NORTHERN UGANDA: THE EFFECTS OF VIOLENCE ON IDENTITY, AND THE CONSEQUENCES FOR TRANSITIONAL JUSTICE

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I. Introduction

Two assumptions are often made about the ongoing Ugandan conflict: first, that it is based around ethnic fissures, and second that the violence, in particular that enacted by the Lord's Resistance Army (LRA), is chaotic and brutal, beyond rationality. 'Northern Uganda is a world out of control, where right is wrong and wrong is right, where carnage and chaos are the normal state of affairs'[1], claims Peter Eichstaedt, who also notes that '[t]ribal and ethnic rivalries bubble just below the surface of everyday life in Uganda.'[2] This work also reveals a certain mystification of the LRA; Eichstaedt recounts an anecdote of a raid by the LRA on a radio station where they perplexingly stole nothing but soda.[3] Although a trivial example, it shows the level to which the LRA are frequently seen as outside of any comprehension.

The emphasis on ethnicity as the cause of the violence is part of labelling the conflict "irrational"; as Christopher Cramer notes these kinds of explanations 'work as code for an understanding of how primitive these warring societies are'.[4] It also 'serves to reinforce

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[1] Eichstaedt, P. *First Kill Your Family: Child Soldiers of Uganda and the Lord's Resistance Army.* (Chicago: Lawrence Hill Books, 2009), p. 5.
[2] Ibid., p. 10.
[3] Ibid., pp. 56-57.
[4] Cramer, C. *Civil War is Not a Stupid Thing.* (London: Hurst & Company, 2006), p. 7.

ethnicity as the most important form of identity and scale of investigation'.[5] However, this account fails to recognise that other forms of identity, and their relationship with violence, can offer some more nuanced understanding of the actions of those involved in the Ugandan conflict. That is not to say that ethnicity is irrelevant in this, but that it is important to consider it outside of its often assumed causal position vis-à-vis violence. It will be argued in this paper that in Uganda violence and conflict display the capacity to alter identity, and that this has been used by those involved in the fighting. Recognising these shifts in identity poses significant challenges for transitional justice, and refocuses discussions onto issues of compensation and reintegration as forms of justice.

In building this argument, it will first be shown that conflict is capable of altering identity. In Uganda several examples connected to women present themselves, and these will be discussed. It will then be demonstrated that this capacity for violence to alter identity is manipulated and used for the benefit of certain actors in Uganda. That this capacity can be used by actors is clear from the recognition of rape as a weapon of war,[6] an acknowledgement that actors are often aware of the effect rape has on identity and are deploying it as a deliberate tactic to erode communities and injure women. In this paper the deliberate use of violence's ability to change identity is discussed with regards to the use of child soldiers by the LRA, and with regards to the use of violence towards Acholi civilians by both the LRA and government forces. Finally, the consequences for transitional justice of the changes in, and strategic uses of, identity during conflict, are examined. In Northern Uganda

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[5] Schlee, G., and Watson, E. E. 'Introduction' in Schlee, G. and Watson, E. E. eds. *Changing Identification and Alliances in North-East Africa: Sudan, Uganda and the Ethiopian-Sudan Borderlands, Volume 3.* (New York: Berghahn Books, 2009), 1-27, p. 2.
[6] UNICEF *Sexual violence as a weapon of war.* [website] (1996) <http://www.unicef.org/sowc96pk/sexviol.htm> accessed: 22.12.2011 and United Nations Office of the High Commissioner for Human Rights *Rape: Weapon of War.* [website] (n.d.) <http://www.ohchr.org/en/newsevents/pages/rapeweaponwar.aspx> accessed: 22.12.2011

it is necessary to foster identities that are not rooted in the conflict, for example community or professional roles, and to pay particular attention to the need for compensation as a form of justice.

