A Gendered Perspective on Customary Mechanisms in Uganda: In Pursuit of Transitional Justice[1]

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The resolution of conflict and the requisite social rebuilding, in many cases, takes place within a framework of what has come to be known as transitional justice. In many parts of the world, however, this rebuilding takes place within customary mechanisms. This paper explores the access that women in Uganda, who shoulder much of the burden of civil conflict, abuse and abduction, have to these mechanisms. It is clear that women are often left out of the social rebuilding process. Their attitudes toward, and inclusion in, traditional practices are explored below.

Background and History of Current Conflict

Uganda's modern history has been filled with conflict and violence, since it declared Independence from the British in 1962. The first term of the country's first Prime Minister, Milton Obote, was characterized by significant numbers of riots and armed attacks.[3] Much of this violence was in protest of his consolidation of power throughout the country.

In 1971, Obote was overthrown by his army commander, General Idi Amin Dada. Amin seized power, then began a reign of terror, systematically murdering and torturing those he considered to stand in his way.[4] He targeted those who were seen to have supported Obote, especially people of Acholi and Langi descent, many of whom had tended to dominate the military. In 1972, more than 70,000 Asians who living in Uganda were expelled, and their property and businesses confiscated. Throughout Amin's period in office, soldiers and police conducted brutal campaigns of torture.[5] It is estimated that between 300,000[6] and 500,000[7] Ugandans were killed during this period, which earned Amin the nickname "the butcher."

Amin's forces were defeated in 1979. Interim governments were appointed in 1979 and 1980. In 1980, Obote returned to power. He retaliated against those who were perceived to have supported Amin. The paramilitary apparatus of the state began another campaign of torture,

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[3] Dirk Berg-Schlosser and Rainer Siegler, *Political Stability and Development: A Comparative Analysis of Kenya, Tanzania and Uganda* (Boulder: Lynne Rienner Publishers, 1990), 196.
[4] Nancy G. Wright, "Uganda: History From 1971," *Encyclopedia of Africa South of the Sahara*, ed. John Middleton (New York: Charles Scribner's Sons, 1996) 306.
[5] Berg-Schlosser and Siegler 199; Edward Khiddu-Makubuya, "Paramilitarism and Human Rights," in *Conflict Resolution in Uganda*, ed. Kumar Rupesinghe (Oslo: International Peace Research Institute, 1989) 141-157.
[6] Philip Briggs, *Uganda* (Old Saybrook, CT: The Globe Pequot Press, 1998) 23.
[7] Yoweri Kaguta Museveni, *Sowing the Mustard Seed* (London: Macmillan, 1997) 41.

resorting to rape, torture, looting and destruction of property.[8] Approximately 300,000[9] to 500,000[10] were killed during this period. Obote remained in office until July 1985 when he was overthrown, again by a faction of the Ugandan military. From July 1985, a military council governed for six months, until it, too, was overthrown.

In 1986, Yoweri Museveni and the National Resistance Movement seized power. He abolished all political parties except his own. He and his troops had been fighting against the regimes of Amin and Obote, as well as the transitional regimes, in Uganda, since 1971. At the time of writing, Museveni remained in power.[11]

As with his predecessors, Museveni has faced considerable opposition from many of the 56 different ethnic groups throughout the country. Between 1986 and 2006, Museveni faced more than 27 armed insurgencies.[12] One of the longest-lasting, and most devastating is the conflict in northern Uganda. "The conflict in Acholiland began soon after Uganda's last regime change in January 1986. It was triggered [in part] by the NRM's methods for consolidating control over the northern parts of the country."[13] Joseph Kony, leader of the Lord's Resistance Army (LRA), continues to abduct children to conscript into his rebel forces; the boys are used as soldiers, and the girls are used by him and his fellow rebels as their wives, as well as carriers of supplies and even as soldiers. Kony and his troops perpetrate brutal abuses on the people of northern Uganda. Abducted child-soldiers themselves are often forced to commit the most heinous of acts, and often against their own families.[14] In one community, 79% of people reported having witnessed torture, 40% had witnessed killing, and 5% had been forced to physically harm another.[15]

Northern Uganda has been devastated by this conflict, which "has over the years spread across the entire northern region and parts of the east."[16] It is worth noting here that that part of the population which is now twenty years old and younger has never known anything but the

[8] Berg-Schlosser and Siegler 199, Khiddu-Makubuya, "Paramilitarism" 153.

[9] *Uganda* (Brooklyn: Interlink Books, 1998) 53; Thomas P. Ofcansky, *Uganda: Tarnished Pearl of Africa.* (Boulder: Westview, 1996), 55.

[10] Abdul Nadduli, LC5 District Chairman, interview with author, 17 Nov. 2004, Luweero town, Uganda.

[11] Museveni was returned to power in the first multi-party elections since his accession to power on 23 February 2006, reportedly with 59% of the vote.

[12] These include rebellions by the Action Restore Peace, Allied Democratic Forces, Apac rebellion, Citizen Army for Multiparty Politics, Force Obote Back, Former Uganda National Army, Holy Spirit Movement, the Lord's Army, Lord's Resistance Army, National Federal Army, National Union for the Liberation of Uganda, Ninth October Movement, People's Redemption Army, Uganda Christian Democratic Army, Uganda Federal Democratic Front, Uganda Freedom Movement, Ugandan National Democratic Army, Uganda National Federal Army, Ugandan National Liberation Front, Ugandan National Rescue Fronts I and II, Ugandan People's Army, Ugandan People's Democratic Army, Uganda Salvation Army, and the West Nile Bank Front. Compiled from Lucy Hovil and Zachary Lomo, *Working Paper 11: Behind the Violence: Causes, Consequences and the Search for Solutions to the War in Northern Uganda*, (Kampala: Refugee Law Project, Feb. 2004), 4; and Lucy Hovil and Zachary Lomo, *Working Paper 15: Whose Justice? Perceptions of Uganda's Amnesty Act 2000: The Potential for Conflict Resolution and Long-Term Reconciliation* (Kampala: Refugee Law Project, Feb. 2005), 6.

[13] Catherine Barnes and Okello Lucima, "Introduction," *Accord* (2002) 11: 1.

