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Reconciliation Grown Bitter?

War, Retribution, and Ritual Action in Northern Uganda

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Interventions, Priorities, and War in Uganda

In 1986, after five years of war in central Uganda, Yoweri Museveni's National Resistance Movement/Army (NRM/A) guerrillas captured state power. Ever since, war in northern Uganda has rolled back and forth, like the changes from rainy season to dry season and back to rainy season, with Joseph Kony's Lord's Resistance Army/Movement (LRA/M, LRA) and other groups fighting Museveni's government.

The LRA/M's human rights abuse record is horrendous. Among other things, they have abducted tens of thousands of minors, and by the turn of the millennium, they had made themselves world-infamous for their war crimes and crimes against humanity. In 2003, the Ugandan government requested the International Criminal Court (ICC) to prosecute the LRA/M rebels. The ICC accepted the request as one of its first cases. In fact, it was Luis Moreno-Ocampo, chief prosecutor of the court, who invited Museveni to file a case with the ICC (see, e.g., Clark 2008). Perhaps all parties involved thought Uganda to be an easy and black-and-white case, thus a good start for the newly established court.

This was, however, not to be the case. In late 2005 the ICC's arrest warrants of five LRA/M leaders became public, and the ICC immediately came under debate in northern Uganda, as had happened to already ongoing restorative and reconciliatory efforts, including encouragement to the rebels to give up fighting and instead surrender (see, e.g., Allen 2006, 2007; Branch 2007; Refugee Law Project 2005a; see also Weinstein et al., this volume). In this

chapter I will connect these discussions to an intimately related debate on a blanket amnesty offered to the rebels in 2000. At that time, to many Ugandans' disappointment, LRA/M leaders refused to surrender under the amnesty law and were critical of local initiatives of reconciliation.

This chapter shows that the rebels' dismissal was not that surprising. In order to be able to disentangle important aspects of the various amnesty, justice, and reconciliatory interventions in the midst of war, my discussion revolves around anthropologist John Borneman's description of reconciliation as "an appreciation of the intersubjectivity of the present" and a social project, "not in terms of permanent peace or harmony, but as a project of *departure from violence*" (2002:286, 282). To reconcile, he proposes, is "to render no longer opposed." My understanding of reconciliation, thus, is not a final understanding of a fixed concept. Rather, the term must be contextualized if a futile either-or discussion is to be avoided of *either restorative or retributive justice*, the first alleged to be local, and the second universal. Borneman's discussion will help contextualize my argument. He argues that reconciliation does not necessarily mean that there needs to be consensus about the past or the future, but it does mean "sharing a present, a present that is nonrepetitive." To facilitate this, he "focuses on the role of the 'third party' and argues for cultivating 'practices of listening' after a violent conflict" (2002:282, 281). He mentions international courts as such potential third parties, but I will argue that ICC intervention in Uganda has not functioned as a third party in this sense. There have been abundant and rather militant statements from the court's chief prosecutor and his associates proving the opposite. I will, however, maintain that any justice project must be essentially open-ended, about repeated social activity and coexistence but not necessarily about ideas shared and meanings fixed.

In the effort to critically assess fixed, hard-line wartime arguments, my chapter proceeds in three stages. I begin with a sketch of some measures taken by the Ugandan government to end the war. I then look at the international involvement from two standpoints, the war on terror and the ICC effort to bring rebel leaders to dock. Second, I proceed to discuss two forms of ritualized reconciliation among the Acholi living in the immediate war zone, the debated *mato oput* ("to drink the bitter root") and the not-so-well-known *gomo tong* ("to bend the spears") rituals. Finally, in bringing these different layers together in a discussion of ritual action, I show that retributive justice, amnesty laws, and reconciliation are sources of hope, but more, of contest and

confusion, and of feelings of inequality, even bitterness. For example, those LRA/M commanders who agreed to come out under the amnesty from 2000 have *surrendered* to rather than *reconciled* with the government and the surrounding society. Some enjoy their time in the same posh bars and hotels in Gulu town, northern Uganda, where you will find western staff of various humanitarian organizations, Ugandan high-ranking militaries, and even investigators from the ICC itself.