1.1 The logic of violence

It is initially necessary to note some theoretical background to an understanding of violence as rational. The conflicts which have been witnessed since the end of the Cold War have been considered different to those which came before,[7] summarised most succinctly by Mary Kaldor's description of them as "new wars".[8] These include 'violence directed against civilians'[9] in defiance of the accepted 'classical rules of warfare'.[10] In searching for explanations for this, Kaldor states '[t]he goals of the new wars are about identity politics',[11] which she elaborates on as meaning a group identity used to claim power.[12] Although also connecting the violence in some way to resource competition,[13] this echoes the more extreme works of Robert D. Kaplan and Samuel Huntington, who claim that war is inevitable and will be chaotic outside of the developed world[14] and that future conflicts will be driven by cultural differences.[15]

These views are criticised by Cramer, in that they make 'the most distinctive feature of so-called new wars [...] that they are apolitical.'[16] He also argues that reactive attempts to

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[7] Kaldor, M. *New and Old Wars: Organized Violence in a Global Era*. (Cambridge: Polity Press, 1999), p. 1.
[8] Ibid., p. 2.
[9] Ibid., p. 8.
[10] Ibid.
[11] Ibid., p. 6.
[12] Ibid.
[13] Ibid., p. 79.
[14] Kaplan, R. D. 'The Coming Anarchy: How scarcity, crime, overpopulation and disease are rapidly destroying the social fabric of our planet' *The Atlantic Monthly*. February 1994, 44-74
[15] Huntington, S. 'The Clash of Civilizations?' *Foreign Affairs*, vol. 72, no. 3 (1993), 22-49
[16] Cramer, p. 76.

explain violence through neo-classical economic theory are reductionist.[17] Instead, he posits that there are multiple causes for war,[18] and that assignment of the significance of different causes will always be subjective,[19] but crucially 'violent conflict, however destructive, may contain dynamics that have the potential to help bring about pragmatic long-run change.'[20]

It is the view of this essay that ethnicity alone does not explain why conflict occurs. Furthermore, conflict is not inevitable, and extreme violence is not simply a chaotic side effect of war. A combination of factors drives actors, and 'the motives underlying action in civil war are inevitably complex and ambiguous'.[21] However, some actions taken can be seen to have been chosen to bring certain benefit to those actors – there is an element of rationality. In considering the kind of violence witnessed in Uganda to be more than irrational, and that manipulation of identity is an aim of it, it is important to emphasise that 'like most social phenomena wars or violent conflicts only ever have *many* causes.'[22] What is proposed here is not an attempt to totally explain the logic of the conflict in Uganda, but an examination of one element which makes up part of the motivation behind it.

II. Violence can change identity

Identity as a cause for violence is commonly discussed; however we should not only be concerned with how collective identities such as ethnicity produce conflict, but also pay attention to the impact of violence on identities, particularly individual identities. As Gunther

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[17] Ibid., pp. 7-8.
[18] Ibid., p. 91.
[19] Ibid., p. 92.
[20] Ibid., p. 10.
[21] Kalyvas, S. 'The Ontology of Political Violence: Action and Identity in Civil Wars' *Perspectives on Politics*. vol. 1, no. 3 (2003), 475-94, p. 476.
[22] Cramer, p. 91.

Schlee and Elizabeth Watson note: 'The associated experiences of conflict and violence have been profoundly disruptive for individuals and societies.'[23] In Uganda, two clear examples of this present themselves with regards to women. Mistreatment of women is part of the violence in the country, including rape and forced informal marriage of abducted girls to LRA soldiers. There is stigma attached to being a victim of these actions, and they affect the victim's identity. In addition, women who lose their husbands are forced to take on a different role in their family unit, which is also an example of a change in identity.

