliation, forgiveness, neighbourliness, humility, truth, caring, and God's vision of a shared purpose for mankind. Ubuntu philosophy has become in South Africa a foundational concept for national renaissance grounding national solidarity.

Sylvester Bongani Maphosa recently completed his doctoral thesis at the University of KwaZulu-Natal, where he researched peacebuilding by civil society organizations in Burundi. He holds a master's degree in peace and governance from Africa University, a bachelor's degree in environmental sciences from Solusi University, a diploma in education from the University of Zimbabwe (1993), and a certificate in alternatives to violence.

Auditing the strategies, achievements, and challenges of community-based peacebuilding of Centre Ubuntu might provide it and other organizations with similar goals with the feedback needed to improve and coordinate their practices. In addition, case assessments enhance accountability. This case study is based on the following questions: What action programmes have been implemented, and who are the key players and actors? What strategies and methodologies are most successful in bringing about positive transformation and building peaceful communities?

Information and analysis presented in this study are based on a review of primary and secondary literature, but mainly on data generated by mixed-methods research using focus group discussions, key informant interviews, and observations. The initial stage of the study consisted of a search and review of the literature related to civil society and peacebuilding, evaluation of peacebuilding work, and methodological approaches. The second phase involved a field trip to Burundi, where six focus groups were conducted with sixty-two women and men from Kanyosha, Itaba, and Ruhororo. These were supplemented by four individual interviews. The fieldwork focused on gathering data on the perceptions of civil society leaders and practitioners of peacebuilding with respect to their outlook on civil society peacebuilding work, in particular that by Centre Ubuntu.

CENTRE UBUNTU'S INTERVENTION APPROACH

Centre Ubuntu bases its peacebuilding work on six propositions:

Peace emerges from the transformative change of a critical mass of individuals.

Transforming individual and community consciousness and attitudes regarding ethnic issues and violent behaviours may allow the emergence of a critical mass of people to advance ethnic relations, reconciliation, and tolerance. To achieve this, Centre Ubuntu engages in healing for individuals suffering from trauma, promotes community rehabilitation through narrative theatre, dialogue, and encounter groups, and educates communities about ubuntu values and the detrimental effects of domestic violence and substance abuse.

A sense of shared belonging and dialogue can lead groups to cease their engagement in violence.

Lessening isolation, polarization, division, prejudice, and stereotypes improves the chances of making progress on key issues to reduce ethnic prejudice and intergroup tensions and to build the strong relationships essential for reconstructing peaceful communities. As a result, Centre Ubuntu employs intergroup dialogue, including narrative theatre, networking, relationship building, and joint efforts on substantive issues.

Media can serve to create awareness.

Centre Ubuntu employs radio, narrative theatre, and monthly publications in the local Kirundi language, and music and DVD productions to promote peace, reconciliation, and ubuntu values. Through media advocacy, the organization is helping to make it possible for internally displaced persons (IDPs), refugees, and returnees to go back to their homes and attempt to live in relative harmony with their neighbours.

Community self-help projects can assist in uniting different groups.

Developing activities that provide economic benefits to all ethnic communities—and creating economic interdependence—can provide people with incentives to develop habits of cooperation and to resist incitement to violence. Such projects exemplify the organization's vision for reconciliation, nonviolent communication, and the cultivation of a culture of peace and working together toward improvements for all.

Strengthening social capital infused with democratic concepts can foster collaboration and more effective peaceful communities.

Creating inclusive structures for community problem solving can help to improve communication, respect, and productive interactions among subgroups in a community and increase access for disenfranchised groups to decision-making. Strategies employed to achieve these outcomes include healing of community memories, networking, and peace education as well as community participation and teamwork on issues affecting various groups. Such activities also might produce effective community leaders. In pursuing these goals, Centre Ubuntu has attempted to foster cooperation across ethnic lines on nonpolitical issues of common interest, such as addressing drug and alcohol abuse, domestic violence, and inadequate infrastructure, to build stronger interethnic ties and understanding.

Mutual dialogue and encounter can help people understand each other.

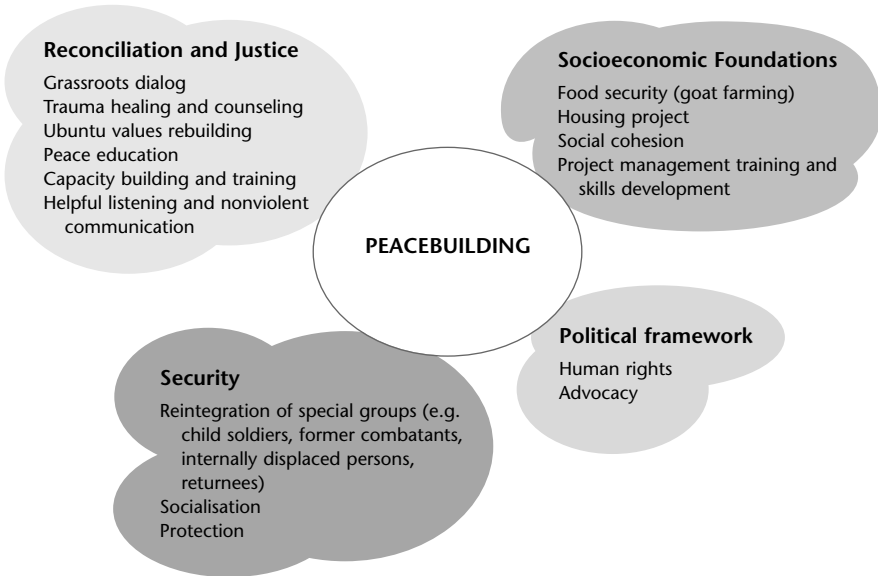
Bringing people together to talk and play contributes to building relationships and dispelling stereotypes. Centre Ubuntu does this through human rights education, narrative theatre, tolerance and peace education in schools, and work in prisons to inculcate a culture of peace and nonviolence that will make jails places of character transformation rather than destruction.

Centre Ubuntu has shown itself to be steadfast and objective in its delivery of peacebuilding interventions to help heal memories of the violent past and foster reconciliation through the development of a culture of peace. Its programmes target a range of people, including Hutu, Tutsi, Twa, returnees, IDPs, former prisoners, demobilized combatants, child soldiers, victims and perpetrators of violence, and local populations. Centre Ubuntu requires that the heterogeneous groups that engage with it work as a community, which in itself is an important strategy toward helping different peoples appreciate and understand the other. In its efforts at psychosocial healing of individuals and communities, the centre communicates messages of peace, reconciliation and ubuntu values, promotes psychosocial community healing, networks with relevant stakeholders (such as other civil society organizations, government and community institutions, international donors, and research institutes), and bridges and links grassroots communities with stakeholders to create opportunities via social capital.

THE PEACEBUILDING PALETTE

The peacebuilding architecture at Centre Ubuntu corresponds to the peacebuilding palette offered by Dan Smith and is also compatible with Lisa Schirch's strategic peacebuilding model and the social capital peacebuilding framework discussed by this author.

Figure 1

The Centre Ubuntu Peacebuilding Palette

Source: Sylvester Bongani Maphosa.

It is, however, interesting to underscore that the character of the programmes implemented by Centre Ubuntu is predominantly of the category of the social peacebuilding typology postulated by Richard Ricigliano.¹ The corrugated Venn diagram in Figure 1 depicts this aspect of Centre Ubuntu's peacebuilding work.

The influence of the activities within each sphere constantly shifts to permeate all structures of social cleavages. The pillars or spheres of the palette are interrelated and linked in an overlapping fashion that strengthens and fosters each one in an open process. Successful peacebuilding is multidimensional and requires that action be taken within all the pillars. As Heinrich asserts, a 'process of national reconciliation and peacebuilding . . . [draws from] a multitude of community-based peacebuilding processes on various levels of societal formation, aiming at re-establishing social relations based on "peacetime values"'.²

1. D. Smith, 'Towards a strategic framework for peacebuilding: Getting their act together', Overview report of the Joint Utstein Study of Peacebuilding, PRIO, 2004, 27–28, www.prio.no/files/file44563_rapport_1.04_webutgave.pdf; L. Schirch, 'Strategic peacebuilding: State of the field', *Peace Prints: South Asian Journal of Peacebuilding*, 1:1 (2008), 8–9; S. B. Maphosa, 'Civil society organizations and peacebuilding: A case study of Burundi' (Ph.D. diss., University of KwaZulu-Natal, 2009), 69–71; R. Ricigliano, 'Networks of effective action: Implementing an integrated approach to peacebuilding', *Security Dialogue*, 34:4 (2003), 446–49.

2. W. Heinrich, *Building the Peace: Experiences and Reflections of Collaborative Peacebuilding. The Case of Somalia*, 2nd edn (Uppsala, Life and Peace Institute, 2006), xii.

Organizational documents, key informant interviews, and focus group discussions revealed that Centre Ubuntu employs a bottom-up approach in its work with grass-roots communities to build and consolidate peace in all the provinces of Burundi. In the villages of Buhoro, Ruhororo, and Ruziba, the categories of involvement include narrative theatre and psychosocial healing, radio broadcasts and peace education, and structural and socioeconomic development projects. When superimposed on John Paul Lederach's levels of peacebuilding, this strategic approach produces an inverted pyramid, emphasising the community-rooted peacebuilding practice wherein key actors represent local communities with the trust and confidence of all members across ethnic assemblage.³

Working with Elders and Other Community Groups

The starting point for Centre Ubuntu's peacebuilding efforts often involves seeking entry into a community through traditional or local government gatekeepers or through the head of an institution (for example, a prison or a school). Once this preliminary groundwork is completed and permission to get involved is granted, Centre Ubuntu arranges for a community meeting through the gatekeepers wherein a relationship is established with the broader community. It is during this process that community stakeholders are recognized, would-be community counselors identified and trained, and local committees founded. According to one informant, this process can take some time. Father Emmanuel Ntakarutimana, the Centre Ubuntu coordinator, noted, '[It] took us a whole year, between 2002 to 2003, to identify and train local community counselors before we could start working with the larger community. . . . Our view is to help locals to identify and solve their own problems using local energies.'

Two issues stand out: First, the strategy of engaging with local peoples and organizations to direct interventions reflects a perspective found in most of Lederach's articles that local people in a conflict or postconflict situation understand intimately the fear and suffering that much of the population must endure. They also have expert knowledge of local politics and adversaries. Second, it affirms Sliep's approach that the 'processes [of gaining community entry and building ownership for the intervention through locals] are crucial. They involve respecting local protocol and building trust between workers and the local community. The entire approach depends upon [the] care, respect and genuineness of these consultations with local leadership'.⁴

Centre Ubuntu's interactions with communities through committees consisting of local stakeholders and counselors is at the bonding level of the social capital framework wherein intracommunity networks link individuals along horizontal lines, creating integration and cohesion through trust, reciprocal support, and positive identity.⁵ Three focus groups unanimously affirmed that the key points of contact are committee members elected by community members, thus leading to community ownership of the intervention. One person in the Buhoro focus group stated, 'We choose our own

3. J. P. Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C., United States Institute of Peace Press, 1997), 38–51.

4. Y. Sliep, 'A narrative theatre approach to working with communities affected by trauma, conflict and war', *International Journal of Narrative Therapy and Community Work*, 2 (2005): 49.

5. Maphosa, 'Civil society organizations and peacebuilding', 69–71.

committees using our knowledge of the people and their activeness in organizing people. . . . These people are like *mushingantahe* but they are not. . . . Its only that we as a community feel that they can bring us together'. Claudine Amanimana, a counselor with Centre Ubuntu, had this to say: 'Usually, they are selected at the second encounter to the project site with [a] Centre Ubuntu team. Sometimes they are elected at the first encounter. It generally depends on the level of engagement, participation and ownership of the initiative'.⁶

The election of a committee is part of the strategy Centre Ubuntu employs to foster grassroots voices. The number of members on a committee depends on the size of the community; sometimes, if national census data are available, population boundaries are used in the process. The average size, however, ranges normally from five to ten members. The composition of a committee in terms of gender and ethnicity is mixed.

A study of organizational documents and audit trails during an internal strategic planning workshop in August 2008 pointed to the existence of 63 committees comprised of 315 members. In addition, 65 counselors had been trained by this time and had worked on 1,950 individual cases. Trained counselors receive certificates, but no material rewards are given to people serving on local committees. The certificates are accredited by the University of KwaZulu-Natal School of Psychology and Health and War Trauma Foundation. Counselors also receive transportation allowances when they must attend a session with Centre Ubuntu.

The local committees have responsibilities on two levels. First, they work with community members, carrying out such activities as mobilizing communities, identifying collective problems, organizing narrative theatre to raise awareness of individual and community problems, counseling, making home visits, and sensitizing communities. In addition, they coordinate with higher offices, often functioning as the link between community members and Centre Ubuntu, district authorities and other active leaderships, and government ministries.

This criss-crossing of social networks is at the bridging level of social capital.⁷ It brings people into contact with resources and benefits derived from having a wide and varied range of social contacts. The linking facet of the social capital paradigm is evident in Centre Ubuntu's work with grassroots communities, as local committees and the centre connect localities with government ministries and international agencies across explicit vertical power differentials.

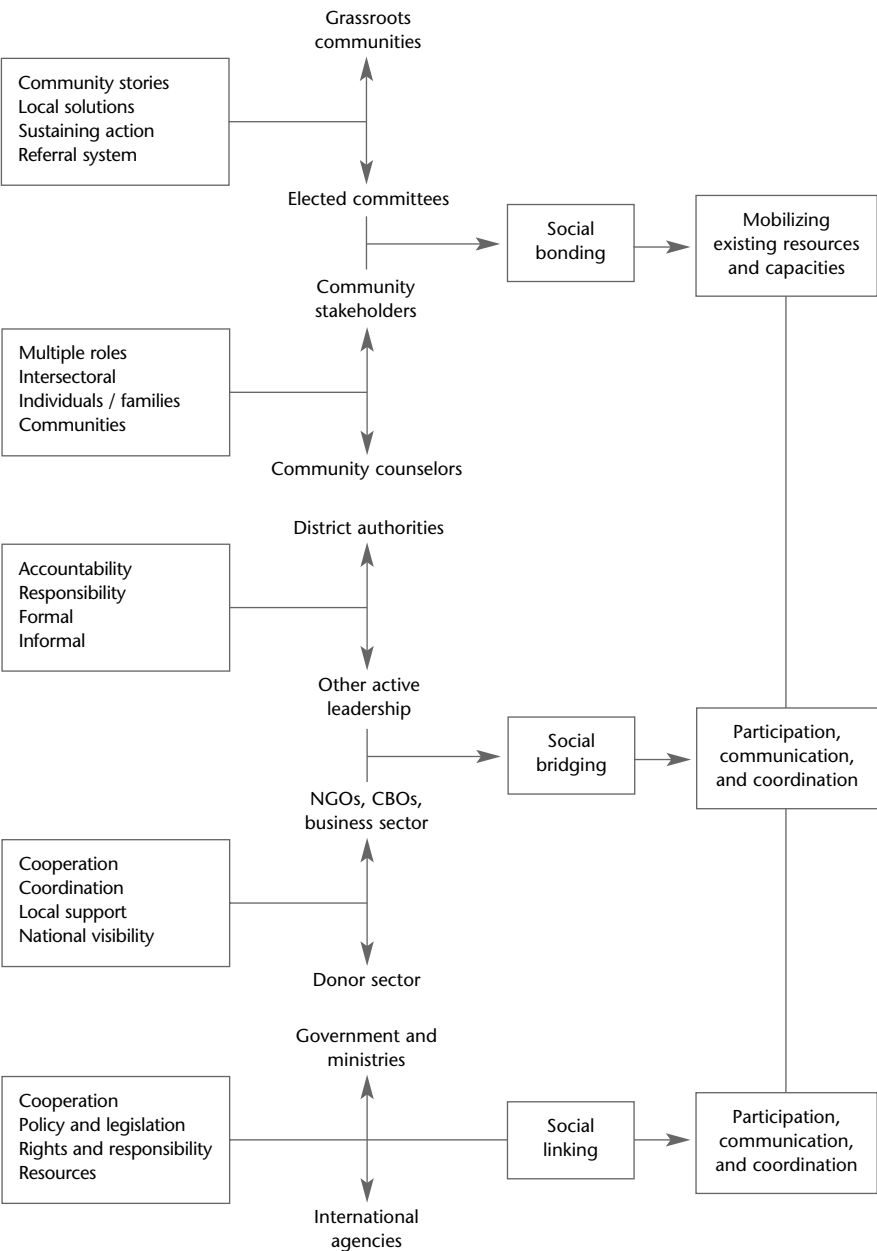
Centre Ubuntu emphasises that the community must possess the desire and abilities to identify its problems and then find solutions as a family. It has a small budget to fund local committees to develop income-generating projects to help them become self-sufficient and to increase their outreach. Participation is voluntary and without financial compensation. The goal is to foster empowerment through a transformation of relationships to local resources and reconcile interethnic stereotypes that fuel violence. This study revealed the existence of an iterative and eclectic process for strengthening the social fabric and the psychosocial healing of individuals and communities (see Fig. 2).