Such a geopolitical global order is not innocent. Rather, in this context both restorative and retributive justice, even amnesty laws, can become weapons of war rather than tools of peacemaking. For example, when the ICC entered the Ugandan stage, there was no genuine and consistent will to find a *political* and *national* solution to the conflict in northern Uganda—neither within the country nor beyond. On the contrary, the ICC intervention soon became part and parcel of an ongoing conflict. Not least, the Ugandan government was able to capitalize upon the ICC intervention.

Ugandan Debates: Amnesty, Anti-Terrorism, and Retribution

In 1999, in an effort to end war in the country, the Ugandan parliament passed a blanket amnesty (see, e.g., Allen 2006, 2007; Refugee Law Project 2005b). President Museveni, the army's commander-in-chief, immediately stated that he did not believe in it, and he delayed beyond the thirty days stipulated by the Ugandan constitution before he signed the law.

Even so, the amnesty law has had some significance. Many rebels in western Uganda, notably in the Allied Democratic Front (ADF) with bases in Congo, and the West Bank Nile Front (WBNF), based in northwestern Uganda, did eventually accept surrender under the amnesty. But initially, few senior LRA/M rebels surrendered, and the Ugandan army later claimed that over a thousand ADF rebels rearmend and regrouped in Congo (*Daily Monitor* [Uganda's independent daily], July 1, 2005).

The mixed response to the amnesty law must be seen through a global lens. Both the ADF and the LRA/M (but not the WBNF) were included on the U.S. government's list of terrorist groups in the aftermath of the September 11 attacks. The Ugandan president welcomed the rhetoric of "no dialogue" and the global war on terror, claiming that his enemies in arms are "al-Qaeda trainees" (as quoted in *Daily Monitor*, March 6, 2003). The Ugandan government

even had an antiterrorist law of their own. When the Ugandan government thus backed the U.S.-led invasion of Iraq in 2003, the army had already launched its "Operation Iron Fist" military campaigns to flush out the LRA/M from its bases in Sudan. The campaigns were carried out on Sudanese territory with the approval of the government in Khartoum and with U.S. support, increasing the pressure on the LRA/M. Also, in the wake of the Iron Fist, arrests without warrants or a basis in civil law and an increased number of treason charges created fear and mistrust in the amnesty. The Ugandan army "arrested scores of civilians, with little evidence, on suspicion of rebel collaboration; some of the detainees are supporters of the unarmed political opposition" (Human Rights Watch, July 14, 2003:5).

When the ICC got involved on the ground, the Ugandan government claimed that its call for international justice should leave out possible war crimes committed by its own army. "Our position is if they [the ICC investigators] come across any allegations against government officials, they should let them be tried by the government," as the army spokesperson said (in *Daily Monitor*, August 16, 2004; see also Branch 2007:183, 188). An increasing number of Ugandan commentators and academics, however, have asked why the ICC decided not to proceed with its investigations of the Ugandan army's arbitrary killings and rape of civilians, torture, forced labor at gunpoint, or the forced displacement of millions of people to squalid camps, all potential crimes against humanity (e.g., Apuli 2006; Otunnu 2006). Throughout the war, as well as in recent years, the "undisciplined" Ugandan army "has committed crimes against civilians with near total impunity" (Human Rights Watch, May 2005:2). The ICC responded to these requests by claiming that "the alleged crimes perpetrated by the Ugandan government were not grave enough to reach the threshold" (ICC representative quoted in Allen 2006:193; see also Branch 2007:188). To be accepted for trial, then, the suspected crimes must meet the court's "gravity threshold."