Familial relationships are foundational to identity,[24] but these are altered by conflict. In the course of war women are widowed, changing their role in the family. This is not only an identity change, but one which has material effects. For example, 'female headed households are more likely to suffer from poverty than male-headed households.'[25] The experience of one woman from Amuru District reinforces this: 'I am a widow now because my husband was killed in one of the rebel attacks and I have many challenges and pains trying to raise my children.'[26]

Furthermore, identity alteration is also produced by violence when women are sexually abused or girls are abducted by the LRA and given as wives to members of the group. Kristen E. Cheney states that girls to whom this has happened 'are particularly difficult to reintegrate in their communities because of the multiple stigmas they bear for having been rebels' wives, having borne them children, and, in more than 90 percent of the

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[23] Schlee and Watson, p. 19.

[24] Cheney, K. E. *Pillars of the Nation: Child Citizens and Ugandan National Development*. (Chicago: The University of Chicago Press, 2007), p. 187.

[25] Barton, T., and Wamai, G. *Equity and Vulnerability: A Situational Analysis of Women, Adolescents and Children in Uganda.* (Kampala: National Council for Children, 1994), p. 46.

[26] United Nations Office of the High Commissioner for Human Rights (OHCHR) *Making Peace Our Own: Victims' Perceptions of Accountability, Reconciliation and Transitional Justice in Northern Uganda*. (Gulu and Kampala: OHCHR, 2007), p. 13.

cases having contracted a sexually-transmitted disease'.[27] This has a long-term effect in that these women may have problems marrying, in a culture where marriage is very much the norm – in 1988/89, early on in the conflict statistics showed that only 2% of Ugandan women never married.[28]

Clearly war has an effect on identity, both on a psychological level and in terms of a person's material situation and status. It is important to recognise this in order to fully address the effects of the conflict, as will be discussed later in this paper. In addition, the capacity for violence to alter identity has been exploited in Uganda for the ends of both the LRA and the government and forms part of the logic behind the violence.

III. Using violence to change identity

Conflict can change identities, and this ability to change an individual's positioning in society has been used by both sides of the Ugandan conflict for certain ends, forming part of the rationale behind certain actions. A discussion of the use of child soldiers by the LRA, and the use of violence against Acholi civilians by both the government and the LRA, illustrates the impact and strategic benefit of using violence to change identity.

Since 1986 the LRA has abducted 28,000 children[29], and this forms part of what is seen to make 'this war in northern Uganda def[y] logic'.[30] The use of child soldiers has been rationalised through arguments that they are 'easier to control and indoctrinate'[31] and that

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[27] Cheney, pp. 182-3.
[28] Barton and Wamai, p. 119.
[29] Eichstaedt, p. 2.
[30] Ibid., p. 5.
[31] Cheney, p. 172.

they are cheap.[32] However, the possibility of identity formation provides an additional explanation for the practice. The identities of children are still being formed, and can therefore be more easily shaped than those of adults. This is arguably especially true when combined with conflict as normal development has been disrupted. The LRA clearly attempts to harness the potential of identity formation. Cheney notes how the LRA, having removed the children from their families, mimic the traditional family structure amongst their forces[33], and how the group is involved in forming the children's 'political identities'[34] through using both the structures of families and schools 'within which children typically form their ethnic and political identities.'[35] Cheney also gives an indication that these practices are successful, stating that 'younger children, when forcibly abducted, often come to identify with and depend on their captors in the absence of any other parental relationship'.[36] The LRA's choice to use children as soldiers helps develop a structured, loyal group as the violent displacement and restructuring of their lives moulds their identities to fit within the LRA. This shows how conflict can change identity, and why it is of use for actors to harness that.

Another way in which both the LRA and the government use the capacity of violence to alter identity is to prevent the formation of political identity and solidarity within Northern Ugandan. Both groups have targeted violence at the Acholi population, the group the LRA 'claim to be fighting for'.[37] The government has displaced them into internally displaced persons (IDP) camps, and here 'soldiers in Uganda's national army have raped, beaten,

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[32] Save the Children *Policy Brief* [website] (2010)
<http://www.savethechildren.org.uk/en/docs/Child_soldiers_policy_brief.pdf> accessed: 22.06.2011, p. 1.