[14] Lucy Hovil and Joanna Quinn, *Working Paper 17: Peace First, Justice Later* (Kampala: Refugee Law Project, July 2005), 3.

[15] Tim Allen, *War and Justice in Northern Uganda: An Assessment of the International Criminal Court's Intervention* (London: Crisis States Research Centre, Development Studies Institute, London School of Economics, Feb. 2005), 24.

[16] UN Office for the Coordination of Humanitarian Affairs, "Uganda: War-ravaged north rues Museveni win," IRINnews.org (1 March 2006); available from www.irinnews.org/print.asp?ReportID=51960; accessed 10 March 2006.

conditions of war and insecurity. Between 30,000 and 45,000 children have been abducted by the LRA,[17] which has resulted in the phenomenon of "night commuting" wherein up to 25,000 children living in these areas, at the height of insecurity, have walked for miles each night to sleep in the relative safety of centres guarded by the Ugandan military, to avoid being abducted.[18]

At the time of writing, it is estimated that 1.8 million[19] people are internally displaced (IDP) within the region and living in ostensibly protected camps for the internally displaced, a figure which represents more than 80% of the region's population. These camps are an "integral part of the Ugandan government's anti-insurgency policy. In some places, anyone who refused to move from their rural homes was forcibly displaced."[20] Effectively, the people were "herded into camps where they [are forced to] survive on relief aid."[21] Recent reports estimate that 1000 people die each week as a result of the deplorable conditions within the camps;[22] government officials readily admit that "basic infrastructure and services in the IDP and refugee camps... are still inadequate and below standard."[23] Resettlement, or "decongestion," as it is called by the Government, has begun.[24] "While roughly 230,000 people have left the camps, few have actually returned home. Most have been relegated to smaller resettlement camps where conditions are often as bad (or worse) than the older, more established sites."[25]

Yet Museveni has recently begun to claim that "the LRA have been defeated,"[26] that "[t]he conflict in the north has been finished. We have defeated Kony,"[27] and that "security in northern Uganda ha[s] been restored."[28] He "has urged the people of Lango and Teso to go back to their homes... Museveni said he would give resettlement kits like iron sheets, food for six months, oxen, and ox ploughs to the people as they go home..."[29] It has become increasingly apparent, however, that the people of northern Uganda now living in camps may never be able to return to their homes.[30] "As people begin to venture back to their villages, conflicts have already begun to erupt over land whose boundaries have been blurred by long displacement, disfigured

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[17] Tim Allen points out that "the scale of abduction is a matter of speculation" due to insufficient monitoring. See Allen, *War and Justice in Northern Uganda*, iii.

[18] "*When the sun sets, we start to worry...*": *An Account of life in Northern Uganda*, OCHA/IRIN, November 2003, 8.

[19] Geresome Latim, Secretary to the Paramount Chief of Acholi, interview by author, 22 Nov. 2004, Gulu town, Uganda; also World Vision, *Pawns of Politics: Children, Conflict and Peace in Northern Uganda* (Kampala: World Vision, 2004), 4.

[20] Allen, *War and Justice in Northern Uganda*, 23.

[21] Moses Odokonyero, "Acholi's political 'Elephant breed' fails," *The Monitor* (Kampala), 10 March 2006.

[22] Betty Bigombe and John Prendergast, "Stop the Crisis in Northern Uganda," *The Philadelphia Inquirer*, 21 February 2006.

[23] Ministry of Finance, Planning and Economic Development, "Discussion Paper 8: Post-conflict Reconstruction: The Case of Northern Uganda," Aug. 2004, 32.

[24] IRIN News, "Uganda: IDPs unlikely to meet deadline to vacate camps," 26 Dec. 2006; [article on-line]; available from http://www.irinnews.org/report.aspx?reportid=62892; accessed 28 April 2007.

[25] Enough, "Northern Uganda Monthly Report," April/May 2007, [article on-line]; available from http://www.enoughproject.org/region/northern-uganda/overview.php; accessed 20 April 2007.

[26] Hudson Apunyo, "Abia IDP Camp Marks 2nd Anniversary of Massacre," *The Monitor* (Kampala), 14 Feb. 2006.

[27] "Uganda: Museveni sets priorities after re-election," IRINnew.org, 27 Feb. 2006, [article on-line]; available from www.irinnews.org/report.asp?ReportID=51938; accessed 9 March 2006.

[28] Agness Nandutu, "Museveni blames donors over funds," *The Monitor* (Kampala), 10 March 2006.

[29] Apunyo, "Abia IDP Camp Marks 2nd Anniversary of Massacre."

[30] "UNDMT Technical Group Status Report: Preparatory Planning for Displaced Persons" as cited in Chris Dolan, "Understanding War and Its Continuation: The Case of Northern Uganda," (Ph.D. diss., University of London, 2005), 167.

by war, and rendered uncertain by ambiguous laws... 'Some people had begun constructing homes in their villages, but this has stopped due to conflicting reports on the status of the peace process.'"[31]

> In this case, enforced 'communities' that have sprung up within the IDP camps may be formalized, and the camps themselves will become permanent. If this happens, the forcible dislocation of people from their traditional homes and *gemeinschaft*[32] communities could further hamper the process of attaining freedom from war. Furthermore, the situation of permanent displacement is likely to have a direct impact on the economic sustainability of the region: as urban centres grow and the needs of a population unable to grow its own food or provide for other basic requirements multiply, the need for skilled workers is likely to increase. Meanwhile, the majority of those living in the camps at present possess none of the knowledge required, and thus it is likely, at least for this generation, that those living in IDP camps will be reliant on additional assistance from others.[33]

In reality, however, the war is far from over. It is not known precisely how many rebel soldiers remain "in the bush"—a local colloquialism that refers to the theatre of war—with the LRA; estimates range from 200 to 20,000. But a succession of peace talks held over the years have broken down, and none have been undertaken since early 2005, when talks broke off and the chief negotiator, Betty Bigombe, was forced to discontinue negotiations. Peace talks begun in August, 2006, and held in Juba, South Sudan, have been beset by a number of problems, and eventually broke off. In mid-April, 2007, the LRA was "persuaded... to rejoin the talks... and extend the cessation of hostilities until the end of June."[34] At the time of writing, those peace talks continue.