The gravity of war expands in time and space in ways that the ICC does not acknowledge. By international diplomatic consensus, when the ICC was created its mandate excluded crimes committed before 2002. Yet it was Museveni's military takeover back in 1986 that brought war to northern Uganda. Under his rule, thousands of suspected rebels were taken into detention, and torture and maltreatment became the order of the day in Acholiand. Amnesty International concluded that "there has been a consistent pattern of extrajudicial executions by soldiers since the NRM[UA of Museveni] came to

power" (1992:29–30; see also Oywa 1995; Pirouet 1991). Since war reached the north in the mid-1980s, many Acholi have found it impossible to escape the past as expressed in the national memory. In southern Uganda, it is commonly held that the Acholi in the army during Milton Obote's second government (1980–85) and Tito Okello's (1985–86) government were particularly responsible for the atrocities committed in the counterinsurgency campaigns against Museveni's guerillas in the so-called Luwero Triangle, central Uganda, not least because of the fact that Okello was an Acholi (see, e.g., Mutibwa 1992: 157). My informants of course questioned the idea of the Acholi as collectively to be blamed for most of the violence in Uganda. During my fieldwork, for example, I encountered some young men, frustrated by the collective blame put upon the Acholi, who painstakingly collected data and statistics to challenge the image of the Acholi as violent and militaristic. One of them concluded that "the Luwero Triangle is used by the government to discredit the Acholi, internationally, nationally, and locally." Another young man more directly blamed Museveni for the many killings. "We Acholi are blamed for the deaths in Luwero," he said. "But it was Museveni's decision to start a bush war in Luwero that killed the people of Luwero."

And the legacy of violence has continued. Many of my informants in Acholiand claimed that a situation worse than that of the Amin era developed after Museveni's takeover. Others did not explicitly support the uprising, but according to a standard version I often encountered, there was no other way of surviving than to join the insurgency groups in one way or another (Finnström 2008b; see also Branch 2005; Brett 1995).

With this violent history in mind, it makes little sense for many Ugandans that the ICC does not have any mandate to investigate crimes committed before 2002. In addition, the ICC's clandestine approach on the ground, including its initial failure to communicate publicly its role and mandate to ordinary people, fueled the feeling among many Ugandans that it is working on behalf of the Ugandan government (see, e.g., Branch 2007:188; Clark 2008). Another complicating matter is that Uganda's strongest ally in its war on terror, the United States, does not acknowledge the ICC, as is the case with some other permanent members of the UN Security Council as well.

The complex political reality expands even more. Just after his military takeover in 1986, Museveni launched a national truth commission to account for the human rights violations in Uganda since independence in 1962, but he barred this commission from subsequently investigating any crimes committed after

his takeover (Quinn 2004:413). The years from 1986 to 2002 remain outside the parameters of accountability. These are only a few dimensions of the complicated realpolitik of war and peace, with its selective impunity.

To end impunity is an enormous project, and to limit it in time and scope will foster suspicion. Yet there is also the problem with history that does not really have any end, but rather only endless layers, and even more so in the context of an ongoing conflict with no closure. "Ending impunity should not be confused with simply finding people guilty," writes Eltringham with reference to post-genocide Rwanda. "Rather, it entails a consistent and coherent effort to respond to *all* allegations of human rights abuses in a dogmatic, tenacious and transparent way" (2004:146). Even if such a project sounds infinite, Eltringham's call for a wider justice in the effort not to bracket off an arbitrary period of time pinpoints the ICC's dilemma in seeking only a partial justice that may play into the hands of those in (state) power. In a parallel development, some LRA/M commanders have bought themselves out by surrendering to the government under the amnesty; many Ugandans regard these, rather than the rebel high command itself, as "the worst killers" (Refugee Law Project 2005a:47). And over the years many former rebels and other human rights violators have joined the present government and its security apparatus, thus being granted immunity and even rewarded and promoted in military rank, something that has infused the present government with a "culture of impunity" (Obote-Odora 2005:3; cf. Eltringham 2004:ch. 5).

Bitter War: A Repetitive Present?