[33] Cheney, p. 187.
[34] Ibid., p. 187.
[35] Ibid., p. 186.
[36] Ibid., p. 188.
[37] Branch, A. 'Neither Peace nor Justice: Political Violence and the Peasantry in Northern Uganda, 1986-1998' *African Studies Quarterly: Online Journal for African Studies*. vol. 8, no. 2 (2005),1-31, p. 4.

arbitrarily detained and killed civilians'.[38] The LRA have also attacked the group, including using 'torture and mutilation, sexual violence, and killing people it considers supporters of the government.'[39]

The clear targeting of the Acholi people has been a particularly perplexing part of the conflict, but that this violence is being used to disrupt the Acholi identity and prevent any political formation provides a potential explanation for it. Adam Branch highlights the lack of Acholi mobilization as the reason for the continuation of the war,[40] but argues that the LRA and the government do not want this to happen because the war is in their interests.[41] Eichstaedt comments that: 'the Acholi were keenly aware that their culture and local structure were being destroyed by the camps',[42] demonstrating further that this can be seen a tactic to disrupt identity and prevent unity within the community for the ends of the armed groups involved in the conflict.

Similarly, the use of abduction and the forcing of members of the community to enact violence on people from the same community creates fissures.[43] This is discussed in the OHCHR report on Uganda *Making Peace Our Own*, which also highlights how this violence blurs the divide between the identities of victim and perpetrator.[44] Again this use of members of a collective against others from that group can be seen as a purposeful strategy to disrupt identity, prevent unified action and complicate the establishment of a movement against the conflict. These examples, the use and moulding of child soldiers and the use of violence to

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[38] Human Rights Watch 'Uganda: Army and Rebels Commit Atrocities in the North.' [website] (2005) <http://www.hrw.org/en/news/2005/09/19/uganda-army-and-rebels-commit-atrocities-north > accessed: 12.03.2011
[39] Ibid.

[40] Branch, p. 4.
[41] Ibid., p.3.
[42] Eichstaedt, p. 60.
[43] OHCHR, p. 6.
[44] Ibid.

prevent Acholi civilians from forming a united opposition to the conflict, demonstrate that the capacity for violence and conflict to alter identity is an important dynamic of the fighting in Uganda, providing part of the logic behind it.

IV. Coming to terms with the effects of violence on identity

Although questions of identity and violence are usually limited to acceptance or rejection of a causal relationship between ethnicity and conflict, there are other elements which are important to consider. Violence has the capacity to alter identities, which not only cause psychological and material damage to those concerned but can be used by actors involved in the conflict for their own ends. This also has consequences for transitional justice in Uganda.

Peace is arguably a form of justice in itself, not least because 'the war must end before any massive transition to peace and rebuilding can occur',[45] and therefore before any further justice can be sought. However, the effects of violence on identity can inhibit the emergence of peace. As J. D. Fearon and D. Laitin state, whilst ethnic grievances do not cause conflict, 'it seems quite clear that intense grievances are *produced* by civil war – indeed this is often a central objective of the rebel strategy. These could well pose obstacles to settlement.'[46] As already discussed, mobilization of the Acholi can be seen to be key to any settlement, but this is currently impeded by the purposeful use of violence against the community by both sides to perpetuate material hardship, promote disunity, and by doing this prevent Acholi mobilisation. Similarly, the identities of the LRA's child soldiers have been moulded by the conflict, inculcating loyalty. The loyalty that is built up in the group is clear

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[45] Cheney, p. 212.
[46] Fearon, J. D., and Laitin, D. 'Ethnicity, Insurgency and Civil War' *American Political Science Review*, vol. 97 no. 1 (2003), 75-90, p. 88.

from the lack of defections despite the Amnesty Act of 2000.[47] Beyond making a cessation of hostilities more difficult, if these identities and connected grievances remained in some form after a settlement, positive peace[48] is unlikely to be achieved.