Methodology

The inquiry into women's access to, and involvement in, traditional mechanisms in Uganda is part of an on-going research project that has considered the use and utility of customary approaches in transitional, post-conflict and "pre"-post-conflict Uganda. Since 2004, I have been engaged in a qualitative study that seeks to understand traditional methods of conflict resolution and post-conflict reconciliation. I am specifically interested in the role that these processes play in a society's acknowledgement of past crimes and abuses. And how they are able to succeed where other "Western" approaches, like the truth commission, have failed.

The "wave" of research that focuses on women is the third of eight distinct inquiries into traditional mechanisms in Uganda. Each is a qualitative survey of the manner in which customary practices could be and are being used, and focuses on a different aspect of these instruments. This particular wave focuses on gender differences, and the gender-specific nature of the application of the mechanisms. All together, 47 interviews were conducted, including

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[31] Enough, "Northern Uganda Monthly Report."

[32] Ferdinand Tonnies divided societies into two distinct groups: "*Gemeinschaft* society is one in which people live together in primary groups, tightly wound around the institutions of kin, community and church... In *gesellschaft* society, by contrast, people frequently leave their primary groups for association with people who may be strangers. One chooses one's occupation, place of residence, and marriage partner. Ties to primary kin, place of origin, and church are loose and may be cut off entirely." See Rhoda E. Howard, *Human Rights and the Search for Community* (Boulder: Westview, 1995), 25-26.

[33] Hovil and Quinn, *Peace First, Justice Later*, 9.

[34] Enough, "Northern Uganda Monthly Report."

several focus group meetings, in August and September, 2006. Although this wave focuses on gender difference and women, it is not analytically oriented either toward or from a feminist perspective.[35]

Traditional Mechanisms

Traditional mechanisms have been developed in societies around the world, including native communities in North America, and across Africa and many other continents as well. They are used to resolve problems and conflicts. Each of Uganda's many ethnic communities traditionally used different forms of customary mechanisms to deal with conflict. And although in some instances these kinds of traditions have disappeared, subsumed by the Western model of retributive justice, in other places they are still an active part of community life.

Traditional values and teachings inform such practices. In many instances, these customs look very similar to the kinds of mechanisms that would have existed in pre-Western societies. In other instances, they are simply modeled on old institutions, with changes made to make them relevant to contemporary circumstances; in this way, they are "neo-traditional" institutions.[36] In many cases, these mechanisms have also been formalized, in that their proceedings are regularized and carried out according to pre-arranged and codified rules. For example, Article 129 of the 1995 Constitution provides for Local Council (LC) Courts[37] to operate at the sub-county, parish and village levels.[38] And under the subsequent Children Statute 1996, these courts have the authority to mandate any number of things including reconciliation, compensation, restitution, and apology.[39] These mechanisms either provide a parallel model of justice, or sometimes they are used in addition to Western mechanisms. Although these mechanisms broadly fit within very different approaches to justice, whether retributive or restorative, and fulfill different roles within their respective societies, from cleansing and welcoming to prosecution and punishment, what they have in common is that they draw upon traditional customs and ideas in the administration of justice in modern times.

In Uganda, many of the ethnic groups throughout the country continue to utilize such practices. For example, the Karamojong rely on the *akiriket* councils of elders to adjudicate disputes according to traditional custom,[40] which includes various forms of cultural teaching and ritual cleansing ceremonies.[41] The Baganda traditionally used *Kitewuliza*, a juridical process

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[35] See Chandra Mohanty, "Under Western Eyes: Feminist Scholarship and Colonial Discourses," *Feminist Review* 30 (1998): 77. See also Anna Lowenhaupt Tsing and Sylvia Junko Yanagisako, "Feminism and Kinship Theory," *Current Anthropology* 24.4 (1983): 516.

[36] Stephen Brown, "Forging National Unity in Rwanda: Government Strategies and Grassroots Responses," a paper presented at *Reconciliation*, a conference held by the Nationalism and Ethnic Conflict Research Centre at The University of Western Ontario, May 14-15, 2005.

[37] The LC Courts were formerly known as Resistance Council Courts and "were first introduced in Luweero in 1983 during the struggle for liberation. In 1987 they were legally recognized throughout the country." John Mary Waliggo, "The Human Right to Peace for Every Person and Every Society," (paper presented at Public Dialogue organized by Faculty of Arts, Makerere University in conjunction with Uganda Human Rights Commission and NORAD, Kampala, Uganda, 4 Dec. 2003) author's collection, 7.

[38] "Uganda: Constitution, Government & Legislation," [article on-line]; available from http://jurist.law.pitt.edu/world/uganda.htm, accessed 30 April 2005.

[39] Government of Uganda, *The Children's Statute 1996*.

[40] Bruno Novelli, *Karimojong Traditional Religion* (Kampala: Comboni Missionaries, 1999) 169-172, 333-340.

[41] Peter Lokeris, Minister of State for Karamoja, interview with author, 18 Nov. 2004, Kampala, Uganda.

with a strong element of reconciliation, to bring about justice.[42] A system of elder mediation is used in family, clan and inter-clan conflict by the Lugbara.[43]

The Acholi, the group most affected by the current conflict in Northern Uganda, utilize a number of different ceremonies.[44] One such ceremony is *mato oput* (drinking the bitter herb), and another is called *nyouo tong gweno* (a welcoming ceremony in which an egg is stepped on over an *opobo* twig). Through these ceremonies, the Acholi acknowledge that a person has been accepted back into the community, and that the community is pleased to have them back. In many cases, these ceremonies appear to have more cultural relevance than other initiatives.[45]

> For the Acholi, for one to stay away from his home for a long time, that is never acceptable, that is always something bad, something associated with bitterness. So these words always are part of the ceremony for returnees. *Wa ojoli paco*, these are also words spoken at the ceremony. It means, "we welcome you home." It is to say that, "the people have forgiven you everything, the Acholi people welcome you back and they now want you to take responsibilities in the community." Immediately you are welcomed in the community, the community is beginning to extend its services and responsibilities to you. People will come and talk to you. Once a child is born in Acholi culture, that child becomes part and parcel of that particular family, and the clan, and then the community. So the whole community would also expect some responsibility from you.[46]