6. *Mushingatahe* is the singular of *bashingatahe*, which are local and traditional charismatic leaders entrusted with preserving Burundian culture, to maintain justice and ubuntu values. Years of violent conflict, however, have led to their authority being altered and influenced by different regime interests.

7. Ibid.

Figure 2

The Mechanics of Strengthening the Social Fabric and Healing Communities in Burundi



Source: Sylvester Bongani Maphosa.

As illustrated in Figure 2, Centre Ubuntu interacts with grassroots communities, elected committees, community stakeholders, and community counselors at the social bonding level to mobilize existing resources and capacities. The grassroots communities own stories of the violent past and have local solutions. Elected committees sustain the action as a referral system in terms of organizing encounters. Community stakeholders have multiple and intersectoral roles, while community counselors work with individuals or families to bring about community healing, which takes many forms, such as joint cleansing, commemorations, and acknowledgment of past atrocities.

On the bridging level, Centre Ubuntu helps to facilitate interaction among actors at the bonding level with actors at the linking level. Those involved include district authorities, other active formal and informal leaderships, and civil society, including business and donor institutions. The role of these actors is to emphasise accountability, responsibility, cooperation, and coordination of local support and national visibility. In short, they participate, communicate, and coordinate by bridging the bonding and linking processes. At the linking level of social capital to strengthen the social fabric and heal communities, various government ministries and international agencies generate policy, legislation, and cooperation, overseeing intersectoral and multilayered interventions and articulating resources, rights, and responsibilities.

Narrative Theatre: Working with People's Stories

By August 2008, Centre Ubuntu had reached 18,151 people through narrative theatre in responding to the emergent problems of trauma and conflict. This approach—working with people's stories—draws on ideas and concepts of narrative therapy and forum theatre. The phrase 'narrative theatre' was coined in 2003 at a workshop in collaboration with Trans-cultural Psychosocial Organisation (TPO) on intervening against domestic violence in a refugee camp in northern Uganda.⁸ One focus group respondent in Ruhororo remarked, 'They [Centre Ubuntu] help us make committees and associations to play drama. . . . People come to watch and ask for help. . . . Everyone is becoming involved and we learn about problems. . . . We want to bury the past and move on as brothers and sisters. Listening and talking together about our trauma has been very helpful'.

This view of narrative theatre was unanimously expressed across all focus group discussions. The dramas are constructed out of the lived experiences of the people to stimulate creative problem solving and lessen the effects of the stresses on their lives. Using people's own stories, as Centre Ubuntu's activities revealed, ensures that the intervention is performed in culturally and contextually appropriate ways. The critical aspect of this methodology is to allow the community to assess the effects of the played-out story and then, through dialogue as well as experiential and experimental learning, create a new drama with a preferred outcome that incorporates the strengths of the participants and audience.

This methodology reflects the viewpoint of Sliep, who notes how such a 'process deals equally with the problem story and with eliciting people's strengths. Ultimately, the problem story is decentred and the preferred strength-based story is enriched and

8. Y. Sliep, K. Weingarten, and A. Gilbert, 'Narrative theatre as an interactive community approach to mobilizing collective action in northern Uganda', *Families, Systems and Health*, 22:3 (2004), 306–320.

centred'.⁹ Centre Ubuntu views working with people's stories as a vehicle for creating awareness and an impetus to achieve desired social transformation and cohesion over time. It employs this approach to respond to individual and collective community healing and hence begin the process of reconciliation and forgiveness.

Two things stand out in the use of narrative theatre as a vehicle for encouraging reconciliation and forgiveness. First, on one level, to choose to forgive is a deeply personal and complex process. The narrative theatre programme can to a certain extent empower communities and individuals to make this choice by creating a favourable environment in which people can begin the process of rebuilding broken relationships resulting from a violent past. Second, on another level, one must consider the issue of causality and attribution, that is, the causal relationship between changes in communities and the peacebuilding project (in this case, narrative theatre).¹⁰ Any societal changes taking place during the course of a project need to be viewed and assessed carefully and in light of a number of factors.

The Media

Centre Ubuntu uses the media to disseminate information about peace education issues and to create awareness and sensitise people on ubuntu and other traditional values that can help further the processes of social cohesion. In the Great Lakes region, radio is an authoritative and powerful tool that has frequently been exploited to influence listeners and foment mistrust, fear, and violence. In an interview, Father Emmanuel mentioned that 'the media, especially the radio . . . [have] been used with a very great impact in this region; you saw what happened in Rwanda and here before the last massacres. . . . [T]he radios are a very powerful tool to use, so we got involved in radio products and for the time being have one project ['Akami ka muntu', or Master of oneself in his/her heart] broadcast on the national radio and one ['Ijwi ry' amahoro', or Voice of peace] on the Catholic church radio'.

Centre Ubuntu introduced the weekly programme on the national radio station in 2002. Broadcast every Saturday and chiefly in the local Kirundi language spoken by all Burundians (sometimes with a little French), the programme focuses on a range of social issues affecting ethnic groups and people from all walks of life—soldiers and former combatants, women, men, youths, government workers, returnees, displaced groups, and victims and perpetrators of violence. The main themes of the programmes are wide ranging while focussing on ubuntu value building, forgiveness and reconciliation, nonviolent communication, human rights, tolerance, domestic violence, alcohol abuse, and other relevant issues. In 2006 the centre added another programme, 'Ijwi ry' amahoro', broadcast on the Catholic radio station. It airs every Thursday evening, bringing the number of weekly countrywide broadcasts to two. Centre Ubuntu supplements these programmes with monthly periodicals that it prepares and publishes. Said Father Emmanuel,

9. Y. Sliep, 'Narrative theatre for social action: A skill for psychosocial workers', *Intervention*, 2:3 (2004), 193–209.

10. On causality and attribution, see Maphosa, 'Civil society organizations and peacebuilding', 107–110; K. Menkhaus, 'Impact assessment in post-conflict peacebuilding: Challenges and future directions', International Peacebuilding Alliance, Interpeace, July 2004, 4–9, [www.interpeace.org/pdfs/Publications_\(Pdf\)/Current_Reports/Challenges_in_peacebuilding_impact_assessment.pdf](http://www.interpeace.org/pdfs/Publications_(Pdf)/Current_Reports/Challenges_in_peacebuilding_impact_assessment.pdf).

[W]e noticed that [when] you . . . say something on the radio, it helps for that moment; it doesn't have a lasting impact, so we decided to put some of the main ideas from the radio programmes with some ideas we got from the people when we are going around the country, and we decided to edit a magazine on a monthly basis. . . . [W]e distribute them free of charge to the communities . . . , and we have even noticed that the university students like reading those magazines. . . . We decided to write them in Kirundi so that the rural people and people in exile can read them . . . so that we can also sensitise them on our language as a cultural value, promoting the language.

These periodicals are distributed to communities through churches, schools, and local administrative offices in remote rural areas. Writing and presenting them in the local Kirundi language was key to establishing the broadest possible readership because of low literacy levels. These aspects were also crucial because of the traditional values embedded in the language itself, being as it is rich in the ubuntu values needed for strengthening the social fabric eroded by many years of violence and ethnic hatred.

Collaboration with Other Organizations

Centre Ubuntu has created networks with local and international organizations and institutions and prominent individuals. Table 1 illustrates the extent of the centre's network.

The nature of Centre Ubuntu's programmes and the approaches employed in implementing them has allowed for strong and widespread partnerships. As of August 2008, Centre Ubuntu was partnered and working with three schools in Bubanza, Mugamba, and Mohinga. The organization works with these schools on programmes concerning trauma healing through narrative theatre and people's stories. The issues these stories focus on include manifestations of individual and community structural violence, covering such topics as alcohol and drug abuse, suicide, depression, internalized oppression, crime, interpersonal and domestic violence, and rape. The methodologies employed include dialogue sessions and training on ubuntu values and peace education to positively influence attitudes, perceptions, and personal relationships. Father Emmanuel said,

In fact it's our main thing, because when we worked there [in Mugamba] first, we were just doing some community work on ubuntu values and to deal with this community trauma. . . . A few weeks later we got letters from them telling us that after our departure they continued to set up ubuntu clubs, and they decided to continue the reflection and see how they can improve behaviour in their schools. So they needed our support in training and to acquire more skills so that they can do it; so we say ok, we can continue helping you. So this setting up of groups or clubs, we find it a bit interesting because it was [a] kind of ownership of what they have understood and the need they saw for it in their environment . . . for local problems, for example alcohol, . . . so they decided to organize an activity on that; . . . [We] were there; my colleagues from the media communication had interviews with them and the people, so it was broadcast on the national radio, and it helped a little bit because . . . [alcoholism has] spread throughout the country because of the war. . . . [I]f you speak of the alcohol it also means we decrease the level of domestic violence.

Table 1

Scope of the Centre Ubuntu and Its Network

	Individuals	Institutions	Public
Local	Community members Small groups	Schools Prisons Religious congregations Community-based organizations	Advocacy campaigns Peace education magazines Catholic radio
National	Members of communities across Burundi Networks of small groups	National religious organizations Government agencies Ministries NGOs	National radio and TV Catholic radio Peace education magazines
Global	Citizens of several countries	Universities UN High Commissioner for Refugees International nongovernmental organizations	Website

Source: Sylvester Bongani Maphosa.

Centre Ubuntu’s strategy has been effective. In addition, teachers at these schools now seem to have greater tolerance and charity towards learners, and corporal punishment has declined. The learners also positively influence adults in their homes, as the wave of the culture of peace permeates other community structures, reaching those with whom they share their lives. Centre Ubuntu had not yet, however, reached the point of influencing changes in education policy and design of a national curriculum.

The centre also collaborates with six prisons, one of which is for women. Most of the prisoners have been convicted of war-related crimes and are sometimes subjected to conditions in direct violation of human rights; the prison officials have sometimes themselves been traumatised. Centre Ubuntu has trained prison officials in nonviolent communication and tolerance, putting them on the road to trauma recovery with a view toward changing their attitudes, perceptions, and relationships with the prisoners. Father Emmanuel noted,

It [the prisons] is a very special community and in fact it’s one of the former inspectors who attended some of our community mobilisations. . . . [T]he method we are using may be helpful for the jail to improve the climate within . . . , so we said ok, we may help you, and we started with the jail in the north. . . . [Y]ou have traumatised people there. . . . [T]he police are violent maybe because of their own violent past experiences, so they make prisoners live under brutality every day; some of them have done terrible things; some of them have experienced terrible things in their lives; and they are very violent on prisoners. . . . [They] beat them, deny them food and medical service.

Centre Ubuntu encourages prison officers to live in harmony and in a culture of peace with inmates. The programme trains them in counseling skills, helpful listening, and nonviolent communication to foster cohesion and a sense of responsibility among them with respect to current and future challenges that the country's justice system must address. Said Father Emmanuel,

The administration asked how we can help them to make prisons to be a place of recovery. So we partnered with the prisons to [teach them about] trauma. What are the symptoms? What is the behaviour of traumatised people? What are the effects? We decided to have the director or vice director chief of the police, local police, and the people in the social services, and the representatives of the prisoners together, all of them, so that they are here. . . . [T]he exercises we do with them, we do together and see how the trauma works, how it affects all people at every level, so they found it to be interesting. In [a] few weeks the inspector came and he told us that it has been very helpful, that the climate in the jail changed, that the relationship now is becoming more humane, and he asked us if he couldn't go deeper and help them; then we decided that maybe [there should be] training in helpful listening, because the director is listening to people every day, even the police officer is listening to people every day, so how can they improve the way they listen to people? . . . Even the prisoners . . . can learn listening skills for when they are going for negotiations. . . . [S]o we got the directors and police officers and social services from the five jails together; we have two groups coping very well with them and we cannot take more than that. Normally we take twelve, never more than twenty at a time, so we train them in counseling, helpful listening, and after that we train them in community mobilisation. . . . So this is what we are trying; and [they] confessed that it's helpful for the running of the institutions, so this is what we are trying to do and hoping that it helps them gain energies so that they can plan, for example, for prisoners when they leave the jails, what [to] do so that their minds are more peaceful to think to lead better lives.

In one interview at a national stakeholders' workshop organized by the organization, a prison official declared, 'Centre Ubuntu is our important partner; with its strong capacity for community mobilization, it is contributing to reconciliation and forgiveness and transforming our violent behaviours and attitudes.'

The War Trauma Foundation of the Netherlands and the School of Psychology and Health at the University of KwaZulu-Natal have created a network called Project Colombe to expand training in psychosocial interventions for healing individual and community memories. The project combines the efforts of Centre Ubuntu with those of four organizations from the Democratic Republic of the Congo (DRC): SOS-JED-Jeunesse en Difficulté and Uvira Relief Team (both from Uvira) and Love in Action and Restore Hope Centre (both from Bukavu).

In partnership with the Office of the UN High Commissioner for Refugees, the Congregation of the Spiritan Fathers, Justice and Peace Commission, and Caritas of the Kigoma diocese in Tanzania, visits and trainings on ubuntu values have been organized in the camps of Burundian refugees of Mtabila-Muyovozi, in Kasulu, Tanzania. Within the framework of partners of the German organization Misereor, a network called Project Isange was created, bringing together Centre Ubuntu, the Episcopal Commission for Justice and Peace–Burundi, the Coalition to End Discrimination (CED)–Caritas and Justice and Peace Commissions of the Burundian dioceses, and the Caritas and Justice and Peace Commissions of the Kigoma, Tabora,

and Mpanda dioceses in Tanzania, with a view toward furthering capacity building, lobbying, and advocacy to support refugees, internally displaced persons, returnees, and local communities.

As part of strengthening local capacity for peace in the Great Lakes Region, Centre Ubuntu in also involved in the Cross-Border Peace for Development Programme, in which it collaborates with the Joint Commission for Refugees (involving Tanzania, Burundi, DRC, and Rwanda), the Episcopal Commission for Justice and Peace–Burundi, the Justice and Peace Commission of the diocese of Ruyigi, the Justice and Peace Commission for the diocese of Bukavu (DRC), and the Justice and Peace Commission for the diocese of Uvira (DRC). Their goal is to prevent violent conflicts and lay the foundations for sustainable peace and development.

Diversifying Activities

Beginning in 2008, Centre Ubuntu diversified its activities to include service delivery because of the very high poverty levels in Burundi. The Human Development Report for 2008 ranks Burundi 167 out of 177 countries in the UN Development Programme (UNDP). According to the World Bank, Burundi is the fourth least developed country in the world in terms of social welfare indicators due to more than a decade of violence. At the start of 2008, Centre Ubuntu launched housing and goat-raising projects. The housing project is located in Buhoro village, Itaba commune, in Gitega province. The initial phase calls for constructing eleven buildings for three primary schools. They are constructed by the locals, who do all the work themselves, including moulding bricks, fetching water, and so on.