Addressing the identities violence has created is therefore foundational for justice, and as will be agued in this final section, identities not defined by the conflict need to be nurtured. In Uganda, this could be done through the use of local practices to reaffirm communities and reintegrate individuals. As Tim Allen notes, these practices are traditionally connected to identity, its restoration, and community rehabilitation,[49] and there is an emphasis on leaving the identity of the conflict behind. This can be seen in the example of a traditional rituals used to reintegrate former child soldiers as described by a citizen from Amuria District in Teso: 'An abducted child who has returned from the bush is bathed with cold water far away from his or her home. The reason for this is to stop the spirits following.'[50] Here, the spirits represent the child as they were during the conflict. Such traditional rituals not only help to leave the identities of the conflict behind, but to form new identities, reaffirming the returnee's position as part of the community rather than part of the armed group.

That traditional rituals can help to form new identities separate from the conflict and to reintegrate returnees into the community can also be seen in the "stepping on the egg" ceremony, another traditional practice which some who have come back from the bush have taken part in. Originally 'designed to welcome a family member who has been away for an

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[47] Otim, M., and Wierda, M. 'Justice at Juba: International Obligations and Local Demands in Northern Uganda' in Waddell, N. and Clark, P. eds. *Courting Conflict: Justice, Peace and the ICC in Africa.* (London: Royal African Society, 2008), 21-28, p. 22.

[48] Defined as 'a long-term process that requires fostering deeper norms and mechanisms in a community to ensure that combatants do not return to conflict.' (Clark, P. *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice Without Lawyers* (Cambridge: Cambridge University Press, 2010), p. 36.)

[49] Allen, T. 'Ritual (Ab)use? Problems with Traditional Justice in Northern Uganda' in Waddell, N., and Clark, P. eds. *Courting Conflict: Justice, Peace and the ICC in Africa* (London: Royal African Society, 2008), 47-54, p. 50.

[50] OHCHR, p. 65.

extended period, and to repair any problems of alienation that may have arisen as a result of their absence',[51] it has been modified to deal with the demands of the conflict, for example the ritual taking place in public for a group of returnees rather than in private for an individual.[52] It involves stepping on: an egg, which symbolise a restoration of purity; a soapy branch, which represents cleansing; and a stick traditionally used to open granaries, to emphasise that those involved are being welcomed back.[53]

In contrast to these local level practices which help to create new identities separate from the war, legal processes, which are already in motion in Uganda since the indictments of LRA leaders by the ICC[54], can reinforce a 'victim' – 'perpetrator' binary and therefore strengthen identities which are based in the conflict. Mark Drumbl raises this concern with regards to prosecutions in Rwanda.[55] Furthermore, legal process arguably focus on the perpetrators, as Mariana Goetz states, '[i]t would appear that the consensus at the ICC is that token victims should be allowed to participate, but that opening the floodgates to all eligible victims is a problem that could delay and mar proceedings',[56] demonstrating that the legalistic concerns of the court have often prevented adequate inclusion of victims. However, as Stathis Kalyvas argues, local identity and conflicts cannot simply be grafted onto the 'master cleavage'; instead multiple levels exist and interplay.[57] It is important therefore that

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[51] Harvey, B. *Breaking Eggs/Re-Building Societies: Traditional Justice as a Tool for Transitional Justice in northern Uganda.* [website] [2006] <http://cfcj-fcjc.org/clearinghouse/drpapers/2006-dra/harvey.pdf> accessed: 22.12.2011, p. 8.
[52] Ibid., p. 9.
[53] Ibid., p. 8.
[54] BBC, 2005. *Ugandan Top Rebel Leader Indicted.* [website] (2005) < http://news.bbc.co.uk/1/hi/4320124.stm > accessed: 12.03.2011
[55] Drumbl, M. 'Sclerosis: Retributive Justice and the Rwandan Genocide' *Punishment and Society.* vol. 2, no. 3 (2000), 287-307, p. 295.
[56] Goetz, M. 'The International Criminal Court and its Relevance to Affected Communities' in Waddell, N. and Clark, P. eds. *Courting Conflict: Justice, Peace and the ICC in Africa.* (London: Royal African Society, 2008), 65-72, p. 65.
[57] Kalyvas, p. 486.

these levels are addressed, and community practices can offer a way to engage with some of these that legal processes might exclude.