Both of these ceremonies are being used to welcome ex-combatants, both men and women, boys and girls, home from the current conflict after they have escaped from the rebel army.[47] In 1985, *gomo tong* (the bending of spears), an inter-tribal reconciliation ceremony, was held to signify that "from that time there would be no war or fighting between [the following ethnic groups:] Acholi and Madi, Kakwa, Lugbara or Alur of West Nile."[48] A similar ceremony, *amelokwit*, took place between the Iteso and the Karamojong in 2004.[49]

It is my observation that ethnic groups which were traditionally organized hierarchically, such as the Baganda, are less likely to utilize these mechanisms. Conversely, those ethnic societies that were arranged horizontally, with a system of equal clans, like the Acholi, are more likely to continue to utilize these mechanisms. It seems that the hierarchical stratification of societies with entrenched kingdoms, whose social order was organized from top to bottom, were more likely to coordinate whole formalized political systems, of which justice formed one part.

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[42] Waliggo, "The Human Right to Peace," 7. Also, idem, "On Kitewuliza in Buganda, 3 May 2005" author's collection, 1.

[43] Joseph Ndrua, "A Christian Study of the African Concept of Authority and the Administration of Justice among the Lugbari of North Western Uganda," (M.A. diss., Catholic Higher Institute of East Africa, 1988), 42-56.

[44] See Thomas Harlacher, Francis Xavier Okot, Caroline Aloyo Obonyo, Mychelle Balthazard, and Ronald Atkinson, *Traditional Ways of Coping in Acholi: Cultural provisions for reconciliation and healing from war* (Kampala: Thomas Harlacher and Caritas Gulu Archdiocese, 2006).

[45] Joanna R. Quinn, "Comparing Formal and Informal Mechanisms of Acknowledgement in Uganda," a paper prepared for presentation on the panel, "Africa as a Subject of International Justice," at the International Studies Association Annual Meeting, 23 March 2006, 23-27.

[46] Middle-aged man, interview in Acholi language with RLP interviewer, 5 March 2005, Gulu town, from Hovil and Quinn, *Peace First, Justice Later*, 24.

[47] For an excellent description of *mato oput* see Sverker Finnstrom, *Living With Bad Surroundings: War and Existential Uncertainty in Acholiland in Northern Uganda* (Uppsala: Acta Universitatis Upsaliensis, Uppsala Studies in Cultural Anthropology No. 35, 2003), 297-299.

[48] Ibid., 299.

[49] Iteso focus group, conducted by author, 31 Aug. 2006, Kampala, Uganda.

Certainly, this is the case in Buganda, where the *kitawulizi* courts, used mostly at the sub-sub-county level, were headed by the head of that particular political strata; he, in turn, reported to *muluka* chiefs, and so on, up to the *katikkiro*, and ultimately, the *kabakka*, or king, who had the power to reverse the decisions made.[50] This pattern seems to repeat itself in Uganda today, in that those ethnic groups with highly stratified kingdoms, including Buganda, Toro, Ankole and others, use such traditions infrequently.

Certainly, and not surprisingly, the role played by traditional mechanisms of justice has changed. This mirrors what has been shown about social institutions throughout the world: institutions change over time, influenced by current social practice.[51] Influences including colonialism and the imposition of a central government,[52] have altered the way in which justice is administered. The war itself has caused tremendous change, and has made it difficult to "teach the children [the] Acholi culture;"[53] some feel that the younger generation does not recognize or understand such mechanisms any longer, a complaint that is not uncommon in many societies around the world. As well, the introduction of other religions, and in particular Christianity, appears to have led many to reject traditional mechanisms—although a number of people interviewed referred to the level of compatibility between their religious beliefs and Acholi traditional mechanisms, and saw no contradiction.

There is some evidence of their decline.[54] "The traditional values, cultural knowledge and social institutions of everyday life are threatened."[55]

Certain practices and beliefs are still widespread in some areas of Acholi but less common in others. Moreover, some rituals might not have been performed for a long time in a particular area because it has not been possible to put together all the necessary components due to extreme poverty or war-time insecurity, but might still be applicable and sought after by the community.[56]
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And the social meanings of the ceremonies that are still practiced appear, in some cases, to be shifting[57] as people move farther away from their *gemeinschaft* communities. Among the Karamojong[58] and also among the Acholi,[59] cultural education through practice and social education, is beginning to decline.

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[50] Dr. Livingstone Walusimbe, Institute of Languages, Makerere University, interview by author, 16 May 2006, Kampala, Uganda.

[51] Max Weber was one of the early proponents of the theory of social change. See Max Weber, *Economy and Society: An Outline of Interpretive Sociology* (New York: Bedminster Press, 1968).

[52] To a large extent, these traditional practices formed the foundation of the Ugandan legal system up until Uganda's transition to Independence in 1962, when they were disbanded in favour of a harmonized court system modeled on the British system. British Colonial Office, *Report of the Uganda Relationship Committee*, 1961.

[53] Benjamin Oballim, Camp Leader, Labuje Camp, Kitgum, cited in *Trapped in Anguish: A call for Acholi reconciliation*, prod. Northern Uganda Peace Initiative, Eyez on Africa, 2006, videocassette.

[54] Allen reports that a study funded by the Belgian government revealed that young people no longer automatically respect the elders. Allen, *War and Justice in Northern Uganda*, 76.

[55] Finnstrom, *Living With Bad Surroundings,* 201.

[56] Harlacher et al., *Traditional Ways of Coping in Acholi*, 113.

[57] Finnstrom, *Living With Bad Surroundings,* 298.

[58] Novelli, *Karimojong Traditional Religion*, 201-225.

[59] Finnstrom, *Living With Bad Surroundings*, 76, 219. See also E.E. Evans Pritchard, *Witchcraft, Oracles and Magic Among the Azande* (Oxford: Clarendon Press, 1937) 154.