These developments make it difficult to continue ignoring the local emplacement of global processes. One problem in Uganda, as indicated, is that the ICC entered the stage when there was no after-the-conflict yet. And the many years of violence in northern Uganda, especially on behalf of the rebels, is just too horrendous and spectacular for most observers. This makes it difficult to see the complex politics of war behind the scenes, today and well before the coming of the ICC. The bracketing off shuns deep-seated political complexities. A simplified picture is drawn, making the situation somewhat parallel to what Wilson reports in his study of the South African reconciliation process: "An in-depth understanding of the social conditions . . . of wrongdoing is bypassed in favor of the moral category of 'evil' which resolves the problem of meaning" (2001:54). The story very much ends there, Wilson adds. In Uganda it is the media, international human rights organizations, and the Ugandan

government that have had the upper hand in defining the discourse on meaning, while the LRA/M has become the moral category of evil, often reduced to its leader Joseph Kony (see Finnström 2008a).

Of course the LRA/M have made themselves coauthors in the process. Yet, with the framing of an apolitical crisis in northern Uganda, with only one guilty party, efforts to talk or even to reconcile with the rebels throughout the years have been dismissed as having little if any bearing on the ground. Allen (2007; see also 2005:85–86; 2006:165) on his side suggests that efforts of reconciliation are the result of an urban elite fantasy, created and promoted by Christian organizations, churchpeople, and clan leaders.

Here, I want to suggest a complementary interpretation. The potential of everyday *social* interaction, I hold, does not really demand any overall *cultural* consensus (Fernandez 1965). Before I present my ethnographic examples to develop this argument, I need to return to my use of the concept "reconciliation." In criticizing Borneman's thesis on reconciliation, Sampson (2003) suggests replacing the romantic ideas of reconciliation and dialogue—which he sees as essentially western ideas—with a more moderate version of coexistence. Sampson's argument is that the dialogue we often want to see in reconciliatory practices seldom involves any genuine dialogue. For some of my readers, the term *reconciliation* may have Christian connotations. But what if we turn to a specific ethnography, a lived reality, and its meanings and practices? Then we are back at Borneman's idea of reconciliation as "an appreciation of the intersubjectivity of the present" more than anything else (2002:86). In other words, my focus is on *meanings in use* rather than any fixity of concepts, in English or vernacular. In the context of war-torn Acholiand, to which I now will turn, ritual practices such as *mato oput* and *gomo tong* have been described in English as reconciliation, while another Acholi meaning in use, *culo kwo*, has been understood as revenge.

Rituals of Revenge or Compensation in Acholiand?

Gingyera-Pinywa has suggested that the Acholi tradition of *culo kwo* is "retribution or the wreaking of vengeance" and a "serious source for continued insecurity." The tradition explains "much of the killing, maiming, and burning of villages" (1992:47, n. 52). Here, the violence is held to be specific to the Acholi.

In Acholi, *culo* is "to pay" or "to give," while *kwo* here is "an unreconciled killing," which creates enmity. The concept indicates the importance of giving

compensation for a person who has been killed. This is part of the Acholi institution of settling patrilineal clan feuds, in which the clan of a killed person ought to be compensated by the offending clan (Girling 1960:66–67). When I inquired, informants initially translated the concept as “revenge.” However, in conversations it soon became clear to me that *culo kwo* is part of a larger context. Requests for apology, reunion, and reconciliation are central elements.

The actual ritual to redress the wrongs of a killing between clans involves many people and takes a full day. But the ritual is preceded by weeks, months, or even years of negotiations and investigations. The history of the case is outlined, its context carefully delineated, evidence brought forward, compensation decided upon. Compensation or “blood-wealth” (see, e.g., Evans-Pritchard 1940:121, 152–64; Hutchinson 1996:122–46), according to tradition to be provided in cattle, will help a chosen young man from the offended clan to meet the bridewealth expenses and marry. This will eventually bring new children to the clan, it is hoped. As is the case with any birth, children born from such blood-turned-into-bridewealth unions embody the blessings from the ancestors, thus a final proof of the successful reconciliation on the wider societal level of living and dead, of the past and the future.