The goat projects are in Ruziba village, Kanyosha commune, in Bujumbura-Rural province, and in Ruhororo village, Ruhororo commune, in Ngozi province. One is an income-generating enterprise run cooperatively, and the other is a project to supplement food requirements and livestock re-stocking. In Ruziba, the latter project is a solidarity chain–type operation launched with 120 female goats and 4 male goats. A family keeps one female goat, and when it gives birth, passes it on to the next family while they keep the young one to rear and breed. In Ruhororo, the income-generating project began with 20 goats, which the group sustains. The goal of these projects is to strengthen local capacities for development and at the same time create collaboration and social cohesion through shared responsibilities.

Discussion

The generic nature of intervention carried out by Centre Ubuntu predominantly fits into the typology of social peacebuilding, as opposed to political and structural peacebuilding, although the organization engages in activities in the latter two domains, as discussed earlier. It is important to underscore that the impacts overlap the spheres of the typology. Although the efforts of Centre Ubuntu may appear to be miniscule given the damaged social fabric and shattering of ubuntu values by years of sporadic and protracted cyclic violence, the energies of the communities themselves and other actors are providing much-needed initiatives for healing, reconciliation, and transformation of widely held perceptions and attitudes essential for breaking down interethnic stereotypes.

Since Centre Ubuntu became active in 2002, it has helped community members through its various programmes find new and creative ways to re-conceptualise the root causes of conflict and hence suggest possibilities for building peace outside of the normal paradigms utilized by government and other institutional bodies. Such creativity and flexibility, which is necessary for peacebuilding innovation, is defining Centre Ubuntu as a unique and powerful enterprise, building peace from the grassroots up.

Peacebuilding does not work with a hit-and-run approach. It is a process, which Centre Ubuntu recognizes and builds upon, creating structures and capacities for long-term work with regular monitoring and evaluation to strengthen the operations. This is being done through staff development to increase human resource capacity and liaising with community stakeholders in workshops and planning. Also, small-scale grassroots interventions, like working with schools, prisons, IDPs, and returnees, is having a micro, peacebuilding impact at the individual, personal level and slowly but surely is moving into the sociopolitical sphere. Centre Ubuntu is steadily increasing the constituencies for peace as evidenced by the growing number of participants at the community level and the networks at the national and international levels. Its initiatives engage key individuals with power to influence peacebuilding interventions at the local and national levels. Their interventions have expanded to cover almost all the provinces of Burundi.

The link, however, between overall and intermediary results and between these and peacebuilding dynamics is a weak one. Attribution of causality is hard to define in this case. In terms of the evaluation process, this was the biggest challenge of this study. While attribution poses a problem in all social sciences, in fluid and fragile postconflict contexts, such as in Burundi, it can be exceedingly difficult to attribute a causal link between a change in the social environment and a single intervention. Of particular interest here is the element of delayed causality, in which the full impact of a project cannot be known for many years. This aspect is of special relevance in this case because the fruits of social peacebuilding may not be harvested for many years to come. Consequently, one may fail to capture the most important effects of Centre Ubuntu's peacebuilding endeavours.

CONCLUSION

Despite the fragile nature of the peace in Burundi, there are some reasons for optimism. The Centre Ubuntu's community-based peacebuilding strategy to engage with elders and other community groups is working well to empower individuals who can address the trauma and other psychosocial effects of violence and move beyond them. New bridges and contacts built between individuals and communities have helped to form new patterns of relationships. New, more peaceful modes of social interaction and acceptance of a culture of dialogue and other peace-supporting norms at all levels of society are gradually contributing to a process of national reconciliation and peacebuilding.



Causes of the Northern Uganda Armed Conflict: A Probit Analysis

Charles Okello Ayai

The regularity of peace deals breaking down and conflict resuming because of economic, social, and political factors is well established. There is great concern that fighting in the Acholi sub-region of northern Uganda between rebels and government forces may recur if the economic conditions there do not improve. Using probit analysis, empirical results reveal that the economic dimension of the conflict is a significant determinant of a possible recurrence. The probability of a resumption drops when the economic growth rate is high. The findings have important lessons for Uganda and other developing countries facing postconflict reconstruction. Economic revitalization and rapid improvement of living standards should be prioritized to lessen the chances of a resumption of violence.

BEGINNING IN 1986 THE ACHOLI SUBREGION OF NORTHERN UGANDA—consisting of the districts of Gulu, Pader, Amuru, and Kitgum—was the site of conflict between the guerrillas of the Lord's Resistance Army (LRA) and government forces. The conflict has been attributed to a number of factors, including poverty and general underdevelopment, the loss of economic opportunities and jobs by former army officers, and political repression and a struggle for political power.¹ An unspecified number of civilians perished, about 38,000 children were abducted,² and more than 1.6 million people were forced to seek shelter in squalid camps for internally displaced persons (IDPs). Since 2007 northern Uganda has been relatively peaceful, and people there are being resettled. The two sides concluded a peace initiative brokered in Juba, Sudan, but it was never signed.³

1. The roots of the northern conflict are intertwined with other conflicts in Uganda and the coming to power of the National Resistance Movement of Yoweri Museveni in 1986. Anthony Ginyera-Pinyicwha, *Northern Uganda in National Politics* (Kampala, Fountain Publisher, 1992).

2. Human Rights Watch, 'Abduction of children in Africa: Briefing to the 60th session of the United Nations Security Council', January 2004.

3. One of the reasons for the agreement going unsigned is LRA leader Joseph Kony's uncertainty about the status of indictments by the International Criminal Court (ICC) against him and other LRA members. Kony is reported to be in the dense forest of Garamba in the Democratic Republic of the Congo (DRC) with a reduced fighting capability.

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The extant literature provides theoretical explanations about the causes and duration of conflict, but not its recurrence. A recurrence of conflict differs from the perpetuation of conflict in terms of the intensity of conflict over time; a conflict is said to recur if it stops and then restarts. In this study, there is no significant difference between 'recurrence' and 'occurrence' in terms of the independent variables used in the quantitative analysis.

Countries, like Uganda, that have experienced conflicts can sometimes get caught in a 'conflict trap'.⁴ Identifying factors that may cause a recurrence is therefore important in crafting policies aimed at achieving sustainable peace during postconflict reconstruction. This study uses a probit approach to explore the role played by economic, social, and political factors in regard to the likeliness of a recurrence of conflict in northern Uganda.

EFFECTS OF ARMED CONFLICT

Violent conflict often leads to a destruction of assets, such as homes, cattle, and land, that pushes households into poverty; affected households may have little chance of regaining their previous economic status or saving or building assets. Some may resort to coping strategies, for example, informal network support and food relief.⁵ An inability to farm may result from family members being killed in conflict, pushing down household income. In addition, a reduction in farm output can lead to worsening nutritional intake. Violent conflict directly and indirectly affects households in the immediate area of confrontation and farther away in part depending on its intensity.⁶ In addition to the economic impact on households, conflicts also produce social, political, and cultural transformations (see Figure 1).

Conflicts can change political institutions at national and regional levels. These changes are likely to affect households' economic status through changes in the ability of political institutions to provide public goods and personal security and to protect property and human rights. All these mechanisms have a circular effect, directly or indirectly influencing economic growth or economic development as well as income distribution.

The economic status of households is determined by economic growth, economic development, and distribution of income. The damage conflicts cause to infrastructure, markets, social cohesion, and the capacity of economies to respond to external shocks make them common causes of unequal distributions of income and decline in economic growth.⁷ If these outcomes force households into abject poverty, they are likely to also adversely affect the welfare of future generations, especially should a region fall into a conflict trap, with limited prospects of economic growth and development. This may in turn

4. Paul Collier et al., *Breaking the Conflict Trap: Civil Wars and Development Policy* (Washington, D.C., and Oxford, World Bank and Oxford University Press, 2003).

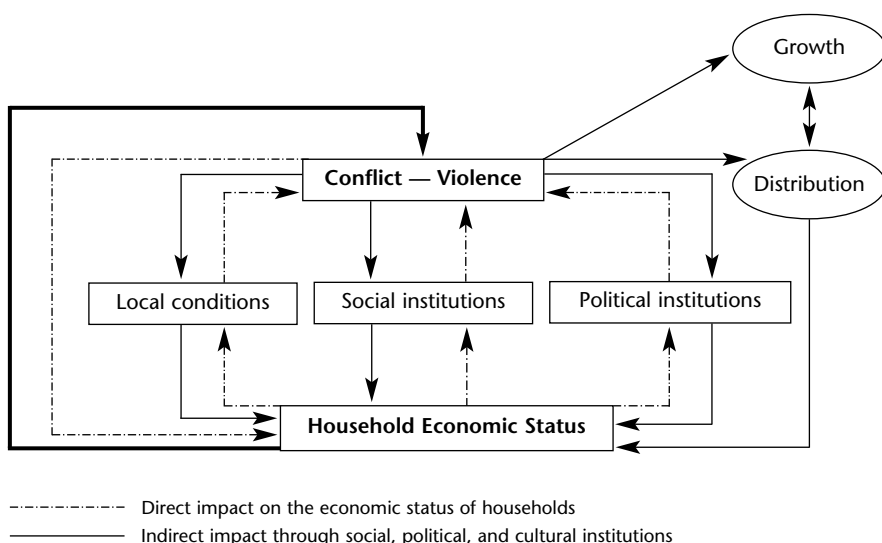
5. F. Dercon, 'Vulnerability: A micro-perspective', paper presented at the Annual Bank Conferences on Development Economics, World Bank, Amsterdam, 2005.

6. S. N. Kalyvas, 'Ethnic defection in civil war', *Comparative Political Studies*, 41:8 (2008), 1043–68.

7. See Paul Collier and Anke Hoeffler, 'On economic causes of civil war', *Oxford Economic Papers*, 50 (1998), 563–73. Also see Paul Collier, 'On the economic consequences of civil war', *Oxford Economic Papers*, 51 (1999), 168–83; D. Rodrick, 'Where did all the growth go? External shocks, social conflicts, and growth collapse', National Bureau of Economic Research, Working Paper 6350, Cambridge, Mass., 1998.

Figure 1

Endogenous Relationship Between Violent Conflict and Household Poverty



Source: Charles O. Ayai.

reinforce the mechanisms that triggered conflict in the first place or create new incentives for violence.⁸ Five channels of conflict generation are as follows:

- a breakdown of a social contract, which is a mechanism of resource allocation for various groups; greed and grievances, for example, can fuel this breakdown;
- a failure of economic growth or a failure to redistribute income in a fair manner;
- lack of economic development in a particular region;
- interactions of the domestic economy with an external sector, for example, a collapse of primary product prices; and
- diasporas with a grievance and resources to finance parties to the conflict.

CAUSES OF ARMED CONFLICT

Much of the economics literature on the causes of conflicts has begun to look beyond natural resources—the core of ‘greed’ and ‘grievance’ theories⁹—and at other factors, such as political and social issues.

8. S. Cardenas, ‘National Human Rights Commission in Asia’ in Michael Goodhart (ed.), *Human Rights: Politics and Practice* (Oxford, Oxford University Press, 2002).

9. Paul Collier, Anke Hoeffler, and Måns Soderbom, ‘On the duration of civil war’, *Journal of Peace Research*, 41:3 (2004), 253–73; I. Elbadawi and N. Sambanis, ‘Why are there so many civil wars in Africa? Understanding and preventing violent conflict’, *Journal of African Economies*, 9:3 (2000), 244–69.

Economic Causes

Poverty. The mechanisms through which poor economic conditions can cause recurrence of conflict are many. General dissatisfaction, greed and grievance, and a breakdown of the social contract are a few examples. When these circumstances pertain, and bargaining options become less palatable to an aggrieved party, new or renewed violence becomes a viable option and the risk of it increases. A growing body of literature highlights the association between economic conditions and conflicts.¹⁰ Young men are more likely to take up arms when opportunities for earning an income are limited relative to their expected income as fighters. Paul Collier and Anke Hoeffler argue that civil wars are fundamentally driven more by such bad economic conditions than by political grievance.¹¹ In the Acholi region, youth unemployment is high, and income generation opportunities are limited.

Barabara Walter offers a theory of conflict recurrence that emphasizes individual economic and political incentives to fight.¹² She argues that low quality of life and barriers to political participation can help in predicting which countries are more likely to experience conflict and which will not. According to her theory, enlistment (or re-enlistment) is likely to be attractive when two conditions hold: the status quo is conceived as being worse than death in combat, and avenues for nonviolent means of change do not exist. Among the variables used to measure the quality of life, infant mortality, life expectancy and illiteracy are significant. Walter's examination of prior wars' effects on the reoccurrence of conflict indicate that partition increases the likelihood of another conflict, and the more costly a conflict, the less like a country is to succumb to another one.

In a study on the incidence of civil war, Ibrahim Elbadawi and Nicholas Sambanis define a recurrence as 'the probability of either observing a new war onset or the continuation of the old war or both'.¹³ They confirm most of Collier and his colleagues' findings on the role of economic factors. The most widely used framework is the theory of the conflict trap, popularized by Collier and his colleagues.¹⁴ They emphasize the importance of grappling with poverty and war-torn economies at the macro level, positing this as the 'core of the future global risk of civil war'.¹⁵ Others examine the influence of poverty at the micro level with regard to linkages and reintegration outcomes. M. Nelson-Richards notes the many offspring of poverty, including illiteracy, insecurity, vulnerability, and armed conflict. James Fearon and David Laitin, attempting to explain which countries are at risk of civil war, point out that insurgency recruitment is easier 'when the economic alternatives are worse'.¹⁶

10. See N. Sambanis, 'International peace building: A theoretical and quantitative analysis', *American Political Science Review*, 94:4 (2001), 779–801; Collier, Hoeffler, and Soderbom, 'On the duration of civil wars'; Collier and Hoeffler, 'On economic causes of civil war'.

11. Paul Collier and Anke Hoeffler, 'Aid, policy and peace: Reducing the risk of civil conflict', *Defence and Peace Economics*, 13:6 (2002), 435–50.

12. B. F. Walter, 'Does conflict beget conflict? Explaining recurring civil wars', *Journal of Peace Research*, 41:3 (2004), 373–88.

13. Elbadawi and Sambanis, 'Civil wars in Africa'.

14. Collier et al., *Breaking the Conflict Trap*.

15. *Ibid.*, 271.

16. M. Nelson-Richards, 'Youth in post-conflict Africa: Community-based rehabilitation, rebuilding and reconstruction of society', paper presented at the expert group meeting on youth in Africa, Windhoek, Namibia, 16 November 2006; James Fearon and David Laitin, 'Ethnicity, insurgency, and civil war', *American Political Science Review*, 97 (2003), 75–90.

The lack of economic development and the poverty in the remote rural districts of Acholi helped fuel the LRA-government conflict. In a similar vein in Nepal, the lack of development in rural districts gave birth to the Maoist insurgency. Low national incomes and low per capita income have strong associations with the occurrence of conflict. Poverty can act as a basis for mobilization through grievances; promises of a livelihood can be transformed into support for and fighting in a rebel group. Poverty may also prolong conflict, leading to a vicious cycle, and thus a conflict trap. The welfare effects of poverty are direct and indirect. The former includes the breakdown of households, for example, brought about by death or mental health problems, asset destruction by conflict, and internal displacement, all potentially contributing to a cycle of poverty and conflict. Among the indirect are those affecting community relations and markets, employment, and destruction of coping strategies.

Horizontal inequality. A phenomenon related to deprivation is inequality. Horizontal inequality (among groups) can occur along with vertical income inequality (within a group). Horizontal inequality engenders feelings of alienation among groups, thus making it a potential contributor to conflict.¹⁷ One source of horizontal inequality is through discrimination in public spending. In some societies, like those of Uganda and Burundi, public employment represents a major avenue for advancement. In such cases, this type of discrimination can fuel resentment as can intergroup transfers of resources when the government appears to be involved.