These traditional mechanisms have a great deal to offer. Many people reported to me that "everyone respects these traditions,"[60] and that reconciliation continues to be an "essential and final part of peaceful settlement of conflict."[61] A common understanding of these symbols, ceremonies, and institutions, and their meanings remains throughout Uganda.

Others argue:

It would be wrong to imagine that everything traditional has been changed or forgotten so much that no traces of it are to be found. If anything, the changes are generally on the surface, affecting the material side of life, and only beginning to reach the deeper levels of the thinking pattern, language content, mental images, emotions, beliefs and response in situations of need. Traditional concepts still form the essential background of many African peoples, though obviously this differs from individual to individual and from place to place. I believe ... that the majority of our people with little or no formal education still hold on to their traditional corpus of beliefs.[62]

Finnstrom and others also take this into account: "These practices, far from being dislocated in a past that no longer exists, have always continued to be situated socially. They are called upon to address present concerns. Of course, like any culturally informed practice, with time they shift in meaning and appearance."[63] "Ideas about old models are often used to help shape new ones."[64] After the conflict has ended, however, it is "not clear whether the post-colonial state [will] return to a pre-colonial experience"[65] or whether such institutions will continue to adapt to new experiences and conditions. Whatever the case, Ugandans will attempt to "re-member... to put parts back where they matter, to bring about a wholeness."[66]

Women and Conflict

More than men, women are deeply affected by war and armed conflict.[67] Women "suffer the impact of conflict disproportionately."[68] They face gender-specific crimes such as rape, gang rape, and sexual slavery.[69] Indeed, during "civil conflicts in Africa... rape and forcible abduction [are] systematic, deliberate strategies of the wars."[70] For many women and girls, these crimes

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[60] Confidential interview by author with Sabiny man studying at Makerere University, 7 Nov. 2004, Kampala, Uganda.

[61] John Mary Waliggo, "The Human Right to Peace for Every Person and Every Society," a paper presented at Public Dialogue organized by Faculty of Arts, Makerere University in conjunction with Uganda Human Rights Commission and NORAD, Kampala, Uganda, 4 Dec. 2003, 9.

[62] John S. Mbiti, *African religions and philosophy* (Kampala: East African Educational Publishers, 1969, 2002), xi.

[63] Finnstrom, *Living With Bad Surroundings,* 299.

[64] Allen, *War and Justice in Northern Uganda*, 84.

[65] Timothy G. Kiogora, "Good Governance for Development: Perspectives from the African Traditional Cultural Heritage," in *Peacemaking and Democratisation in Africa*, eds. Hizkias Assefa and George Wachira (Nairobi: East African Educational Publishers, 2003), 25.

[66] Ibid., 29.

[67] Caroline O.N. Moser and Fiona C. Clark, "Introduction," in *Victims, Perpetrators or Actors? Gender, Armed Conflict and Political Violence*, eds. Caroline O.N. Moser and Fiona C. Clark (London: Zed Books, 2001), 4.

[68] "Important Observations on Armed Conflict and Women," *Documenting the Violations of Women [sic] Rights during Armed Conflict: Proceedings of the Isis-WICCE 2004 Institute, 23 Aug.-3 Sep., 2004*, by Isis-WICCE (Kampala: Isis-Women's International Cross-Cultural Exchange, 2004), 5.

[69] *Women, War and Trauma*, prod. Isis-WICCE, 2004, videocassette.

[70] Meredeth Turshen, "The Political Economy of Rape: An Analysis of Systematic Rape and Sexual Abuse of Women During Armed Conflict in Africa," in *Victims, Perpetrators or Actors? Gender, Armed Conflict and Political Violence*, eds. Caroline O.N. Moser and Fiona C. Clark (London: Zed Books, 2001), 55.

occur while they are going about the business of everyday living, collecting firewood or water, for example.[71]

> [W]omen are expected to serve as the 'shock absorbers' that take in all the pain and suffering. They nurse the injured and the ill due to rampant 'opportunistic diseases', [*sic*] provide solace to the orphaned; and fill the gap created by their men, who are away at war... [W]ar and armed conflict increases women's responsibilities. They are—as well— expected to knit together the ragged social fabric as their husbands, brothers and sons are more often psychologically hit hard by their 'failure' to keep families together and to provide for and protect them.
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> While—as mentioned above—women fight hard to ensure the survival of others,... war and armed conflict reduces women's survival rate overall; as it intensifies all forms of violence against them. 'Women are the first ones to breathe and sleep with the burdens of war, and the last ones to be allowed to fall into depression and despair.'"[72]

In Uganda, particularly, "many women in girls in northern Uganda are left unprotected in every area of their lives with few alternatives, and the 'protection gap' with respect to girls and women appears to be more serious than other protection issues."[73] There is often a "noticeable shift in the traditional values of men and women; [*sic*] as both groups engaged in activities they never would have done under normal circumstances."[74] Conflict changes societies.

Women, too, are agents of conflict. Women have increasingly participated in armed groups at formal and informal levels.[75] Women have been implicated in uprisings such as the Palestinian *intifada* in protest against Israel's occupation of the territory, in the Rwandan genocide, in the Tamil rebellion in Sri Lanka.[76] This is complicated, of course, in the case of Northern Uganda, where women and girls are routinely abducted against their will, and forced to perpetrate abuses themselves.[77] In this way, women and girls can be identified as both victims and perpetrators in the on-going conflict.[78]

Women in Uganda

Historically, there were strictly defined gender roles for both men and women in Uganda. In pre-colonial Acholi, for example,

> Being rich for a man... meant primarily having many cattle as well as many wives and children (although having many wives and cattle was a consequence as well as a sign of wealth.) Prestige for both men and women depended very much on having many

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[71] "*Only Peace Can Restore the Confidence of the Displaced:*" *Update on the Implementation of the Recommendations made by the UN Secretary-General's Representative on Internally Displaced Persons following his visit to Uganda*, 2nd ed. (Geneva and Kampala: Internal Displacement Monitoring Centre and Refugee Law Project, 2006), 26

[72] "Unhealed Scars: Experiences of Women in the Arua Armed Conflict," (Kampala: Uganda Women's Network, 2003), 9-10.