The ritual is called *mato oput*, “to drink the bitter root.” *Culo kwo*, repaying a life, elders told me, can be understood only in the context of *mato oput*, which I here want to describe in wide terms as the restoration of social relationships. A blend of truth telling, accountability, compensation, and reconciliation, rather than revenge or blood vengeance, is the institutionalized Acholi way of handling disputes, homicides, and unnatural deaths. Ladit Arweny, an elderly friend, told me the following:

A major and essential function of traditional chiefs was to act as arbitrators and reconcilers when disputes occur in order to restore peace and maintain harmonious relations between families, clans, and even tribes. That is the major role of a chief. Should he fail to do that, he is removed. The role of a chief is to maintain peace, nothing else. And killing will not make the compensation. [If] you kill a person, you compensate, you reconcile—by paying heavily, of course, but not death for death. (Gulu, January 1998)

The understanding of most of my Acholi informants, above exemplified with the words of an elderly man, is thus an alternative to Gingyera-Pinywa's (1992:36–37), who searches for a cultural cause when it comes to the military violence in northern Uganda. Gingyera-Pinywa proposes that ultimately

culo kwo is a cause of the extreme violence that has taken place in Acholiland. This discrepancy in explanatory models highlights the point of studies that concentrate on consequences of the conflict rather than only looking for pseudo-ethnographic reasons for it. “Many who write about so-called violence-prone areas or a culture of violence, often assume that powerful social scripts of vengeance or even hatred get mechanically translated into social action,” write Das and Kleinman (2000:11), as if the agency of the perpetrator is inherently determined by his or her culture.

To Drink the Bitter Root

Ritual action illustrates how the past is evoked in the effort to imagine and build a future. In 1988, a young Acholi man tried to rape a pregnant girl. The two belonged to different clans. The incident ended most unfortunately, when the girl fell badly and her head hit a rock. She miscarried and eventually died. Legal justice was done, and the young man was imprisoned. He did his time, was released, and later died for other reasons. His clan, however, still suffered as a result of his deed. “A homicide does not concern only the man who has committed it, but his close agnatic kinsmen also,” as Evans-Pritchard noted for the Nuer in Sudan (1940:154; see also Hutchinson 1996:122–27). Bad omens like death and misfortune affect the offender's clan, also over generations. Acholi say that a barrier of bad atmosphere (*oicbu*) develops between the two clans, because intermarriage, trade, and joint parties between the involved clans are no longer possible, and the clans cannot socialize or share food or drink.

Yet such social barriers can be dissolved. The rapist's father decided to seek reconciliation. Bad developments, misfortune in the clan, and social pressure made him conclude that the matter needed to be resolved existentially as well. Court justice was clearly not enough if the cosmological imbalance and the social unrest were to be overcome. And perhaps his son's premature death was not just a coincidence? The man admitted his son's wrongdoing, and compensation was decided upon. *Mato oput* was conducted in early 1998. After ten years, then, the clans were reconciled. People, spirits, and ancestors alike were satisfied and thus calmed when the social barrier was ritually removed, as the merry atmosphere during the ritual indeed attested. In 1999, I had the opportunity to participate in this kind of ritual once again. This time the compensation was low, because the killing, caused by a car accident, had not been intentional.

In 2000, I again participated in the ritual. This time the play of two small boys, both only three years old, had ended unfortunately, when one boy hurt the other while they were playing with a stick. One boy injured his finger and eventually developed blood poisoning, only to die later. This was again not regarded as a naturally caused death, but rather, to quote Parkin (1985:7), a "bad death" that ought to be retracted ritually, even reconciled. The surviving boy was present during the ritual but did not drink the mixture of the bitter root because of his young age. The fathers of the boys drank the mixture instead. During the ritual, the elders in charge of the whole thing suggested that a boy is "responsible enough to drink *opui*" when he has started picking up an interest in girls. In Acholi terminology, despite "*being* [full] human beings" (sing.: *bedo dano*), children have not yet fully "*become* [moral and social] persons" (sing.: *odoko dano*). They are thus not held fully responsible for their acts (see also Pido 2000). The Acholi say that someone becomes a person (*odoko dano*) when he or she is able to take advice from elders and contributes to household maintenance, perhaps bringing water or food to visitors, which is done from the age of around ten (see also p Biek 1986:27). Yet in a deeper sense it refers to when young people become mature enough to have children of their own. It also refers to when they are old enough, as the discourse on child rebels as victims rather than perpetrators also suggests, to be held morally responsible for their acts, when their cultural agency is complete. In this context, children as survivors are more likely to be emphasized than their role as perpetrators. According to Ladit Arweny, the elderly man, "I think these children in the bush are out of culture now. In fact, they don't know what they are doing. They just don't know."