In one example, Côte D'Ivoire became unstable when the late president Félix Houphouët-Boigny allocated public spending across the country based on political loyalty. The same has happened in northern Uganda, an opposition stronghold area, which has been starved of public expenditure, thus threatening or breaking the social contract between the people and their government. This violation of the social contract points to an institutional failure.

Agrarian societies—like those in El Salvador, Guatemala, Kenya, Nepal, Philippines, Uganda, and Zimbabwe—have high asset inequality, which makes them prone to conflict.¹⁸ One important asset is land, which has generated conflict in Uganda and elsewhere. Implementing land reform to lessen inequality through the (re)distribution of land is almost impossible to do successfully. In northern Uganda, there is evidence of land grabs occurring before IDPs have had a chance to return to their homes, creating a potential source of conflict in Acholi.

Social issues. A common impression of African conflicts is of fighting centered around social identities, in the case of northern Uganda involving rebels who are predominantly Acholi. These identities may be ethnic, religion, or region based. Donald Horowitz examines evidence behind the theory that if hatred exists between two groups,

17. F. Stewart and V. FitzGerald, *War and Underdevelopment*, vol. 1, *The Economic and Social Consequences of Conflict* (Oxford, Oxford University Press, 2001).

18. B. M. Russett, 'Inequality and instability: The relation of land tenure to politics', *World Politics*, 16:3 (1964), 442–54.

it will often lead to conflict.¹⁹ Philip Keefer and Stephen Knack show that social fractionalization reduces social capital—trust—and may result in conflict.²⁰

Political issues. Political leaders overseeing weak political institutions may not have incentives to promote development in some regions. Such decisions, when taken, perpetuate poor economic conditions as well as political instability. In highly democratic countries, democracy reduces the incidence of violent conflict, and vice versa. A state's capacity to enforce law and order, abide by the social contract, and manage the economy are all important factors in the recurrence of conflict. When countries increase military expenditure at the expense of economic development, as is the case in Uganda, it makes the prospect of war more likely. The structural factors influencing recurrence of conflict in northern Uganda are economic, political, and social and can be assessed empirically.

METHODOLOGY AND DATA

The analysis here establishes the relationship between 'structural' factors and the recurrence of conflict in northern Uganda as identified in *Human Security Brief*.²¹ Structural factors are pervasive in influencing the policies, structures, and culture of societies and may create the conditions for the emergence or relapse into violent conflict. Structural factors are a necessary condition for recurrence and should be analyzed through a broader political context, including peace agreements. The high number of conflict recurrences suggests that the underlying causes of conflict are not being sufficiently addressed.

This study examines the probability of the recurrence of violent conflict in Uganda using the probit technique with a dataset covering 1986 to 2008. Uganda was divided into two parts, which mirror the reality of the economic situation in the country: the richer 'south' including western, eastern, and southern Uganda, which includes the capital, Kampala, and the poorer 'north', the epicenter of the protracted conflict. This study deviates from previous efforts that used regression methodology in a multi-country context. The current research goal is to determine which variables matter in contributing to a recurrence of conflict in a single country. The probability is determined by examining the role of economic, social, and political factors, which past studies have not considered.

Two hypotheses were tested, one based on the role of economic development and the other on economic growth. Economic development and economic growth are treated as separate determinants despite potentially being related. This is because economic development is a broader concept than economic growth and captures human economic conditions in a more realistic way than does economic growth. Economic

19. D. L. Horowitz, 'Structure and strategy in ethnic conflict' in B. Pleskovic and J. E. Stiglitz (eds.), *Annual World Bank Conference on Development Economics* (Washington, D.C., World Bank, 1998).

20. P. Keefer and S. Knack, 'Institutions and economic performance: Cross-country tests using alternative institutional measures', *Economics and Politics*, 7:3 (1997), 207–28.

21. A. Mack, *Human Security Brief*, Human Security Centre, University of British Columbia, Vancouver, 2006.

growth simply concentrates on increases (and decreases) in output, whereas economic development includes economic growth plus qualitative changes, such as modernization of the economy and social and political conditions.²² The two hypotheses are as follows:

Hypothesis I: If there is a low level of economic development, then the probability of recurrence of conflict in a particular region will be high.

Hypothesis II: If there is a low rate of economic growth, then the probability of the recurrence of conflict will be high.

The Model

A probit model is a statistical procedure developed to estimate the relationship between a dichotomous dependent variable and continuous explanatory variables or choice variables (dummy variables). Since it estimates probabilities given certain explanatory variables, it is an appropriate method for studying recurrence of conflict. A probit model transforms a dependent variable into a probability. The model used in this study is as follows:²³

$$Y = X_i \beta + \epsilon$$

$$P(Y = 1) = \text{Probit}(X_i \beta_i)$$

$$P(Y = 0) = \text{Probit}(X_i \beta_i)$$

where

Y = dichotomous or binary choice random variable, recurrence of conflict, that takes the value 1 in year t if country i has experienced conflict and 0 otherwise

X = independent variables, namely, economic, social and, political factors; the independent variables are $X_1, X_2, X_3 \dots N_n$

$\beta_i = \beta_1, \beta_2, \beta_3 \dots \beta_n$ are beta coefficients to be estimated and may be interpreted as partial derivatives of the probability of recurrence of conflict with respect to independent variables $X_1, X_2, X_3 \dots N_n$

ϵ = error term that is normally distributed

$P(Y)$ = probability of recurrence

The econometric analysis utilizes the following variables. Note that there are always problems with using proxies because they do not fully capture what they are intended to represent.

Explanation of Variables

(a) *Dependent variable.* The dependent variable Y is a dichotomous or binary choice random variable, representing recurrence of conflict that takes the value 1 if a country experienced conflict and 0 otherwise. It is the likelihood of an event, that is,

22. Gerald M. Meir and James E. Rauch, *Leading Issues in Economic Development* (Oxford, Oxford University Press, 2004).

23. S. J. Long, *Regression Models for Categorical and Limited Dependent Variables* (Thousands Oaks, Calif., Sage Publications, 1997).

conflict recurrence based on present knowledge projected into the future. Recurrence relates to the causes of conflict and can be of high or low intensity. Recurrence will be given in terms of probability that lies between 0 and 1. A probability of 1 indicates a high propensity that a country that has experienced conflict will relapse into conflict or suffer the emergence of conflict. The probability of 0 represents a low propensity that a country will experience a resumption of conflict. Violent armed conflict is considered to recur when after at least one year of non-activity the same conflict reaches the level of twenty-five battle deaths in a year.²⁴ This means that in the period considered, armed conflict recurred in Uganda several times. In most cases, a high intensity of conflict, rather than low intensity, recurred over the study periods.

(b) *Independent variables.* The independent variables used in the study were the economic, political, and social dimensions of conflict.

ECONOMIC VARIABLES

Economic development indicators: Economic development indicators were used as determinants of recurrence of conflict to show the level of deprivation and economic development level of the Acholi region. There is no universal consensus on how to measure economic development. The challenge is to select appropriate proxies as a measure of the level of development. A wide range of proxies was used here, including the human development index, infant mortality rate (deaths of infants per 1,000 births), maternal mortality rate (deaths of mothers per 1,000 women), literacy rate as a percentage of those of 2008 and the difference between male-female literacy rate as a percentage of those of 2008. Others were lagged real per capita gross domestic product (GDP), rate of growth of per capita GDP, lagged share of primary export to GDP, and infrastructure, food security, and literacy indicators. These empirical measures reflect the opportunity cost of violence and the relative strength of the state.²⁵

Low economic development is normally associated with a higher probability of a recurrence of conflict, and vice versa. In addition, a low level of economic development is associated with more dissatisfaction; countries with a high level of economic development have less of a tendency toward conflict.²⁶ One expects a negative relationship between recurrence of conflict and the level of economic development.

Below are some key relationships with economic dimension variables identified in previous studies. Collier, Hoeffler, and Måns Soderbom tested a greed model, measuring dependence on natural resources by the share of primary commodity export in GDP.²⁷ The validity of the statistical relationship and the robustness of the results have, however, been questioned. The empirical work was criticized as having no theoretical underpinnings in the sense that it lacked a formal economic model based on optimizing behavior of economic agents to explain why greed may cause conflicts. If

24. Peter Wallensteen (ed.), *Preventing Violent Conflict: Past Records and Future Challenges* (Uppsala, Department of Peace and Conflict Research, Uppsala University, 2005).

25. Fearon and Laitin, 'Ethnicity, insurgency, and civil war'; Collier and Hoeffler, 'Aid, policy, and peace'.

26. See Paul Collier, Anke Hoeffler, and Måns Soderbom, 'On the duration of civil war', mimeo, Centre for the Study of African Economies, Oxford University, 2003; Elbadawi and Sambanis, 'Civil wars in Africa'.

27. See Collier, Hoeffler, and Soderbom, 'On the duration of civil war', mimeo.

economic agents adopt maximizing behavior, one must demonstrate why they choose war over other alternatives. Any theorizing about greed must be based on economic motivation to foment violence and criminality. They refer to fighters in resource-rich regions as simply bent on looting. Sometimes it boils down to 'warlord competitions' in an attempt to control resources.

The hypothesis of Collier, Hoeffler, and Soderbom tests basic regression relationships without probing the empirical estimation of the recurrence of conflict. They point out that conflict may grow from grievances other than greed. There is the problem of endogeneity to conflict. Conflict may induce reverse dependence by reducing the size of the non-natural resource sector, and spurious relationships between natural resource and conflict can be caused by other unmeasured factors, such as lack of property rights or weak rule of law. There are measurement challenges for both dependent and independent variables. For example, natural resources are proxied by the ratio of primary product export to GDP; others have used oil rent per capita. Thus, there exists a gap in the empirical work in conflict.

Rate of growth of gross domestic product: In this study, the rate of growth of domestic product is used as a determinant of the probability of recurrence of conflict to capture economic conditions. Previous studies indicate that the rate of economic growth is indeed related to conflict. A lack of economic growth increases vulnerability to economic shocks. In addition, the absence of economic growth affects institutional development (for example, democracy and governance), contributing to the risk of armed conflict. A low rate of economic growth is expected to increase the probability of a recurrence of conflict. Thus, one expects a negative relationship between recurrence of conflict and economic growth.

Poverty index (proportion below the poverty line): The poverty index is used here as a determinant for the probability of a recurrence of conflict to capture the economic development of the region. Poverty is a breeding ground for instability and thus conflict. Reducing poverty is therefore essential to safeguarding peace and security. The 'stylized fact' that poverty breeds conflict is supported by two empirical papers. Fearon and Laitin found that lower income per capita increases the likelihood of conflict.²⁸ They argue that income per capita is a proxy for state overall financial, administrative, police, and military capabilities. If the government is weak, rebels will succeed. Collier, Hoeffler, and Soderbom found that income per capita, which could be related to the viability of rebellion, has considerable explanatory power.²⁹ Recently, theoretical literature on conflict has debated whether the relationship between per capita income and conflict can be explained by an opportunity cost or state capacity narrative.

Ratio of primary output to gross domestic product: The ratio of primary output to GDP was used as a determinant of a recurrence of conflict to reflect productive capacity. Northern Uganda is agrarian, with virtually no industrial output except the primary production of agricultural products. One expects the ratio of primary output to GDP to be positively related to the probability of recurrence of conflict.

Infrastructure indicators: These indicators were employed as determinants of a recurrence of conflict to gauge the deprivation of the Acholi region. Some of the indicators are

28. Fearon and Laitin, 'Ethnicity, insurgency, and civil war'.

29. See Collier, Hoeffler, and Soderbom, 'On the duration of civil war', mimeo.

the amount of tarmac road and change in the amount (1986–2008), post offices per 1,000 people (2008), schools per 1,000 (2008), banks per 1,000 (2008), and health posts per 1,000 (2008). One expects recurrence and infrastructure indicators to be negatively related to the probability of a recurrence of conflict.

Livelihood indicators: This indicator is used as a determinant of a recurrence of conflict to measure food security. A region with low food security is prone to conflict. One expects a negative relationship between a recurrence of conflict and food security.

POLITICAL VARIABLE

Polity IV democracy index: Extrajudicial killings or lack of human rights and repression might increase the risk of rebellion. Democracy has a tendency to generate fewer grievances among the populace as people come to accept the democratic process. A dictatorial process increases the risk of rebellion. The Polity IV democracy index was used here to measure political repression. One expects a negative relationship.³⁰

SOCIAL VARIABLE

Ethno-linguistic fractionalization: A team of Russian anthropologists has attempted to measure the ethnic composition of society.³¹ Ethno-linguistic fractionalization measures the probability that when two individuals are drawn randomly they will be from different ethno-linguistic groups. Here 0 represents ethnic homogeneity, and 100 represents complete ethnic fractionalization. In Uganda, the measure is 0.93 compared to 0 in Korea.³² Theoretically, a high degree of ethnic fractionalization reduces the probability of recurrence of conflict (negatively related).

Data

Data on poverty were obtained from a multipurpose, nationwide household survey conducted in 2008 by the Uganda Statistical Service. Development indicators were used here, such as those measuring poverty, income inequality, and livelihood.³³ Data on output by the various sectors of the economy, gross domestic product, and per capita income were obtained from the National Accounts and Background sections of the budget. Data on inflation, money supply, interest rates, cost of living indices, and population figures were obtained from Bank of Uganda annual reports.

Data on economic indicators in the Acholi region do not reflect the conditions on the ground from 1996 onwards, when people began moving to IDP camps. Instead, indicators of economic development for the 'north' had to be constructed from primary data collected in December 2008 from the districts of Amuru, Gulu, Kitgum, and Pader.

Empirical results. The empirical analysis of conflict recurrence is based on data from 1986 through 2008 collected from various sources and supplemented with data collected

30. The Polity IV score equals the country autocracy-democracy score on a scale of -10 to +10 (-10 meaning autocratic, 10 meaning fully democratic).

31. Cited in Fearon and Laitin, 'Ethnicity, insurgency, and civil war'.

32. Collier and Hoeffler, 'On the economic consequences of civil wars'.

33. Some of the indicators were normalized by the size of the population of the country or district.

by the author. To estimate the effect of each independent variable on the likelihood of recurrence of conflict, a probit analysis was employed to measure the probabilities of outcome that independent variables will generate. The two hypotheses were tested using a number of independent variables either singly or in combinations. The challenge of the exercise was to determine those independent variables of any significant. A number of proxies were insignificant and therefore were dropped.

Two probit models were run for northern and southern Uganda. The statistical package STATA 9 analyzed the data. First, hypothesis I (model 1) for the north and the south were tested using various proxies for the independent variables. The dependent variable is a dummy that has a value 1 if there has been conflict, and 0 if there has been no conflict.

Table 1 presents the effects of economic, social, and political factors on the probabilities of a recurrence of conflict. The results lead to several interesting observations. The probability of a recurrence of conflict in the north was determined to be 0.69 while that of the south was 0.47. This confirms hypothesis I: If there is a high level of development, then the probability of a recurrence of conflict will be low.

Comparing the results for the north with those of the south, the results appear to be plausible because the south has a higher level of economic development than the north. These results concur with the theoretical and empirical findings of other studies.³⁴ The results obtained illustrate the effect of higher income on the opportunity cost of rebellion: People reject rebellion as they become wealthier.

After adding political and social variables to the economic dimension, the results indicate that both variables contribute minimally to the probability of a recurrence of conflict. When all three independent variables are tested at the same time, the social and political variables remain insignificant. This is interesting especially when controlled for poverty. This could be because the effects of social and political factors work through poverty.

The estimate indicates that a 10 percent reduction in poverty (an increase in GDP per capita) is associated with a 1 percentage point reduction in the probability of conflict during the next five years. Reducing the proportion of people living below the poverty line from 70 percent to about 30 percent results in a 1.9 percentage point reduction in the probability of conflict recurring. An analysis of the poverty index with controlled variables still produces more or less the same positive relationship. Sensitivity analysis cannot be conducted when some proxies used as independent variables are dummies. This, however, can be explored qualitatively and is beyond the scope of this paper.