[73] "*Only Peace Can Restore the Confidence of the Displaced*," 26.

[74] "Unhealed Scars," 57.

[75] Moser and Clark, "Introduction," 9.

[76] Cynthia Cockburn, "The Gendered Dynamics of Armed Conflict and Political Violence," ," in *Victims, Perpetrators or Actors? Gender, Armed Conflict and Political Violence*, eds. Caroline O.N. Moser and Fiona C. Clark (London: Zed Books, 2001), 21.

[77] Hovil and Lomo, *Whose Justice?* 9.

[78] "Secretary-General Calls for Council Action to Ensure Women are Involved in Peace and Security Decisions," United Nations Secretary General, Press Release SG/SM/7598, 24 Oct. 2000.

children. Without having "produced" one could certainly not be a respected person in the community.

   This was especially true for women. And in addition to bearing and raising children, women had to work hard and for long hours to make the household run. It was considered their work to fetch water, collect firewood and cook every day, while simultaneously looking after children and smaller domestic animals. Collecting wild fruits and mushrooms was also regarded as women's work... Agricultural work was shared fairly equally between men and women, with men also responsible for looking after cattle, hunting, physical protection, and warfare.

   Women had to show high respect towards me. For example, they were expected to kneel down when greeting their husbands and visitors, and usually had to wait until the men had finished with their meal before they ate.[79]

Certain occupations, such as spirit healers (*ajwaki*),[80] and priestesses, healers, and fortune-tellers,[81] were typically held by women. This is consistent with the history of most African societies, where women have been responsible for the fetching of water and firewood, milking of cattle, carrying the produce from farms to sell at markets.[82] Traditionally, subsistence "tends to dictate certain clearly defined roles... [And v]arious beliefs and religions in Africa also provide a basis for status definition, most often to the advantage of the male."[83]

   The introduction of the colonial British to Uganda in the late 19th and early 20th centuries began a process of social change. Britain formally declared a protectorate over the area which now comprises Uganda in 1894,[84] and introduced foreign systems of taxation and governance,[85] disrupting the region's "equilibrium."[86] Traditional leadership was effectively abolished by the colonial government.[87] The coming of missionaries, too, caused misunderstanding, confrontation, and resistance.[88] "The adaptation of Acholi religious beliefs started right from the beginning of evangelization. This can be interpreted as an expression of the original Acholi attitude towards religion, which reflects a high level of flexibility and ability to incorporate and tolerate."[89] Similarly, in Karamoja, "the Africans... [were not] their equals, able to enter into dialogue with them. They were simply objects of their work."[90] "The missionaries tried to force everything out."[91] At the time, these changes meant little to many of

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[79] Harlacher et al., *Traditional Ways of Coping in Acholi*, 40-41.

[80] Ibid., 57.

[81] Sister Speciosa Kabahoma, Uganda Catholic Justice and Peace Commission, interview by author, 24 Aug., 2006, Nsambya, Uganda.

[82] Human Resources Development Division, United Nations Economic Commission for Africa, Addis Ababa, "Women: The Neglected Human Resource for African Development," *Canadian Journal of African Studies* 7.2 (1972): 359.

[83] Ibid., 360.

[84] M. Louise Pirouet, "Uganda: History to 1971," *Encyclopedia of Africa South of the Sahara*, ed. John Middleton (New York: Charles Scribner's Sons, 1996), 303-306.

[85] Paul Ngologoza, *Kigezi and its People* (Kampala: Fountain, 1998),

[86] Bruno Novelli, *Aspects of Karimojong Ethnosociology* (Verona: Museum Combonianum no.44, 1988), 117-124.

[87] Harlacher et al., *Traditional Ways of Coping in Acholi*, 30-32; Ngologoza, *Kigezi and its People*, 61-64.

[88] Heike Behrend, *Alice Lakwena and the Holy Spirits: War in Northern Uganda 1986*-1997 (Kampala: Fountain Publishers, 1999), 113-127.

[89] Harlacher et al., *Traditional Ways of Coping in Acholi*, 51.

[90] Novelli, *Aspects of Karimojong Ethnosociology*, 148.

[91] Hon. Rev. Dr. Kefa Sempange, interview with author, 18 Nov. 2004, Kampala, Uganda

the women of Uganda, who still carried out traditional gender roles. For some women, though, "modernity influenced traditions that used to give a place to women, if indirectly."[92]

Independence in 1962, however, marked a significant change for the status of women in Uganda. During this period, women began to agitate for political rights and power.[93] "[I]t is clear that there has been, and continues to be, considerable activity among women to achieve gender equality in formal politics"[94] and in other spheres as well, although "women's groups sometimes avoid political advocacy,"[95] making their advocacy difficult to see. Still, Uganda instituted the practice of electing a separate slate of Women Members of Parliament in every national election in 1986, which ensures more representation for women at the highest level.[96]

Conflict, of course, has changed the way that women and men are able to interact in Ugandan society. Since the coming of Independence, conflict has tormented various regions of the country. And, as outlined above, women have borne the impact of these conflicts disproportionately. But the shifting traditional roles of men and women during conflict have not simply disappeared when various conflicts have ended. Women continue, in many cases, to perform tasks that were once carried out exclusively by men.[97] There is now no *one* "everyday gender system, discussed in singular and monolithic terms, since no such 'system' exists" anymore.[98]

In Ugandan society today, women continue to be treated unequally.[99] "Questions of women and gender are new in the discourse."[100] Women and girls continue to be targets of increasing numbers of rapes.[101] And Ugandan laws have institutionalized this discrimination, making it illegal for a married woman to have an adulterous affair, but not illegal for a husband to do the same.[102] "Women are not yet empowered."[103] "Moreover, gender inequality is embedded in the local culture and traditions... so women have always been powerles and excluded from the public arena."[104]

Women and Traditional Mechanisms

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[92] Sister Speciosa Kabahoma, Uganda Catholic Justice and Peace Commission, interview by author, 24 Aug., 2006, Nsambya, Uganda.

[93] Sylvia Tamale, *When Hens Begin to Crow: Gender and Parliamentary Politics in Uganda* (Boulder: Westview, 1999).