As the shaping of identity by the LRA shows, and Allen points out,[58] local rituals are not without problems. Furthermore, legal processes should not be entirely ruled out in the patronising manner Allen warns against, with Northern Ugandans assumed to need 'their own special justice measures, because they are not yet ready for modern ones.'[59] However, community level processes certainly have a place, because not only do they offer valuable ways of directly addressing the effects the conflict has had on identity but also because, as it stands, the Amnesty Act will mean that prosecutions can be avoided.

Local practices offer alternative aspects of justice to criminal trials and could also work in tandem with them, for example following the release of prisoners back into society. Furthermore, these rituals could have use for individuals other than former combatants – as already discussed, women who have been the victims of sexual violence during the conflict have often been ostracised from their communities and similar practices could therefore be beneficial. Although female returnees from the bush do go through the kinds of local ritual already described,[60] women who have been abused but not abducted are in a different position. Further, the traditional practices largely address leaving behind the wrongs the individual might have committed or have seen, not stigmas incurred from being the victim of harm. As there are examples of traditional rituals being adapted for new needs, there should be scope for this to be addressed.

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[58] Allen, pp. 50-51.
[59] Ibid., p. 52.
[60] Mbabazi Mpyangu, C. 'The Acholi Worldview: Why rituals are important for the reintegration of formerly recruited girls in northern Uganda' in Mæland, B. ed. *Culture, Religion and the reintegration of female child soldiers in northern Uganda.* (New York: Peter Lang Publishing Inc., 2010), 101-114, p. 101.

Finally, if violence alters identity in material ways, then any resultant justice processes should address theses changes, making compensation an important consideration. Reparations are constrained, they cannot undo the fact that someone has lost their husband due to the conflict, or that someone has been sexually abused. Goetz also raises further, more practical, issues in that not everyone will want to claim compensation, and that '[i]t is also likely that reparations, if granted, will be collective and may not satisfy all victims'.[61] However, making an effort to alleviate some of the material difficulties that have been caused by conflict is undoubtedly an important, and achievable, part of justice. It could mean that a woman is able to be self-sufficient without marriage. It could mean that they those who have contracted diseases or have long-term injuries as a result of the conflict can afford medication and achieve some semblance of normality. Material status and ability is part of identity, and for pre-conflict identities to be restored, or for new, positive identities to be fostered this cannot be ignored. As well as there being a direct need for reparations as part of justice, the long-term difficulties faced by parts of the population, if the material hardships caused by the conflict are not rectified, could seriously impair any successful transition. This would in turn undermine other justice processes.

V. Conclusion

Identity is not a single entity, but multifaceted and comprised of layers including the collective and individual. However, analyses of the relationship between violence and identity have tended to only look at ethnic identity and have been mono-directional, ignoring the implications of conflict's ability to alter identity. Examining the Ugandan conflict with

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[61] Goetz, p. 67.

this in mind highlights that not only have individuals suffered because of the war in ways that need to be addressed, but both the LRA and the government have used this capacity for their own benefit. This contributes to a discussion of the logic of the violence in Uganda.

Recognising conflict as affecting identity also has consequences for transitional justice. As these effects have a material dimension, it shows the importance of compensation as part of justice. Reparations can also facilitate the renewal of lives affected by the conflict, which is vital to a sustainable peace. Community level processes can help to develop new identities not linked to violence in contrast to legal processes which can be seen to reinforce conflict based identities. That is not to say that legal processes have no place –a multifaceted model of transitional justice is needed to address the complex conflict in Northern Uganda and the numerous effects it has on individuals' identities.

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