The findings obtained from investigating hypothesis I justified further examination of hypothesis II (model 2) since economic development and economic growth are closely related concepts. It would be interesting to see whether they yield similar results. Table 2 presents the results of economic growth on the probability of a recurrence of conflict.

It can be observed that economic growth has a significant effect on a probability of recurrence, at 0.61 percent in the north and 0.37 percent in the south. This confirms hypothesis II: If the level of economic growth is low, then the probability of a recurrence of conflict will be high.

34. See Collier, Hoeffler, and Soderbom, 'On the duration of civil war', mimeo.

Table 1

Probit Estimates of Hypothesis I for Northern and Southern Uganda

Dependent and Independent Variables	Model 1 for the North	Model 1 for the South
Probability of recurrence of conflict	0.691	0.471
GDP per capita income	12.301** (2.242)	12.235** (2.192)
Primary production	2.323** (2.237)	1.942** (0.019)
Infrastructure	1.773**	1.877**
Livelihood	1.342**	1.009**
Poverty	1.563** (0.328)	1.116** (0.293)
Political (democracy)	-0.256 (0.137)	0.264 (0.149)
Social (ethnicity)	10.005 (0.036)	0.003 (0.036)
Chi squared	41.46	44.76
Probability greater than chi squared	0.0000	0.0000
Log likelihoods	-247.87	-254.87
Pseudo R squared	0.0772	0.0875

Notes: *Significant at 10% ** significant at 5% *** significant at 1 %

Robust standard errors are in parentheses.

Housman and Small-Hsiao tests were applied for robustness.

The lower probability of a recurrence of conflict in the south of 0.37 can be interpreted as resulting from an enhanced financial capacity of households and hence the ability to enjoy decent standards of living and a refusal to opt for conflict. (The opportunity cost of the preference for conflict becomes high.)

It is not surprising that the two sets of results were similar, because a significant component of economic development is economic growth. It is important to point out that there can, however, be economic growth without economic development. This is the type of development Uganda is experiencing (involving minimum qualita-

Table 2

Probit Estimates for Hypothesis II for Northern and Southern Uganda

Dependent and Explanatory Variables	Model 2 for the North	Model 2 for the South
Probability of recurrence of conflict	0.61	0.37
Economic growth	2.673** (2.457)	2.143** (2.097)
Political (democracy)	-0.0354 (0.467)	0.026 (0.463)
Social (ethnicity)	-0.007 (0.314)	0.004 (0.313)
Chi squared	49.56	54.23
Probability greater than chi squared	0.0000	0.0000
Log likelihoods	-256.54	-264.87
Pseudo R squared	0.087	0.091

Notes: *Significant at 10% ** significant at 5% *** significant at 1 %
Robust standard errors are in parentheses.
Housman and Small-Hsiao tests were applied for robustness.

tive changes). Because of conflict, economic growth was minimal in the north, especially in the Acholi region.³⁵

The robustness of models 1 and 2 was checked by replacing poverty measures and economic growth rates with other measures of underdevelopment, such as infrastructure availability, infant mortality rates, numbers of schools (primary, secondary, university), health services (health centre and hospitals), post offices, banks (all normalized by district population). The other poverty indicators were significant and good predictors of the probability of a recurrence of conflict.

CONCLUSION

The probit analysis here indicates that economic development and economic growth are important factors in determining the probability of recurrence of conflict in northern Uganda. Political and social variables were not significant in this model be-

35. The high rate of economic growth of about 9 percent per annum as reported by the Minister of Finance and Economic Development has failed to ‘trickle down’, hence evidence of massive rural and urban poverty.

cause the poverty index has absorbed the effects of political and social factors. The model can be used to assess the impact of change in economic development or economic growth concerning the risk of recurrence of conflict in northern Uganda. Really poor countries are at an extreme risk of recurrence of conflict, whereas rich countries eliminate the risk of conflict.

When economic development is considered as an independent variable, the probability of recurrence of conflict in the north is 0.69 while that of the south is 0.47. These findings are supported by other studies in the literature, which assert that if there is low level of development, the probability of recurrence of conflict will be high. This is interpreted as being the effect of higher income on the opportunity cost of rebellion. People normally reject rebellion when they are wealthier.

The analysis with economic growth yielded results similar to that of economic development. If we consider economic growth instead of economic development, the probability of a recurrence of conflict in the north is 0.61 while in the south it is 0.37. This is interpreted as being due to the enhanced financial capacity of households.

These results have useful policy implications. Economic development must be promoted. Massive improvement needs to be made in the standard of living in the north, perhaps threefold within five years, from the current \$100 per capita income to \$600. This may not be possible in the short run, but innovative strategies for economic development in this kind of economic environment must be explored. The postconflict era requires revitalization of the economy. For example, the Peace, Recovery and Development Plan and Northern Uganda Social Fund currently being implemented by the Ugandan government and supported by donors could go a long way towards improving economic conditions in the Acholi region if they are well implemented.

The analysis here has been constrained by data. This type of study requires better data on regionally based indices. Therefore, decision makers should proceed with caution in using the findings for policy formulation. For future research, the political economy and macroeconomic and microeconomic conditions in the Acholi region must be considered to inform hypothesis formulation.



Challenges and Conflicts to Customary Land Tenure in the Teso Region in Uganda

Esibo S. Omaada

In Soroti, one of the districts of the Teso region in Uganda, customary land is owned by clans. Among the Iteso, elders are responsible for administering customary land, allocating it to households, where the head of the family manages the land and ensures security of tenure with clan elders as the overall guarantors. Today this system is faced with a number of issues that threaten its continued administration, including policy reform and current law, multiple land tenures, commoditization of land, shifting values, multiple institutions and systems of land administration, dispossession, redistribution, and general disregard of the idea of customary land tenure and its use in mitigating land disputes.

IN SEPTEMBER 2005, BAGUMA ISOKE, Uganda's state minister for lands, accused local communities of refusing to cooperate with a government program to survey land. Surveyors from his ministry had been prevented from doing their work because of local people's suspicion that it was part of a government plan to take their land. Isoke singled out the Acholi and Iteso communities, who believe that the land belongs to all community members and therefore no one member should partition or mortgage it.¹

Previous Ugandan governments had tried to address the challenges of land tenure through policy reforms. For instance, the Royal Commission Report of 1955 states, '[I]t is inevitable that tribal systems of tenure should be prudently modified because they were ill-designed to cope with modern economic conditions. . . . Policy . . . should aim at the individualization of land ownership . . . [which] has the virtue of developing a political as well as an economic sense of responsibility . . . [and] in giving to the individual a sense of security in possession.'² The views of the commission reflect the attitudes of

1. For details, see the 15 September 2005 editions of *New Vision* and the *Daily Monitor*.

2. Quoted in Judy Adoko and Simon Levine, *A Land Market for Poverty Eradication? A Case Study of the Impact of Uganda's Land Acts and Policy on Development and Poverty Eradication* (Kampala, Land Equity Movement in Uganda, 2005), 6.

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the colonialists toward customary land and are 'deeply entrenched in longstanding cultural preconceptions that set individual, private ownership as superior to communal or collective forms of tenure'.³ These same attitudes today drive land tenure reforms aimed at transforming agrarian systems into industrial economies.⁴

To effect these reforms, the Ministry of Water, Lands, and Environment developed the Land Sector Strategic Plan, LSSP 2001–2011, to reintroduce systematic land registration.⁵ The intent was to promote land capitalization, which would require surveying and recording titles to replace customary land certificates of ownership. More than 60 percent of Uganda's agricultural land is held under customary tenure rules, reflecting the huge gulf between government intent and reality.⁶

METHODOLOGY AND THEORETICAL FRAMEWORK

The research for this study employed a qualitative approach focusing on thematic analysis. An interview method and an interview guide were used as instruments for data collection. The research employed purposive sampling, which results in a particular knowledge sample apt to provide reliable information. Thirteen people deemed knowledgeable in the area of study provided information that supplemented data collected from secondary sources.

This research is influenced by the global environmental security debate while focusing on sustainable livelihoods in examining the challenges and conflicts concerning customary land tenure. At the 1972 Stockholm conference on environment, researchers explicitly linked environment and security, but the connection was limited, only involving the control of resources and state security for strategic purposes.⁷ The concept of sustainable development unveiled in 1987 in "Our Common Future" captured the 'intimate coupling of nature and the society' in its assertion that 'efforts to protect nature will fail unless they simultaneously advance the cause of human betterment; efforts to better the lives of people will fail if they fail to conserve, if not enhance, essential resources and life support systems'.⁸

Today environmentalists are dedicated to preserving natural environments and as part of that process advocating the wise use and management of natural resources because of the role of human beings in environmental degradation.⁹ As Lorraine Elliot notes, 'in order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in

3. Pauline E. Peters, 'Challenges in land tenure and land reform in Africa: An anthropological perspective', CID Working Paper no. 141, Center for International Development, Harvard University, 2007.

4. Peter Dorner, *Latin American Land Reforms in Theory and Practice* (Madison, University of Wisconsin Press, 1992), 4.

5. Makerere Institute of Social Research, *Patterns and Trends of Land Registration and Ownership in Uganda, 1980–2002* (Kampala, Makerere University Press, 2004).

6. International Fund for Agricultural Development, 'Guidelines for the incorporation of land tenure issues into IFAD-supported operations in Eastern and Southern Africa', Rome, 2004, 12.

7. United Nations Environment Programme, www.unep.org/Documents/Multilingual/Default.asp?DocumentID=2009; L. Elliot, *The Global Politics of the Environment* (London, Macmillan Press, 1998).

8. Clark S. Khagram et al., 'From the environment and human security to sustainable security and development', *Journal of Human Development*, 4:2 (July 2003), 289–313.

9. J. Martinez-Alier, *The Environmentalism of the Poor: A Study of Ecological Conflicts and Valuation* (Cheltenham, Edward Elgar, 2002).

isolation from it'.¹⁰ Holistic links between humans and nature have been explored in political ecology, but criticisms of political ecology have led to post-structuralism, which has deconstructed Western myths of science, truth, and rationality.¹¹ Post-structural theory has developed alternative thinking and research about nature and environment, focusing on the effect of social culture on environment.

Currently, the notion of environment includes human beings, hence a link between environmental security and human security.¹² Jane Lubchenco asserts, 'As the magnitude impact on the ecological systems of the planet becomes apparent, there is increased realization of the intimate connection between these systems and human health, the economy, social justice and national security. The concept of what constitutes "the environment" is changing rapidly'.¹³ Clark Khagram and his colleagues note, 'A great deal of human security is tied to peoples' access to natural resources and vulnerabilities to environmental change—and a great deal of environmental change is directly and indirectly affected by human activities and conflicts'.¹⁴ In policy debates over environmental security, however, questions remain concerning what exactly needs to be secured—the environment or security or both?

The potential threats to humans range from issues of economics and migration to their environment and rights. P. H. Liotta has observed that some issues involve the notion of vulnerability rather than threat: '[A] threat is identifiable, often immediate, and requires an understandable response. . . . A vulnerability is often only an indicator, often not clearly identifiable, often linked to a complex interdependence among related issues, and does not always suggest a correct or adequate response'.¹⁵

Environmental security often involves conflicts. Most environmental debates have been about resources,¹⁶ but environmental stress is also a cause of conflict, which affects livelihoods.¹⁷ Therefore, linking the environmental debate with a sustainable livelihoods approach, which focuses on building and furthering the strengths of people, narrows the gap between analysis and practical issues of environmental security in general and land issues in particular.¹⁸ The core concepts of sustainable livelihoods are sustainability, vulnerability, and building on strengths, which are interrelated in that building strengths in a sustainable manner reduces people's vulnerabilities, thus promoting sustainable development. Land is viewed as an asset for development. This

10. Elliot, *Global Politics of the Environment*, 6.

11. P. MacNaghten and J. Urry, *Contested Nature* (London, Sage Publications, 1998); A. Escobar, 'Constructing nature: Elements for a poststructuralist political ecology' in Richard Peet and Michael Watts (eds.), *Liberation Ecologies: Environment, Development, Social Movements* (London, Routledge, 1996), 46–68.

12. Simon Dalby, 'Environmental change and human security', *ISUMA: Canadian Journal of Policy Research* (Fall 2002).

13. J. Lubchenco, 'Entering the century of the environment: A new social contract for science', *Science*, January 1998, 491–497.

14. Khagram et al., 'From the environment and human security to sustainable security and development', 289.

15. P. H. Liotta, 'Through the looking glass: Creeping vulnerabilities and the research of security', *Security Dialogue*, 36:1 (2005), 49–70.

16. J. Barnett, *The Meaning of Environmental Security: Ecological Politics and Policy in the New Security Era* (London, Zed Books, 2001).

17. L. N. Peluso and M. Watts (eds.), *Violent Environments* (Ithaca, Cornell University Press, 2001).

18. Refer to Livelihoods Connect for information on related issues: www.livelihoods.org.

study situates land issues as part of environmental security and sustainable development in the Soroti district. Its theoretical framework informs the research in that customary tenure, as well as the issues confronting it, affects the environment in many ways. A significant aspect of environmental security involves land accessibility, use, and sustainable ownership as well as the adequacy of land reform mechanisms to reduce potential conflicts and provide safety nets for involved stakeholders. Ultimately, environmental security is a basis for sustainable livelihoods.

RELATED LITERATURE

Customary Land Tenure Challenges and Conflicts

Although conflicts may be triggered by environmental degradation and scarcity, sociopolitical factors also contribute to violence.¹⁹ Environmental scarcity, however, can be overcome by human ingenuity. Thus, scarcity does not threaten the entire planet, but aggravates existing inequality.²⁰ Nevertheless, as Colin H. Kahl has noted, the causal mechanisms that indicate a link between demographic and environmental strife are poorly understood.²¹

Christian Lund and his colleagues argue that land as an asset is different from other assets; it involves issues of economic growth, governance, environment, and has social and cultural value.²² In many local and national power struggles, land is the prize.²³ As such, land grabs exemplify the link between land and power.²⁴ While advancing this thought, Christopher Huggins and Jenny Clover note that the impact of violent conflicts on land include severe social, economic, and environmental consequences.²⁵ In the same vein, Lorenzo Cotula and his colleagues observe that when rapid demographic growth coalesces with diminished opportunities to obtain income from non-farm activities, competition for land increases.²⁶ Conflict often arises when political and ethnic tensions are involved in the competition for land. Elliot asserts that politics matters in competition over land rather than limited resources.²⁷

Land that lacks adequate institutional protection can easily lead to manipulation and abuse.²⁸ In addition, land tenure security, accessibility, and distribution tensions

19. Peluso and M. Watts, *Violent Environments*.

20. B. Klem, 'Dealing with scarcity and violent conflict', Working Paper no. 24, Netherlands Institute of International Relations, Clingendael Conflict Research Unit, The Hague, 2003.

21. Colin H. Kahl, *States, Scarcity, and Civil Strife in the Developing World* (Princeton, Princeton University Press, 2006).

22. C. Lund et al., *Land Rights and Land Conflicts in Africa: A Review of Issues and Experiences* (Copenhagen, Danish Institute for International Studies, 2006).

23. U.S. Agency for International Development, 'Land and conflict: A toolkit for intervention', Washington, D.C., 2005.

24. A. Manji, *The Politics of Land Reform in Africa: From Communal Tenure to Free Markets* (London, Zed Books, 2006).

25. C. Huggins and J. Clover (eds.), *From the Ground Up: Land Rights, Conflicts and Peace in Sub-Saharan Africa* (Pretoria, Institute of Security Studies, 2005).

26. L. Cotula et al., 'Policies and practices for securing and improving access to land', Issue Paper no. 1, presented at the International Conference on Agrarian Reform and Rural Development, Porto Alegre, March 2006.