[94] Dan Ottemoeller, "The Politics of Gender in Uganda: Symbolism in the Service of Pragmatism," *African Studies Review* 42.2 (1999): 92.

[95] Kathleen Staudt and Harvey Glickman, "Beyond Nairobi: Women's Politics and Policies in Africa Revisted," *Issue: A Journal of Opinion* 17.2 (1989): 5.

[96] Mary R. Mugyenyi, "Towards the empowerment of women: a critique of NRM policies and programmes," in *Developing Uganda*, eds. Holger Bernt Hansen and Michael Twaddle (Kampala: Fountain Publishers, 1998), 138.

[97] "Unhealed scars," 57.

[98] Todd Sanders, "Rains Gone Bad, Women Gone Mad: Rethinking Gender Rituals of Rebellion and Patriarchy," *Journal of the Royal Anthropological Institute* 6 (2000): 470.

[99] "Ugandan adultery law 'too sexist,'" *BBC News*, 5 April 2007, [article on-line]; available from http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/6528869.stm; accessed 23 April 2007.

[100] Signe Atim Allimadi, UNIFEM, interview by author, 15 Aug. 2006, Kampala, Uganda.

[101] "Defilement cases increase," *New Vision*, 1 May 2007, [article on-line]; available from www.newvision.co.ug/D/8/17/562865; accessed 1 May 2007.

[102] "Ugandan adultery law 'too sexist.'"

[103] Miriam Kanakylya, Deputy Peace Desk Coordinator, Church of Uganda, interview by author, 23 Aug. 2006, Kampala, Uganda.

[104] *Women in Human Rights, Peace Building and Conflict Resolution: A Handbook* (Kampala: Isis-WICCE, 2003), 61.

Traditionally, women were left out of Ugandan traditional practices involving conflict resolution or peacemaking. The male elders of each clan of each tribe carried out such ceremonies. "Women had no authority, no agency."[105] "While elderly women would be involved in these rituals, they would play no official role. They would be at the back of the process."[106] Others told me that "women, in reconciliation matters, do not play a very active role. But views are sought by the elders from everyone, including women."[107] "Elderly women would sit behind, and not meet men face-to-face."[108]

Cermonies differed considerably when women were involved as victim or perpetrator. The treatment of men and women was and is, simply, different. In Acholi, "the procedure for cleansing someone who has killed a woman differs in a number of ways. First, the ritual lasts four days instead of three. Second, the killer is required to perform all the work a woman is expected to do in society."[109] In Toro, "if a girl got pregnant too early, her elder brother would spear her and kill her. There is no reconciliation. But there is no punishment for a man unless for incest."[110] Among the Alur, after household assets like chickens were stolen, "punishment differed for men and for women. If a man has stolen the chicken, he is caned and must repay what was stolen. If a woman has stolen the chicken, the husband is made to pay for the woman's crime."[111] In times of reconciliation, if a woman has done something wrong, "she is demeaned and made to feel worthless."[112]

Women's formal involvement in these ceremonies, traditionally, was relegated to their exchange as little more than chattel. In most areas of the country, for example, after a conflict, intermarriage between formerly conflicting parties was carried out, and girls were exchanged from one party to the other without a say in the matter.[113] "Women would rarely take a case to the chief. If a conflict was between a wife and husband, the wife would take her case to her brothers, who would decide the case."[114] "Even in the home, women had no voice. Women don't always want to dig, have cows, that sort of thing. But if your husband wants to sell, you cannot challenge him. He is not asking, just informing you. And you should not complain, because you are a woman. So also only the men could take the soup [for the *mato oput*] because they were the ones doing war."[115] This is consistent with the practice, across most of the country, of arranged marriage, wherein a woman has no choice about the man whom she will marry.

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[105] Sister Speciosa Kabahoma, Uganda Catholic Justice and Peace Commission, interview by author, 24 Aug., 2006, Nsambya, Uganda.

[106] Dr. Juliet Kigule, Institute of Public Health, interview by author, 15 Aug. 2006, Mulago, Uganda.

[107] Godfrey Othieno, Uganda Catholic Justice and Peace Commission, interview by author, 24 Aug., 2006, Nsambya, Uganda.

[108] Sister Speciosa Kabahoma, Uganda Catholic Justice and Peace Commission, interview by author, 24 Aug., 2006, Nsambya, Uganda.

[109] Harlacher et al., *Traditional Ways of Coping in Acholi*, 104.

[110] Confidential interview with Mutoro woman living in Kampala, interview by author, 24 Aug. 2006, Kampala, Uganda.

[111] Godfrey Othieno, Uganda Catholic Justice and Peace Commission, interview by author, 24 Aug., 2006, Nsambya, Uganda.

[112] Ibid.

[113] Iteso focus group, conducted by author, 31 Aug. 2006, Kampala, Uganda.

[114] Godfrey Othieno, Uganda Catholic Justice and Peace Commission, interview by author, 24 Aug., 2006, Nsambya, Uganda.

[115] Northern Uganda focus group, conducted by author, 23 Aug. 2006, Kampala, Uganda.

In spite of that, Ugandan women proudly explained their role as private advisors to their husbands. "A man doesn't like a woman out-talking him in public. In private, he would consult her. But he cannot say he is going to consult her. He would be said to be spoiled by a woman."[116] "A woman's role in these ceremonies was behind the scenes."[117] Instead of being angry that they were relegated only to function as a kind of *consiglieri*, all of the women I interviewed were proud of this contribution, and saw nothing strange about the separation of genders in this area.