The above ethnographic examples are all from cases of single deaths, in which perpetrator and victim could be identified beyond any doubt, and where the offending party initiated reconciliation. As such, they are not really war-related. Indeed, I never came across any *mato oput* carried out in the course of coping with so-called battle-related deaths. Yet these (and other) rituals have been presented as the blueprint for the solution of the violent war, which thereby deepened the either-or debate between restorative and retributive measures (see, e.g., Pain 1997; Liu Institute, Gulu District NGO Forum, and Ker Kwaro Acholi 2005; cf. Allen 2007). My perspective is more moderate, and it refuses this dichotomy. Although the conflict obviously needs a political and national solution, my examples still say something about people's everyday concerns as they seek directionality in life and prepare themselves for a future in peace

and social coexistence (see also Baines 2007:110). They do so because the great majority of bad deaths occur in any case in the shadows of war and displacement rather than in actual fighting (Finnström 2008b:12–13, 133, 200, 204). It must furthermore be noted that similar rituals have been performed between larger as well as smaller groups, even between ethnic groups, but then without individual bloodwealth compensation of the *mato oput* ritual. It is called the bending of the spears (*gomo tong*). Spears from each party involved are bent and made useless, and then passed on to the former enemy as a proof that fighting can never again be allowed between the two groups, as was done between the Payira and the Koch chiefdoms in their mutual effort to cope with increased colonial domination in the nineteenth century.

This has also happened more recently. During the Amin years, 1971–79, Acholi people were especially targeted by Amin's state violence. After Amin's fall, Acholi soldiers in the new army took their revenge on people living in the West Nile region, Amin's home area. Finally, however, elders of both sides decided that enough was enough. Tito Okello, the Acholi general who ousted Milton Obote in 1985, was instrumental in the retraction of violence, although critics have dismissed this as an unholy alliance with pro-Amin groups (e.g., Mutibwa 1992:171–75). Revenge was turned into reconciliation when the *gomo tong* ritual was performed. Ladit Arweny, one of the participants, in 1998 provided me with his written record of the case:

Acholi traditional Chiefs and Elders initiated reconciliation with the people of West Nile, and peaceful reconciliation was performed on 11 February 1986 in Palero some twenty-six miles north of Gulu in Acholiland. From that time there would be no war or fighting between Acholi and Madi, Kakwa, Lugbara, or Alur of West Nile. (See also Gersony 1997:75; Leopold 2005:153–54.)

The ritual is not about remembering and assessing every detail of a long and violent conflict. Rather, it is about finding a consensual understanding about what the conflict essentially was about, and how to now coexist. After the bending of the spears in 1986, many West Nilers who left Acholiland after Amin's fall from power have returned peacefully, and elders do their best to guard the reconciliation accord sealed in ritual action.

Here, on the level of the everyday, is a hope for a peaceful Uganda. For example, Allen (1988–89) has suggested that the Acholi and the neighboring Madi, despite their different languages, have many concepts in common, and they sometimes share the social world. Many Acholi in the border region speak

Madi, and vice versa. To Allen's surprise, even in the early 1980s, when ethnic tension was high in the aftermath of Idi Amin's fall from power, Acholi intruders would leave Madi ancestral shrines in the villages untouched. Allen's Madi informants were less surprised, however, than Allen. "Ah well," a Madi man replied to the queries of the anthropologist, "it is because we are really the same people" (Allen 1988: 89:54).