27. Elliot, *Global Politics of the Environment*.

28. U.S. Agency for International Development, 'Land and conflict'.

are usually connected to other conflict triggers;²⁹ for example, demarcation of conservation areas has caused land use tensions.³⁰ Customary land tenure is today confronted by the challenge of policy reform. As Parker Shipton and Midzi Goheen assess the situation, ‘The policy challenge is to decide what kinds of rights, held by which categories of claimants, should be secured through tenure reform, and in what manner, in ways that will not merely ‘add to possibilities of manipulation and confusion’.³¹

Customary Land Tenure and Institutional Frameworks

Nancy Lee Peluso and Michael Watts assert that the launching point for analyzing land conflict is not the scarcity or abundance of land, but social and political relations.³² Pauline E. Peters highlights the identification of benefits and losses in analyzing competition and conflict over land because it reveals processes of exclusion, class formation, and deepened class divisions between locals and non-local elites.³³

In Uganda, land tenure management and the mitigation of disputes is addressed in the 1998 Land Act. Nyangabyaki Bazaara calls the 1998 act ‘a political compromise between those interested in the unleashing of the market in land as a vehicle through which people would access land . . . and those who seek to control it’.³⁴ In this political compromise, in Bazaara’s view, the act has failed to become the basis for agrarian transformation or for protecting the rights of the poor.³⁵ Judy Adoko and Simon Levine add that the spirit behind the 1998 Land Act was guided by three principles: recognition of customary land tenure, conversion of customary land tenure to freehold tenure, and development of a land market.³⁶ Reform was supposed to be a gradual process, to avoid the type of drastic change that had characterized Uganda’s turbulent history.

Since ‘access to land is socially controlled and constructed’, laws, customs, and institutions are used differently to mitigate land conflicts; in certain cases, people ‘bring their different social power to “solve” their problems, often at the expense of others’.³⁷ In Uganda, land conflicts are mitigated through council courts 1 and 3, land tribunals, and high courts.³⁸ According to one investigation published by the Makerere Institute of Social Research, the most common form of conflict in registered and customary

29. Nicolas Pons-Vignon and Henry-Bernard Solignac Lecomte, ‘Land, violent conflict and development’, Working Paper no. 233, Organisation for Economic Co-operation and Development, 2004.

30. Pauline E. Peters, ‘Inequality and social conflict over land in Africa’, *Journal of Agrarian Change*, 4:3 (July 2004), 269–314.

31. Parker Shipton and Midzi Goheen, ‘Understanding African land-holding: Power, wealth and meaning’, *Journal of the International African Institute*, 62:3 (1992), 307–325.

32. Peluso and Watts, *Violent Environments*.

33. Peters, ‘Inequality and social conflict over land in Africa’.

34. Nyangabyaki Bazaara, ‘Politics, legal land reform and resource rights in Uganda’, paper presented at *Africa in the New Millennium*, Nile International Conference Centre, Kampala, Uganda, 9–12 December 2002, 3.

35. Ibid.

36. Judy Adoko and Simon Levine, *Land Transactions in Land under Customary Tenure in Teso: Customary Land Law and Vulnerability of Land Rights in Eastern Uganda* (Kampala, Land Equity Movement in Uganda, 2007).

37. Ibid.

38. A. S. Zziwa, R. Kibombo, and H. Katusiime, ‘Land disputes resolution mechanisms: What works in the rural settings?’ Makerere Institute of Social Research, Kampala, 2003.

land disputes involves exceeding boundaries (but occurs more often in the former than the latter). Eviction conflicts are also experienced more under registered tenure than in customary tenure.³⁹

The same research also revealed that parties involved in land conflicts in all districts in Uganda used local council courts as a first step in seeking redress; these courts are easily accessed and are perceived to act more responsively than other dispute resolution mechanisms. These local council courts, however, are perceived to lack impartiality, suffer from conflicts of interest, have no ability to enforce rulings, and are ignorant of the law.⁴⁰ The study found that land tribunals were popular because the people involved are knowledgeable about land law. They have reduced the backlog of unresolved conflicts and shortened the time for resolving problems, thus saving money. They are also impartial. Conflicts between families can be dealt with efficiently by providing verifiable evidence of land rights within marital arrangements.⁴¹ The presence of enforceable mechanisms to resolve land issues and an institutional framework play significant roles in the mitigation of land conflicts and overcoming land challenges.

Revamping Customary Land Tenure

In practice, tenure regimes are determined by the nature of power relations because 'struggles over property are as much about the scope and constitution of authority as about access to resources.'⁴² In Adoko and Levine's view, the Ugandan government's 'attitude remains to this day that the customary form of tenure is a serious impediment to economic development, and that individual freehold title is desirable for progress.'⁴³ This attitude is a continuation of a colonial attitude based on the belief that 'tribal systems of tenure should be prudently modified because they were ill-designed to cope with modern economic conditions.'⁴⁴ In pre-colonial Uganda, the central authority flowed from the consensus of clan elders,⁴⁵ and land was held by the clan for the clan.

When the 1998 Land Act was enacted, the majority of Ugandans lived under customary tenure.⁴⁶ The act was driven by the government's economic development policies as found in the Plan for the Modernization of Agriculture and the Poverty Eradication Action Plan.⁴⁷ After the advent of colonialism in Uganda, successive governments put pressure on peasants living under customary tenure by implementing 'policies that created forest and game reserves and encouraged the evolution of individual tenure.'⁴⁸ The diminution 'in grazing pasture in the context of rising population . . . led to food shortages, famine and serious conflicts'⁴⁹ in pastoralist communities, such as among the

39. *ibid.*

40. *ibid.*

41. *Ibid.*

42. Ben Cousins, 'More than socially embedded: The distinctive character of "communal tenure" regimes in South Africa and its implications for land policy', *Journal of Agrarian Change*, 7:3 (July 2007), 282.

43. Adoko and Levine, *Land Market for Poverty Eradication*.

44. East Africa Royal Commission, 'East Africa Royal Commission report, 1953–1955'.

45. Adoko and Levine, *Land Market for Poverty Eradication*.

46. Bazaara, 'Politics, legal land reform and resource rights in Uganda', 4.

47. Adoko and Levine, *Land Transactions in Land under Customary Tenure in Teso*.

48. Bazaara, 'Politics, legal land reform and resource rights in Uganda', 4.

49. *Ibid.*

Karimojong. The 1998 act also made all wetlands state property although they had been managed customarily by the clan and used for grazing. Meanwhile, customary land rights were being violated by influential stewards who claim to be owners but are actually illegally appropriating clan land.⁵⁰

The administration of land under customary tenure consists of protecting land for the entire clan and ensuring that every clan member has land rights. The elders are responsible for deciding who can sell land and to whom.⁵¹ On behalf of families, the head of household acts as the steward of the land and allocates it among family members and tries to guarantee that the next generation will have access to the land. The allocation of land provides an element of security because only the household receiving the land is entitled to use it. In short, clan elders act as overall guarantors, while the heads of households have the responsibility of guaranteeing security of the tenure.⁵²

When a son marries, he becomes a head of a household, which is accompanied by an allocation of land to be managed and held on behalf of his family. The son, as a steward of clan land, then allocates it to his wife (or wives) and children.⁵³ Upon the death of a husband, a widow becomes the head of household; she manages and holds her husband's land and allocates it to her sons when they marry. The widow receives from the elders an appointed inheritor to support and protect her from trespassers. The inheritor is managed by clan elders, and if he abuses his office, he is dismissed. The land passes to the sons of the family, not the inheritor.⁵⁴ The eldest son who shows a sense of responsibility is appointed heir, but does not technically inherit the land. Rather, he takes on the role of steward on behalf of the clan. In the event of abuse of this role, the heir loses this right, which passes on to the next eldest son. In cases where a daughter does not marry, the head of the family allocates land for her to use. In instances of divorce, a woman returns to her brother or brothers the land used for her dowry. This brother shares the land with her.⁵⁵

Some see a ray of hope for elements of customary tenure. According to Ben Cousins, 'Given that the compulsory and systematic individual titling [of land reform] is no longer seen as an appropriate policy in African contexts by most policy analysts, the central issue in tenure reform . . . is how to recognize and secure land rights that are clearly distinct from "Western-legal" forms of private property but cannot be characterized as "traditional" or "pre-colonial", given the impacts of both colonial policies and of past and current processes of rapid social change'.⁵⁶

Historically, the government of Uganda had established safeguards for customary tenure to protect peasants. Nyangabyaki Bazaara notes, 'The post colonial government fearing the consequences of rapid disinheritance of peasants enacted the 1969 Public Land Act which provided that customary tenure peasants could not be displaced without their consent; that after they have consented, they had to be adequately compen-

50. Adoko and Levine, *Land Transactions in Land under Customary Tenure in Teso*.

51. Ibid.

52. Ibid.

53. Ibid.

54. Ibid.

55. Ibid.

56. Ben Cousins, 'More than socially embedded: The distinctive character of 'communal tenure' regimes in South Africa and its implications for land policy', *Journal of Agrarian Change*, 7:3 (July 2007), 282.

sated and/or resettled.⁵⁷ This safeguard was short lived, as in 1975 the military government abolished it.⁵⁸ The decree was meant to speed progress and to displace anyone that stood in the way. The military abused the decree by grabbing land under customary tenure in the name of aiding progress.⁵⁹

KEY RESEARCH FINDINGS

Some of the challenges and conflicts to customary land tenure include land policy reform, multiple land tenures, commoditization of land, conflicting or shifting values, multiple institutions and systems of land administration, dispossession, distribution, the parceling of land while disregarding trust elements, enforcing trusteeships, competing ideologies, limited land, and increasing populations. Some of the conflicts of owning land customarily are linked to the above challenges.

The people of Teso are being told by the government that the system of customary tenure must give way to freehold tenure, or individualized land ownership. There seem to be no land reform policies that support customary tenure in Teso. The respondents in this study indicated that freehold tenure is supported by the policy proposals set out in Prosperity for All and the Plan for the Modernization of Agriculture, proposed by the government of Uganda in 2007 and 2000, respectively, which promise to create wealth through agriculture. Through these policies, landowners under freehold tenure use their land as collateral for accessing loans from lending institutions, a privilege that the owner of customary land cannot enjoy because his or her land is not titled.

Although customary tenure is recognized by the 1995 constitution of Uganda and was enabled by the 1998 Land Act, there appears to be no other government policy or legal instrument that supports and sustains customary tenure. Recognizing a land tenure system but failing to develop, support, and sustain it remains a land policy reform challenge in Uganda. The current situation acts as a springboard for land conflicts between landowners of different tenures.

Uganda has four land tenure systems: customary, mailo, leasehold, and freehold. Customary tenure, the oldest of the systems, has survived colonial and postcolonial land reform policies, as discussed above. Mailo tenure was implemented when the British rewarded the Baganda chiefs with parcels of land for assisting them in expanding and strengthening the British protectorate.⁶⁰ Eight thousand square miles were parceled among 1,000 chiefs. In addition, 1,003 square miles were apportioned by the British to the *kabaka*, the Baganda king. The peasants who lived on these lands became tenants at the time of allotment. The British compelled the tenants to grow cotton, which was in demand in Britain. When the tenants expanded cotton production, the landlords increased ground (*busulu*) and commodity (*envujjo*) rents. The tenants reacted by organizing, and the British protectorate, to head off problems, enacted a law in 1927 guaranteeing the security of tenure for all tenants up to three acres if they

57. Bazaara, 'Politics, legal land reform and resource rights in Uganda', 4.

58. Ibid.

59. Ibid.

60. The Baganda people are from central Uganda and speak Luganda.

continued to grow crops for export.⁶¹ This law also stipulated and controlled the amount of money that landlords could extract from the tenants.

In 1966 the independent Uganda government abolished Buganda state and nationalized mailo land; private property rights remained intact. The 1975 Land Reform Decree, however, nationalized all land, abolishing busulu and envujjo and land security.⁶² The former landlords had to lease land from the government and could evict tenants summarily or extort money from them, for instance, through an entry rent (*kansu*), a contractual fee for the use and occupation of a tract. Land appropriated by the state from customary tenure was converted to leasehold tenure. Individuals could lease land from the state for specified periods, ranging from 5, 45, 99, to 999 years. To date, leasehold tenure remains operational. Plantations and church lands were managed under freehold tenure. Moreover, the colonialists attempted to convert customary tenure to freehold tenure. This effort was successful in the pilot project carried out in the Ankole, Bugisu, and Kigezi subregions.

The 1995 constitution reintroduced the above land tenures, which were enacted by the 1998 Land Act. Freehold, leasehold, and mailo are registered land tenures, while customary tenure is not. The registered tenures have similar frameworks that allow their management through government administrative mechanisms. Customary tenure has its own peculiar administrative institutions and mechanisms, which are not recognized in the legal instruments. When it comes to redressing customary land tenure conflicts, this study found that parties to a conflict prefer traditional conflict resolution institutions to government institutions because the traditional institutions understand their situation and are less bureaucratic. Administering multiple tenures efficiently and effectively remains a challenge for the state.

Another challenge to customary tenure is the treatment of land as a commodity subject to market rules of buying and selling, which undermines the assurance of land being available to future generations of a clan. Some stewards of clan land have been lured by commodification and have depleted the clan land bank (that is, land meant for future use). In response, the Iteso Cultural Union, a traditional institution of leadership, has sanctioned the selling of clan land. It is currently trying to convince the central and local governments to legally recognize their by-laws.

The multiple tenure systems in Uganda are based on different, competing values. Conflicting and shifting values, among which commodification is included, also threaten customary tenure. The value system that sustains customary tenure has been opposed in some quarters since colonial times, as noted. Recent governments have supported freehold tenure because it is market friendly, and therefore in line with the ideology and value system of the government's development partners, such as the World Bank. A review of the government's land reform policies shows that there is no longer a question of supporting multiple land tenures, only of ensuring that the desired system succeeds. The trend seems to be shifting towards embracing the value system of freehold tenure, especially in urban areas of Teso.

In theory, every land tenure system has its particular institutions of administration. In the case of the Iteso, clan elders are the 'institution' that is supposed to administer

61. Bazaara, 'Politics, legal land reform and resource rights in Uganda', 5.

62. Ibid.2.

customary tenure and address such issues as land accessibility, control, use, and ownership. In practice, however, the government does not legally recognize this authority of the elders. The registered land tenures are administered by local and central government institutions, such as local councils, district land boards, and the national land commission. The Iteso who hold land under customary tenure think that the government is trying to dispossess them through its support and promotion of freehold tenure. They cite the case in which the postcolonial government dispossessed them of the wetlands. In addition to mistrust of the government, there is the problem of land distribution. One respondent noted that 'the division of land has been overtaken by population growth. Land is constant but the population is growing'. The increase in population is exceeding the customary land available, therefore restricting rightful access by some members, such as divorced women.

Other respondents testified that they had to move away from their ancestral homes in search of less populated areas within the Teso region. They said that their newly acquired land, though bought by individuals, was customarily administered in the tradition of their clan practices. Said one respondent, 'In the past, land was so vast; clans owned vast chunks of land, and land was enough for every body. The population has now grown to the level that some people have now one acre of land, and yet such a person is producing children. Some of these family heads have seven sons. Because of the scarcity of land during cultivation, people tend to extend their boundaries, hence resulting in boundary conflicts, which lead to fights. Therefore, within families there is no harmony because they are fighting over scarce land'.

The practice of parceling out land without a trust is related to the issue of commodification. This has been taking place in some families that have embraced freehold tenure. Although respondents said that such cases are rare, it nonetheless challenges ownership of customary land because it possibly affects future generations' ability to access, control, use, and own it. As one respondent stated, 'Customarily, clan members do not own land. Members only hold land for the clan. In order to hold clan land, one must first belong to a clan through being a member of a family'. When it comes to selling clan land, the clan leader and the elders must be involved, not just a family head, because the land belongs to the entire clan. Some clan elders are having problems enforcing trusteeship amid the temptation of freehold land tenure. Some research respondents cited cases in which heads of households surveyed clan land and registered it under freehold tenure. Such practices are, however, rare.