Women, too, played an important role in the counseling of other women. In Karamoja, for example, women have a parallel elders' system, in which they decide a number of things for the community.[118] In all parts of Uganda, women of all ages, but particularly older women, known as "the aunties," played an important role in carrying out the social teaching of girl children. In Sabei, "the aunties taught us how to behave. [Childhood] was a period of education for people to teach about how to raise children and live in harmony and how to behave in society. These teachings were taught before and after cutting [circumcision]."[119] In Teso, "young girls were mostly handled by the aunties, who taught them digging and cooking and so on."[120] In Acholi, if a woman has problems with her husband, or needs advice, "she goes to her auntie, or to her mother. Girls and boys are separated like this."[121] In Toro, "the women met separately to decide sex education for the girls, also domestic concerns like harvest and planting, and things like witch-craft."[122]

In some circumstances, women are involved to a greater extent. Among the Alur, for example, the participation of women in these ceremonies, which are still carried out today, is determined by how the ceremony is organized. Most commonly, if the ceremony is carried out with the participation of the royal clan, and presided over by the chief, then the participation of women is rare, and almost all of the activity is carried out by men. But if the ceremony is carried out at a lower level, such as between families, then women play a greater role. Women are able to contribute to the overall discussion, but if the victim of the crime in question is a woman, then the women are given substantially less input. The negotiators, in all cases, are men.[123] In Acholi, female ex-combatants and their children participate equally in ceremonies of *nyouo tong gweno* and *mato oput* that are organized by the Acholi elders.

The women I interviewed were somewhat divided, therefore, about the utility of such ceremonies in modern times. There seemed to be a division of opinion between those women who from the greater north and those from the south. Indeed, this seems to be due, in part, to the fact that the war in Northern Uganda has affected only northerners. But this is also due to the significance of such customary practices in horizontally- or vertically-organized ethnic societies; the majority of societies organized vertically are in the south, while more of those in the north are organized horizontally. Northern Ugandans, and particularly those from Acholi and Lango,

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[116] Iteso focus group, conducted by author, 31 Aug. 2006, Kampala, Uganda.

[117] Rose Othieno, Centre for Conflict Resolution, interview by author, 29 Aug. 2006, Kampala, Uganda.

[118] Karamojong focus group, conducted by author, 18 Aug. 2006, Kampala, Uganda.

[119] Confidential interview with Sabiny woman living in Kampala, interview by author, 12 Nov. 2004, Kampala, Uganda.

[120] Confidential interview with Iteso man living in Kampala, interview by author, 31 Aug. 2006, Kampala, Uganda

[121] Acholi focus group, conducted by author, 26 Aug. 2006, Kampala, Uganda.

[122] Confidential interview with Mutoro woman living in Kampala, interview by author, 24 Aug. 2006, Kampala, Uganda.

[123] Godfrey Othieno, Uganda Catholic Justice and Peace Commission, interview by author, 24 Aug., 2006, Nsambya, Uganda.

overwhelmingly saw these ceremonies as useful—although opinion was divided on the further issue of punishment, amnesty, and the International Criminal Court.[124]

While most of the women had opinions, other "modern" women, living and working in the capital, admitted that they had never before seen even one of these kinds of rituals.[125] Still, they understand and respect the importance of such ceremonies and practices. "My mother-in-law knows that I am modern and educated. But I respect her traditions and she respects me as a modern woman."[126]   "Even those of us who live in the city, and have schooling, everyone respects these traditions."[127]

Overall, "these days, women can talk."[128] Indeed, women's groups in Uganda recognize that women's "participation is vital to forging the consensus necessary for lasting peace."[129]

> There is a growing recognition that women have a right to participate... and women's participation is increasingly supported... by positive action programs and other mechanisms. Women in war zones who struggle to get their voices heard offer a different and unique perspective on the purpose of the peace negotiations and the rationale for their participation. They argue that women as victims have a right to voice their concerns at the peace table because they are often the deliberate targets of physical and sexual abuse. They are forced out of their homes and villages. The peace-table provides an opportunity for all stakeholders to foster confidence and initiate the long process of reconciliation and healing. Without the presence and the voices of the stakeholders on all sides this process can never be complete.[130]

A number of peace-focused groups led by women are active all across Uganda. Two of the best-known and most-active of these are Isis-Women's International Cross-Cultural Exchange, and the Centre for Conflict Resolution. Focusing almost exclusively on women and women's experiences in conflict, these groups train groups of women as negotiators and mediators, in carrying out psycho-social trauma counseling, and in the process of reconciliation. "It is easy for women to talk to fellow women, and we know we're the ones influencing our husbands and children."[131]

Throughout late 2006, women in Uganda also pushed to become involved in the on-going peace talks with the LRA in Juba, South Sudan. This is consistent with Security Coucil Resolution 1325, which encourages the involvement of women in decision-making about peace processes.[132] With the assistance of UNIFEM, a small number of women have been present at the talks, including Hon. Betty Ocan, Gulu District Women M.P.[133]   Otherwise, however, women have been excluded.

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[124] See Hovil and Quinn, *Peace First, Justice Later*.
[125] Dr. Grace Bantebya, Head, Women and Gender Studies Department, Makerere University, interview by author, 29 Aug. 2006, Kampala, Uganda.
[126] Confidential interview with Acholi woman living in Kampala, interview by author, 23 Aug. 2006, Kampala, Uganda.
[127] Confidential interview with Sabiny woman living in Kampala, 12 Nov. 2004, Kampala, Uganda.
[128] Northern Uganda focus group, conducted by author, 23 Aug. 2006, Kampala, Uganda.
[129] *Women in Human Rights, Peace Building and Conflict Resolution*, 61.
[130] Ibid., 62-63.
[131] Iteso focus group, conducted by author, 31 Aug. 2006, Kampala, Uganda.
[132] Security Council, Resolution 1325 (S/RES/1325), 2000.
[133] Hon. Betty Ocan, conversation with author, 16 Nov. 2006, Vancouver, British Columbia.

Conclusions

The role of women in Ugandan society is changing, and has been changing over the past 50 years. In part, this process has been speeded up by the many conflicts that have consumed the country in that same period. To be sure, women have suffered the consequences of those conflicts unequally.

It is clear that women play only a small direct role in the traditional mechanisms that are carried out to remedy conflict. Indeed, their role behind the scenes is larger. But even this is so small as to be relatively inconsequential. Yet the women I talked to were not troubled by this lack of agency. In fact, many of these women still feel protected by the social conventions of their community—even when those communities have been blown apart by conflict. The women seemed to feel that traditional mechanisms address their needs, to an extent.

But, like others, women want peace. And a return to normalcy. And many of them seem to feel that if these mechanisms can go some way toward getting to peace, their continued use should be pursued.