Interaction and social exchanges can remain frequent despite the fact that war tends to impose ethnic categorizations and cultural divisions on everyday realities. Far from being dislocated in a past that no longer exists, ritual action has always continued to be situated socially. Ritual action is a way of addressing present concerns. And we need to understand these ritual contexts to better understand the complexities of war and peace. During peace talks in 1993-94, for example, influential rebels refused to drink even the bottled sodas that the Ugandan army offered. Food provided for the rebels was accepted only if it was brought as living cattle, not meat, and the rebels then prepared the meals themselves. When an agreement was finally reached—if only to fail later—the two parties did celebrate together, but the rebels went to town to buy their own crates of sodas, while the army brought theirs. Sharing food and drink, rebels insisted, had to wait for later. Here too, the social barrier was evident, even performed, and it still is, as one rebel representative to the peace talks held in Juba, South Sudan, told me in 2007. Throughout the years, senior rebels have also been afraid of being poisoned, and the LRA/M leader has repeatedly raised the issue of some high-ranking rebels who had accepted an amnesty in the 1980s only to die in ambiguous circumstances, some while imprisoned on treason charges despite the amnesty: bad deaths indeed.

It is an anthropological truism that ritual action shifts in meaning and appearance over time. More, it is in the context of war and outside interventions that many Acholi seek societal hope in ritual action, exemplifying the existential effort to cope with a difficult situation, ultimately in order to be able to govern it and orient in everyday life. Sometimes rituals are transformed by state coercion or, as Allen (2007) delineates for the case of *mato oput*, by donor pressure. Yet most often they have been out of sight of formal legal structures, in both colonial and postcolonial times. As James writes for the Uduk people in Sudan, "When things go wrong in their own communities, they make their own judgements and sometimes they take their own action, and only rarely refer the matter to the constituted authorities" (1988:93). The legal power of the state apparatus and various juridical systems, James's informants con-

cluded from experience, is unpredictably and arbitrarily exercised. Allen, in defending the ICC intervention in Uganda, however, dismisses local variants of ritual action as being recent inventions without popular support. The Acholi do not have any unique restorative justice system, he argues, almost as if it was a question of either-or. "People in northern Uganda require the same kinds of conventional legal mechanisms as everyone else living in modern states," he instead argues (2005:85; see also 2006:168). Like "decent people everywhere else," he adds, "they require a functioning state to make the best of their lives" (2008:52), while any "local justice approach socially infantilises the whole of the North" (2007:160).

Elsewhere I argue that one central reason for the long and bitter war is the very *absence* of a democratically functioning state, something that has unleashed the violence of the state's counterinsurgency campaigns (Finnström 2009). Branch too adds an important nuance to the debate:

the legal processes carried out by the ICC are not "conventional" and do not correspond to the "modern state." Indeed, ICC interventions reject and suppress conventional, modern state-based legal mechanisms in favor of tenuous global mechanisms, thus bringing into question the very foundation of the modern state—namely, the concept of sovereignty. (2007:192)

In other words, ICC intervention is as "conventional" as any ritual action. Even more, ICC intervention is a human-made practice among other contextual practices, regardless of whether these practices are categorized as modern or traditional. Ultimately, it is not even about tradition against modernity, the first allegedly premodern, obsolete, and naive, and the second liable and a source of accountability, because it is exactly such categorizations that are irrelevant and obsolete. They are irrelevant because they do not tell us what people do with their beliefs in life situations and everyday struggles, and obsolete because they mask the very power relations that make global ambitions precede over local particularities.

To dismiss everyday ritual action by saying that the Acholi do not have any unique justice system is therefore misdirected in that it implicitly dichotomizes such ritual action against international justice interventions, compares them as essentially closed and fixed systems, and finally weighs them against each other, concluding that only the state and outside intervention are "functioning" and "decent" (or, from the opposite standpoint, vice versa). More, any reconciliatory effort is dismissed as an elitist and recent invention. The dichotomized