Many conflicts related to customary land stem from the scarcity of land. This has caused families to encroach on other people's land. According to one respondent, traditionally when a conflict of encroachment occurs, 'the aggrieved person goes to the clan leader to report his case. The clan leader in turn summons his council of elders and the aggressor to meet at the site of encroachment to rectify the anomaly'. For the Iteso, the clan leader and the council of elders are the traditional final authority over land and other societal conflicts. At the conflict site, any member who makes a statement begins by saying *Apoloor eong, ethiono aisab*—that is, 'I am now an elder, I cannot lie' or 'I am now an elder, I find it difficult to lie or deceive'. The Iteso value truth telling and therefore seek to resolve their conflicts on the basis of it.

Currently, local government councils settle land disputes. According to one research respondent, the councilors are notorious for taking bribes. They were also described as young and lacking knowledge of the land boundaries. 'They tend to handle

issues aggressively. They do not have patience to listen, discuss and tell the truth; they want to exercise authority, they emphasize authority more than the truth'. Since some of the council's judgments are not based on truth, some people tend to take the law into their own hands. Others take their land cases to courts of law or seek redress from clan elders.

Resolution of land issues through a court takes a long time. It also requires hiring an advocate and having time to attend hearings. In addition, the outcome of a court case depends on the quality of the advocate and the morals of the judge. If the advocate is good then most likely he (or she) will prevail, but if the judge is corrupt, the party with money to offer will receive the favorable judgment. Nonetheless, one elder stated, 'The irony of the situation is that even the courts seek the elders to give their opinions over the land boundary disputes. The clan leaders and elders are the people who know customary land issues'. The elders interviewed for this study expressed a preference for customary ways of resolving customary land conflicts.

Conflicts caused by the scarcity of land are sometimes resolved by the movement of the involved parties to less populated areas. One respondent said that some families migrate to Amuria and Serere, in the Teso region, to buy available land. There are a few isolated cases of some Iteso moving out of their region to buy land. One respondent noted that 'boundary conflicts are resolved by planting plants, such as *ejumula* [shrub] and *eligoi* [euphorbia], along the boundary. In the past, they used to leave a strip of land uncultivated between parcels of land to act as a boundary'. The strip of uncultivated land also served to prevent soil erosion. In addition, he added, 'elephant grass or nipper grass or sisal was planted on the strip of land separating parcels of land of different families. The disadvantage of elephant grass or nipper grass or sisal is that it multiplies quickly in all directions, hence allowing the possibility of encroachers to change the boundary'. Euphorbia is preferred more than sisal or elephant grass because euphorbia does not spread. As such, use of euphorbia and *ejumula* has reduced the problem of extending boundaries.

The research respondents affirmed that the traditional mechanism of mitigating customary land conflicts is efficient and effective because, as one person stated, 'most of the customary land conflicts are about boundaries and the clan leader and elders know the original boundaries. In addition, since elders are called as a group, it is difficult to cheat since each one of them will be testifying to the crowd, and before they testify they swear first'. The respondents recommended that each district in the Teso region pass a law authorizing clan leaders and elders to handle land disputes related to customary land tenure. It was observed that 'since the law of Uganda recognizes the customary land tenure, it does not bar elders and clan leaders from settling land disputes. However, the recognition of the authority of clan leaders and elders needs to be made explicit'.

CONCLUSION

The future of customary land in the Teso region is uncertain because of the many threats to it. Government officials claim that customary tenure is holding back development because subdividing hinders adequate production. They therefore want the land to be given to investors so they can produce crops beyond subsistence farming. Some research respondents intimated that due to the East African Cooperation, which

may give birth to an East African Federation, the government wants to impose one land tenure system in which the state is the final authority on land issues.

Poverty has made the Iteso vulnerable to the loss of customary lands. Some heads of households now consider the clan land they steward to be their own. Said one respondent, 'The heads of families nowadays think that they are the owners of land and have the right to sell it. This can be curbed only by strengthening the clan, by each district passing an ordinance whereby one cannot sell land unless his wife, children and the clan accept his reasons for wanting to sell land'.

Wealth today is expressed by the amount of land one owns. The wealthy 'lure the poor to sell the land to them at a throw away price', a respondent offered. In addition, international capital also threatens customary tenure in that some foreigners, in collaboration with people in government, buy tracts as investment properties. Customary land tenure has survived colonial and postcolonial policies, but it is not certain whether it will survive those linked to globalization and free market ideologies. Most of the land in the Teso region remains under customary tenure, but the government does not support it. Instead, the 1998 Land Act is bent on transforming all customary land in Uganda into freehold tenure.

In the meantime, respondents in this study recommended that the Iteso revive their traditional food production system, which was geared toward food security. In the past, people did not need money from labor, but today that is the norm. Families are encouraged to educate the younger generations in the ways of clan land dispute resolution because it is efficient and effective. The clans are urged to have secretaries take minutes whenever clan leaders and elders meet to resolve a land dispute and send copies to the local government's relevant councils. Disputants should sign their agreements. It was also suggested that the brother of a deceased husband should take charge of his brother's home. Customary tenure should be codified so that it can be used for legal precedent in case of litigation and used as collateral. Customary tenure has the capacity to evolve, therefore it should be protected and supported legally and politically until the transition to registration.



Women, Camps, and (In)Security

Olajumoke Yacob-Haliso

Refugees and internally displaced persons are recognised as needing international and special national protection and are often housed in camps to make this protection more readily available. These camps, however, often become sites of insecurity for the displaced, especially women, who are not always consulted or considered in the planning and administration of the camps. Women's insecurity takes on various forms and is the norm for camps in Africa and elsewhere. Therefore, human security in holistic terms and the restoration of inalienable human rights must be the goal of camp care providers and aid agencies that fund the activities of the primary actors involved in refugee protection.

WHAT SETS REFUGEES APART FROM OTHER PEOPLE requiring humanitarian assistance is their need for international protection. Under most circumstances, people live under 'national protection', which exists as long as the state is able and willing to ensure the security of its citizens, who recognize the legitimacy of the state, and as long as different groups within society acknowledge the need to reconcile their differences through peaceful means.¹ Most citizens can look to their governments and state institutions to protect their basic rights and ensure physical security, even if imperfectly. Refugees cannot. The protection that the international community extends to refugees recognizes the specific needs of people who have good reason to fear that their own governments will not or cannot provide them safeguards against abuse. It is a temporary substitute for normal safeguards, until the refugee can again benefit from national protection.² When the international community takes on the responsibility of protecting refugees and puts them in camps administered by various agencies, however, their security is actually compromised. This is particularly true for women. The empirical ev-

1. United Nations High Commissioner for Refugees, *State of the World's Refugees: A Humanitarian Agenda* (New York, 1998), 8.

2. United Nations High Commissioner for Refugees, *State of the World's Refugees 1993: The Challenge of Protection* (New York, Penguin Books, 1993), 5. Also available at www.unhcr.org/4a4c6da96.html.

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idence set out in the literature indicates that women overwhelmingly do not enjoy the protection that refugee camps and those for internally displaced persons (IDPs) are intended to offer.³

THEORETICAL FRAMEWORK

For this study's theoretical frame of analysis, the liberal human rights theory (broadly defined) and the human security framework as modified by Alexandra Kaun are most pertinent.⁴ The United Nations defines human rights as 'those rights which are inherent in our nature and without which we cannot function as human beings'.⁵ These rights are founded on the dignity and worth of each person, and are universal, inalienable, indivisible, and basic to the satisfaction of the human needs of respect, protection, and self-actualisation.⁶ It must be noted, however, that human rights theory has been critiqued as being andocentric, with a vocabulary gendered towards males. Even more fundamentally, as Hilary Charlesworth observes, 'all human rights law rests on and reinforces a distinction between public and private worlds', a distinction that serves to effectively muffle the voices of women because they are traditionally consigned to the private sphere.⁷

Regardless, human rights theory remains relevant here because, as feminist scholars note, 'women's rights are human rights', and rights discourse provides a recognized vocabulary for expressing social and political wrongs. Employing this frame of reference for examining the situation of disadvantaged or marginalised women (such as the displaced) provides an opportunity to continue stretching and expanding the traditionally male-centred discourse.⁸

Kaun, in her research on the reintegration of refugees in Angola, expands the human security framework beyond that laid out by the United Nations Development Programme (UNDP), which perceives of human security in terms of safety from chronic threats and sudden disruptions to normal life. The UNDP's approach merges traditional notions of (state) security with post-cold war demands for the protection of *individuals* from certain threats. Kaun, however, offers eight categories of human security interwoven to address the situation of returnee refugees: food, educational,

3. Susan Forbes Martin, *Refugee Women* (London, Zed Books, 1992); United Nations High Commissioner for Refugees, *Guidelines on the Protection of Refugee Women* (Geneva, 1991); Olajumoke D. Oyinloye, 'Issues and trends in the protection of refugee women and children in Africa: A study of the protection of refugee women and children at the Oru refugee camp, Nigeria' (master's diss., University of Ibadan, 2004).

4. Alexandra Kaun, 'When the displaced return: Challenges to "reintegration" in Angola', New Issues in Refugee Research, Research Paper no. 152, United Nations High Commissioner for Refugees, Geneva, 2008, www.unhcr.org/47a315402.html.

5. United Nations, *Human Rights: Status of International Instruments* (New York, 1987), 416.

6. Office of the High Commissioner for Human Rights, *Human Rights: A Basic Handbook for UN Staff* (New York, 2002), 3, www.ohchr.org/Documents/Publications/HRhandbooken.pdf.

7. Hilary Charlesworth, 'What are "women's international human rights"?' in Rebecca J. Cook (ed.), *Human Rights of Women: National and International Perspectives* (Philadelphia, University of Pennsylvania Press, 1994), 68.

8. O. Jacob-Haliso, 'Investigating the role of government legislation and its implementation in addressing gender-based violence among returnee refugee women in Liberia', *Wagadu: Journal of Transnational Women's and Gender Studies* (forthcoming 2010).

community, political, personal, environmental, health, and economic security.⁹ This framework is helpful in analysing the situation of women, as it goes beyond the perception of their security as pertaining only to physical or personal safety, allowing a holistic approach to their experience.

(IN)SECURITY IN THE CAMPS

Many authors agree that the risk to women's safety and security is heightened by the conditions immediately prior to, during, and after flight.¹⁰ The ground-breaking report *Women, War, Peace* adds, '[T]he majority of women we met, whether refugee or internally displaced, told us that they did not feel safe in camps'.¹¹ The sources of women's insecurity are many and varied, but the preponderant discussion of women's insecurity in refugee and IDP camps is usually with respect to their physical well-being, which is two-pronged: personal security from physical attacks and maintenance of physical survival through humanitarian assistance. In camps, the most common risks to personal security are violence and abuse, including assaults by armed elements or groups and abduction, and various forms of sexual and gender-based violence, such as rape, domestic violence, sexual slavery, sexual abuse, forced pregnancy, forced marriage, sex trafficking, infection by sexually transmitted diseases, forced sterilization, and sex discrimination and exploitation.

Spousal and child abuse are often a reflection of the stress displacement inflicts on the family unit.¹² Susan Forbes Martin notes, 'Heightened levels of domestic violence are not infrequent where refugees have lived for extended periods in the artificial environment of a refugee camp. There is evidence that psychological strains for husbands unable to assume normal cultural, social and economic roles can result in aggressive behaviour towards wives and children. The enforced idleness, boredom and despair that permeate many camps are natural breeding grounds for such violence'.¹³

In 2001 the Women's Commission for Refugee Women and Children assessed the implementation of the principles in the Guidelines on the Protection of Refugee Women, prepared by the Office of the United Nations High Commissioner for Refugees (UNHCR). It reported refugee women in Zambia attributing increased levels of domestic violence to beer brewing in camps and by local Zambians. Sudanese women in Eritrea's Elit camp reported similar problems.¹⁴ In Angola, displaced men and women

9. Kaun, 'When the displaced return'.

10. Paula Banerjee, 'Resisting erasure: Women IDPs in South Asia', in Paula Banerjee et al. (eds.), *Internal Displacement in South Asia* (New Delhi, Sage Publications, 2005), 284.

11. Elisabeth Rehn and Ellen Johnson Sirleaf, *Women, War, Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Roles in Peace-Building*, Progress of the World's Women 2002, vol. 1 (New York, United Nations Development Fund for Women, 2002), 25, www.unifem.org/materials/item_detail.php?ProductID=17.

12. In general, domestic violence is a particularly insidious problem because of its capacity to remain hidden in the 'private sphere' of homes as well as cultural interpretations that downplay its significance. This form of insecurity is pervasive and psychologically debilitating. On the situation in camps, see Oyinloye, 'Issues and trends in the protection of refugee women and children in Africa', 75.

13. Forbes Martin, *Refugee Women*, 21.

14. Women's Commission for Refugee Women and Children, 'UNHCR policy on refugee women and guidelines for their protection: An assessment of ten years of implementation', May 2002, www.theirc.org/

attributed increasing rates of domestic violence to boredom, frustration, and alcohol consumption.¹⁵ The authors of 'United Nations Progress of the World's Women 2002' cite similar situations in Rwanda at the Gihembe refugee camp housing mainly Congolese refugees.¹⁶

Sexual exploitation is pervasive in refugee and IDP camps. Various sources have recorded the sexual abuse of refugee women and children by humanitarian workers in exchange for food and other basic needs. Women's Human Rights Net reports that some humanitarian workers have been accused of 'pimping', or acting as middlemen, in the prostitution and sex trafficking of refugee women.¹⁷ Indeed, the issue of sexual exploitation is closely linked with access to aid by women and their families in camps. The impact of sexual exploitation on these women and girls can be devastating. An April 2002 report put teenage pregnancy rates at an estimated 50 percent in camps surveyed in Guinea, Liberia, and Sierra Leone.¹⁸

Some physical security problems arise from poor siting of camps and bad design. Those located close to borders are notorious for being unsafe because of frequent cross-border raids by armed elements, including soldiers and state security officials, and abductions. Poorly designed camps are often overcrowded, and unrelated families may have to share space without privacy.¹⁹ Inadequate lighting, latrines placed too far from living quarters, and insufficient night patrols expose women to rape and other attacks, especially at night. To compound problems, factors other than gender also play roles in determining women's vulnerability in displaced situations. As Forbes Martin notes, 'traditional mechanisms for protection of the vulnerable may be lost. . . . In particular, the communal support systems for protection of widows, single women and unaccompanied minors are often no longer present'.²⁰ Due to extreme poverty in some places, such as Guinea, forced early marriage is higher in the camps than in home countries. In addition, customary law is practiced in these camps, and the decisions of the traditional courts often result in the discrimination and victimisation of women.²¹

A lack of access to humanitarian assistance can be a key factor in determining women's security in camps. One woman in a Guinean camp told the UN independent experts, 'Our biggest problem right now is food. . . . Everyone is so hungry.'²² In Zambia, Angolan and Congolese women reported that they had to barter sex for fish

sites/default/files/migrated/resources/UNHCR-Policy-on-Refugee-Women-and-Guidelines-on-their-Protection-Ten-Years-of-Implementation.pdf.

15. Rosemary Barber-Madden et al., *Poverty, Violence and Health in the Lives of Displaced in Angola* (New York, United Nations Population Fund, 2001).

16. Rehn and Sirleaf, *Women, War, Peace*, 26.

17. Caroline Rodriguez Bello, 'Refugees and internally displaced', Women Human Rights Net, July 2003, [www.awid.org/eng/Issues-and-Analysis/Library/Refugees-and-Internally-Displaced/\(language\)/eng-GB](http://www.awid.org/eng/Issues-and-Analysis/Library/Refugees-and-Internally-Displaced/(language)/eng-GB).

18. UNHCR and Save the Children-UK, 'Sexual violence and exploitation: The experience of refugee children in Liberia, Guinea and Sierra Leone', February 2002, www.savethechildren.org.uk/en/54_5203.htm.

19. Forbes Martin, *Refugee Women*, 19, gives the example of detention centres in Hong Kong as a case in point.

20. *Ibid.*, 21.

21. Beth Vann, *Gender-Based Violence: Emerging Issues in Programs Serving Displaced Populations* (Arlington, Virginia, Reproductive Health for Refugees Consortium, 2002), 96, www.rhrc.org/resources/gbv/vann_toc.html.

22. Rehn and Sirleaf, *Women, War, Peace*, 27.

and other basic goods, including school supplies for their children.²³ Girls in camps in the Mano River area of Liberia, Sierra Leone, and Guinea report being forced to exchange sex for all manner of aid, including cooking oil, wheat, medicine, transport, loans, educational or skills training courses.²⁴

In the case of prostitution, Susan Forbes Martin observes that it is unaccompanied women and girls, female heads of household, and refugee women without proper documentation who are primarily involved.²⁵ It appears then that inadequacies in the legal aspects of protection are implicated in women's insecurity in camps. In all displaced populations, the perpetrators of crimes against women include fellow refugees, military men, humanitarian workers, natives of the host country or community, and males in positions of power and control over their victims. In cross-sectional research carried out in 1998 among displaced women in Freetown, Sierra Leone, of the 50.7 percent who acknowledged having been forced to have sex, boyfriends and husbands ranked in the ninetieth percentile as the perpetrators.²⁶ Displacement seems to reinforce women's relatively disadvantaged power status.²⁷

This power discourse underlying displacement is what distinguishes forced displacement from voluntary migration. Women often migrate voluntarily 'as a form of self-empowerment' or because 'the decision to resist [enslavement] takes the form of a decision to migrate', by which migration becomes "a definite survival strategy" as well as "a strategy to gain autonomy".²⁸ Asha Hans observes that 'a refugee woman is a product of a system over which she has no control'.²⁹

The line can sometimes be blurred between voluntary migrants and displaced women, because the factors propelling movement are equally pressing, and a woman may 'voluntarily' leave her place of residence because she feels that she has no other choice. Either way, women must negotiate the complex labyrinth of gendered power relations to forge a sense of security and in some cases simply to survive.

23. Refugees International, 'Evaluating the implementation of UNHCR's guidelines on the protection of refugee women', 7 March 2002, 26.

24. Rehn and Sirleaf, *Women, War, Peace*, 26.

25. Forbes Martin, *Refugee Women*, 22.

26. Jeanne Ward, *If Not Now, When? Addressing Gender-based Violence in Refugee, Internally Displaced, and Post-conflict Settings: A Global Overview* (New York, Reproductive Health for Refugees Consortium, 2002), 37, www.rhrc.org/resources/gbv/ifnotnow.html.

27. In the case of Burma, which has a high number of internally displaced persons, Betsy Apple 'attributes the culture and prevalence of rape, enslavement, coerced sex, forced prostitution, and forced marriage to a "hierarchy of domination", in which violence, oppression, and exploitation are institutionalised military values, ultimately finding their target among the most vulnerable and disempowered: the bodies of ethnic minority women and girls'. Betsy Apple, *School for Rape: the Burmese Military and Sexual Violence* (Bangkok, EarthRights International, 1998). Asha Hans has examined the issue of displaced Kashmiri women as carriers of ethnic identity: 'Women across borders in Kashmir—The continuum of violence', *Canadian Women's Studies*, 19:1 (Winter 2000).

28. Ranabir Samaddar, *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal* (New Delhi, Sage Publications, 1999), 197.

29. Asha Hans, 'Refugee women and children: Need for protection and care' in Ranabir Samaddar (ed.), *Refugees and the State: Practices of Asylum and Care in India, 1947–2000* (New Delhi, Sage Publications, 2003), 278.

CONCLUSIONS

When the fundamental objective of providing safety by establishing camps is compromised by camp design, program insensitivity, and threatening elements in the environment, including male domination, women devise coping strategies that in themselves may be unsafe. To make sense of many aspects of women's insecurity in camps, there is a need to (a) contextualize the discussion to specific cases and contexts, (b) contemplate the socio-political, legal, psychological, and psychosocial environments that make insecurity possible, (c) consider other elements about women's situation that are contributing to their vulnerability, such as age and absence of an adult male head in the household, and (d) analyze displaced women's behaviour in terms of their attempts to actively pursue their own survival and satisfaction. Essentially, human security in holistic terms and the restoration of inalienable human rights must be the target of camp care providers and aid agencies that fund the activities of the dominant actors in the refugee protection regime.



Peace and Conflict in Africa, edited by David J. Francis

London: Zed Books, 2008. xii + 242 pages. Bibliographical references.
ISBN 978-1-84277-954-5 (hbk); 9781842779545 (pbk).

Reviewed by Maneshka Eliatamby

PEACE AND CONFLICT IN AFRICA is a seminal collection of essays written by Africans and non-Africans highlighting the complex nature of conflict, peacebuilding, and development. A number of factors contribute to the unique nature of this book, the most poignant being its focus of the diverse nature of conflict on the African continent and the need for nuanced approaches to peacebuilding that take local contexts into consideration.

In this volume, the authors and editor highlight the dangers involved in attempting to homogenize African conflicts and peacebuilding under one 'African umbrella', which has led the world to ignore the many successes achieved by some African countries and leaves the impression that all of Africa is a lost cause. David Francis correctly states that 'the impression that Africa is a homogenous continent . . . fundamentally constrain[s] our understanding of the nature, dynamics and complexities of peace and conflict in Africa'. What Francis calls the need to "dehomogenize" conflicts in Africa was a guiding factor in the compilation of this volume.

Tim Muriti's chapter, 'African Indigenous and Endogenous Approaches to Peace and Conflict Resolution', elaborates on traditional or restorative justice systems, including *ubuntu* in South Africa, *mato oput* in Uganda's Acholi region, *guurti* in Somaliland, and the indigenous practices by the Tiv community in Nigeria. Isaac Albert's contribution, 'Understanding Peace in Africa', complements Muriti's work in advocating bottom-up peacebuilding, emphasizing the need to factor in local approaches. He emphasizes how understanding the context, culture, and religious backgrounds of the people involved in a conflict situation is a prerequisite for any successful peacebuilding and development effort.

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In the chapter 'Conflict Analysis in Africa', Joao Gomes Porto goes a step further by stating that it is not only peacebuilding that should take on a more traditional approach, but that conflict analysis too must consider local African contexts. He states, 'A focus on conflict analysis theory—and its potential as part of conflict prevention, management and resolution in African contexts—remains both necessary and urgent' (p. 46).

Jannie Malan, in 'Understanding Transitional Justice in Africa', analyzes retributive and restorative justice systems that have been implemented in postconflict countries in Africa. Malan proposes the use of a bottom-up approach to conflict transformation, advocating what he calls transformational transitional justice (p. 147).

Peace and Conflict in Africa presents what should be a commonsensical approach to merging African and Western models of conflict resolution—taking advantage of indigenous African wisdom and conflict resolution practices. As Albert notes, however, this has clearly not been the approach taken by most peacebuilding and development practitioners and theorists. Tony Karbo sums it up well in his chapter, 'Peace-building in Africa', when he states that 'both the liberal peace project and traditional endogenous mechanisms for peace-building have to be used simultaneously in order to achieve peace' (p. 130). One wonders if this hybrid model is the prescription needed for future peacebuilding efforts, especially in Africa.

In the field of conflict analysis and peacebuilding, *Peace and Conflict in Africa* provides a concise view of the approaches that peacebuilding and development should take on the continent. It highlights the necessity for culturally nuanced analysis and action and for taking into account the complex nature and local context of conflicts in peacebuilding. One cannot help but wonder if this work would have been even more complete if it had looked at the various complexities posed by issues related to gender and youth in peacebuilding and development. One hopes that this omission will be addressed in a future volume.

This work is a must read not only for practitioners and academics of peacebuilding and development work in Africa but for those involved in other regions as well. Members of the NGO community interested in working in conflict or postconflict environments anywhere in the world would benefit from the local perspectives highlighted in this volume.



Dead Aid: Why Aid Is Not Working and How There Is a Better Way for Africa, by Dambisa Moyo

New York: Farrar, Straus and Giroux, 2009. Hardcover, 188 pages.
Bibliographical references. ISBN 9780374139568.

Reviewed by Martha Mutisi

FOR SCHOLARS OF POLITICAL SCIENCE, GOVERNMENT, ECONOMICS, African studies, conflict resolution, and international relations, Dambisa Moyo's *Dead Aid* should be a useful, if brief, read. Moyo bases her book on the premise that aid to Africa is inimical to development, and because of this worsens governance, props up corrupt regimes, promotes a dependence syndrome, and nurtures a culture of non-accountability. She concludes therefore that Western countries and donor communities should halt assistance if they truly have the continent's interest at heart; she proposes a five-year aid exit strategy. Although there is no direct evidence of a link between aid and governance, Moyo's arguments about the feeble nature of aid and its debilitating impact will be palatable to some.

Moyo's historical analysis of the trajectories of aid in Africa is quite informative and demonstrates her acquaintance with the field. She begins her exposition with a look at the history of assistance by analyzing how these regimes for Africa have gone from humanitarian assistance to structured programs with conditionalities. Moyo examines how the 1990s were characterized by aid tied to movement toward democracy and good governance, while the post-2000 era has been characterized by "glamour aid", that is, aid accompanied by publicity or celebrity figures but ultimately little real effect. Moyo is critical of the aid industry, particularly international agencies and nongovernmental organizations, charging that these have done little to reduce poverty and propel economic growth in Africa, a view that resonates with many scholars and observers.

Rejecting the notion of aid dependence, Moyo advocates foreign direct investment, microfinancing, entrepreneurship, and other approaches to growth in Africa. Her emphasis on econometrics, liberalism, and market forces as the solutions to Africa's economic problems points to *Dead Aid* having been written by a technocrat. A Zambian-

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born former World Bank consultant and Goldman Sachs executive, Moyo also advocates free markets, free trade, and taxation of remittances. She prescribes trade and the sale of international bonds as some of the most viable solutions to the challenges affecting Africa. This suggestion, in view of current global trade arrangements and the economic crisis, does not seem promising for Africa, where countries have often received raw deals involving international trade. In addition, Moyo's emphasis on trade liberalism seems to neglect the political and social implications of such a philosophy in Africa. The adverse outcome of neoliberal policies was evidenced by the impact of structural adjustment programs (SAPs), whose assumptions of a "trickle down" effect on growth came to naught. Moyo does not consider such matters as human development and human security in Africa by examining how non-economic factors, including internal divisions and conflict, affect the continent's growth. While aid has its fair share of problems, simply eliminating it will not address concerns stemming from leadership, governance, political patronage, and inequality. A reduction in or the elimination of aid is neither a necessary nor sufficient condition for Africa's renaissance.

Moyo reveals herself to be fluent in the intimate details of the concepts and practice of aid, describing the different forms of it and the contexts in which it has been provided. Her analysis, however, bundles aid into a monolithic ball and in a misleading way concludes that all forms of it have not benefited Africa. Yet abundant evidence demonstrates how some aid not only has averted humanitarian disasters but also has created employment, educated communities, and improved health. *Dead Aid's* radical suggestion that dealing with Africa's economic quagmire is for the 'aid taps to be closed gradually in the next five years' reflects a form of Gucci-economics, proffered from an elitist and privileged position, in this case by an African who has studied and lived in the Western world, far from the reality of beneficiaries of aid flows to Africa. The elimination of aid would appear to be unconceivable on humanitarian, political, and economic grounds. What perhaps is needed is not the elimination of aid but reform of the aid apparatus to allow for less rigid conditionalities, more apt forms of support and monitoring, and the elimination of profiteering by the aid industry.

Dead Aid reads well and makes sound analytical arguments, despite a few inconsistent perspectives. For instance, Moyo seems to contend that aid is a root cause of underdevelopment in Africa, yet it also appears that aid is only a variable. In addition, although Moyo acknowledges advances that have occurred in Africa over the past decade, partly due to aid availability, she nonetheless advances a thesis that bashes the same aid that played a role in realizing these developments. Moyo expresses cognizance of Africa's burgeoning economic growth rate of more than 5 percent, the significant reductions in HIV/AIDS prevalence in selected countries, as well as the institutionalization and consolidation of democracy since the 1990s (p. 3). All these improvements in the socioeconomic and political landscape of Africa were due in part to the availability of aid in its various forms—technical support and humanitarian and development assistance.

Moyo is not alone in her frustration with the strings attached to Western aid. Her view is supported by both Africanists and neoliberal scholars who are tired of the Western aid industry for various reasons. As such, Moyo's emphasis on African states deepening bilateral trade relations with China reflects her disdain for the conditionalities of Western assistance. This stance also reflects, however, an assumption that China is the solution to Africa's problem. She hails China's unconditional aid and

Beijing's willingness to work with dictatorships without advocating democracy or human rights (which also happens to be the norm for some Western countries). Amid this aggrandizement of Chinese aid is a failure to examine the politics of it, including its short-term nature and skewed deals and trade agreements. Indeed, evidence from Angola, the Democratic Republic of the Congo, Liberia, and other countries reveals the neo-imperial nature of China's relations with Africa.

As a result of her cynicism about aid, Moyo propounds an exaggerated and overly optimistic argument that posits that eliminating aid to Africa would lead to more innovative and efficient revenue generation. She does not question the tenability of an aid-free Africa and her suggested alternative sources of financing. What happens to the remittances and taxes that African states collect? Moyo seems to believe that cutting off assistance to corrupt regimes will make them less corrupt and more accountable. Citing the case of Zimbabwe's Robert Mugabe, Moyo makes the assertion that increased aid positively correlates with high levels of corruption and that reducing such aid will address this endemic problem. In reality, however, African governments become visibly more extractive toward their citizens when faced with diminished sources of income. Also, Africa has a fair number of the most highly taxed countries in the world, but much of the tax revenue does not reach the intended beneficiaries; instead it is gobbled up by corruption, inefficiency, and ineffectiveness. As the Zimbabwean case demonstrates, the period of restrictive measures against the country from 2001 to 2008 was characterized by unconventional forms of economic governance at the central bank. For example, in *Casino Economy*, Gideon Gono, Zimbabwe's central bank governor, defends the printing of paper money and other unorthodox quasi-fiscal activities during this tenure, demonstrating that aid sanctions and other restrictions are easily circumvented by states through many forms of rent.

Although aid independence seems to be the most viable solution to Africa's challenges, Moyo's optimism about the capacity of African governments to generate revenue were the aid taps to close seems to ignore the reality of Africa's sociopolitical terrain. Even though revenue generation would ramp up in the event of the loss of current avenues of income, increased internal revenues might not necessarily translate into an efficient and transparent use of the generated funds. Notably, for example, Liberia raises millions of dollars from its revenue collection system, especially its ports, but much of this money has not been used to improve governance or promote development; also, despite this revenue, Liberia is still a recipient of Western aid. In addition, reduced aid flows are not necessarily synonymous with the death of corruption and dictatorships. In fact, an elimination of aid could serve to make dictatorships more vicious, patrimonial, manipulative, and extractive. Despite these issues, *Dead Aid* should be hailed as a book that provocatively confronts the murky waters of aid, eschews its impact, and spells out the imperative for aid reform.

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‘Bi Nka Bi’ —Bite Not One Another

African symbols known as *adinkra*, named after a legendary king and widespread in Ghana, are used on fabrics, walls, ceramics, and logos. ‘Bi Nka Bi’, the adinkra symbol for harmony, means ‘bite not one another’. Based on two fish biting each other’s tail, it is representative of peace, visually cautioning against backbiting, provocation, and strife, and instead urging a community spirit of sharing, group cooperation, justice, equity, fair play, and forgiveness.