debate is misdirected, because human action is always human-made and always changing, in Acholiand as well as in The Hague, where the ICC is located. Here many Ugandans are, and have always been, realists and pragmatic pluralists (see, e.g., Finnström 2008b:6–7, 208). In 1970 and long before the academic debate on the essence of modernity versus tradition, or the West versus the rest, Taban lo Liyong, a Sudanese poet raised in northern Uganda, wrote, “To live, our traditions have to be topical; to be topical they must be used as part and parcel of our contemporary contentions and controversies” (Liyong 1970:x). So traditions change, they always have, and in that sense they do not differ from expressions of modernity. Rather, with the help of all kinds of human-made interventions, people seek to cope with various problems, including those produced by the Ugandan government’s failure to bring peace to the country. Ritual action in northern Uganda is one example of this, the creation of the ICC another. They both reflect the contemporary dynamics of globalization.

Nevertheless, neither ritual action nor international claims to justice can replace political efforts at peacemaking. In the Ugandan case, any reconciliation can come only after a successful peace negotiation. It is in this light that we must understand the skepticism not only among senior rebels, but also among young noncombatant adults, about the much-talked-of restorative justice and the amnesty law that preceded, and in part were nullified by, the ICC intervention.

Whose Justice?

Anyone who wants it in his or her heart can drink the bitter root and reconcile. I was sometimes told during fieldwork, even though the present war, as elders said, is very different from “wars of the past” (Finnström 2006). With time, the rebels can thus be reintegrated into society despite the violent deeds they are responsible for in Acholiand. They must if peace is to come, many argued. But to be allowed to go through reconciliatory rituals, elderly informants especially insisted, the offender needs to present the mediators with convincing evidence for the killing. Obviously, today this is not easily achieved. The more the conflict expands in space and over time, the more difficult to settle, as Evans-Pritchard (1940:157) once wrote for the Nuer in Sudan. In the heat of the battle, how can the source of the deadly bullet possibly be traced? Who laid the landmine? What caused all those bad deaths during wartime displacement? With time, perhaps, such questions will find answers in ritual action. As the Nuer have coped with their contemporary war experiences and

innovatively transformed many of their rituals since the 1930s and the days of Evans-Pritchard (Hutchinson 1996:142–57), so many Acholi work to adjust some of their rituals to be able to deal existentially with contemporary dilemmas and controversies, as well as those related to the war (see, e.g., Behrend 1999:45, 106). But perhaps most importantly, according to many of my interlocutors, not only the rebels but the representatives of the Ugandan government and the president also ought to admit to killings, atrocities, looting, havoc, and destruction committed by the army in northern Uganda ever since 1986, if any path toward genuine peace is to be opened. The root causes of this war must be given proper address.

The ICC’s idea of a “gravity threshold” is an example of how this appeal has been sidestepped. Instead, the ICC is now part of the realpolitik of war. When the semiautonomous government of Southern Sudan, with Riek Machar as chief facilitator, invited the rebels and the Ugandan government to new peace talks in July 2006, this was the best opportunity in many years, not least because of the fact that the South Sudanese leadership and Machar navigated carefully the diplomacy of the region’s realities, at least initially. When Machar met the rebel leader for the first time, he intentionally addressed him as his brother, thus assuming the most basic rule in any successful peace talk—facilitating a feeling of equality between the parties. Talks commenced, and despite the Ugandan government’s initial skepticism, the parties signed a historical cessation of hostilities agreement in August 2006, which later was turned into a permanent cease-fire. The ICC chief prosecutor, Luis Moreno-Ocampo, dismissed the peace initiative by asserting that the rebels were only buying time to regroup. In arguing this, and doing so from a privileged position in The Hague, he personified the ICC’s unwillingness to cultivate the practices to pause and listen. “Well,” a South Sudanese blogger and political analyst noted with frustration as Moreno-Ocampo’s words rather than those of the government of Southern Sudan hit the world news, “these are words of a politician, not of an impartial international judge. And when so important a figure gets that close to local politics, justice flies out of the window” (Akce 2006). The government of Southern Sudan, on their side, had worked for a long time behind the scenes to gain rebel confidence. Important root causes were tabled during the talks, but with the rebel leadership’s refusal to sign a final agreement because of the ICC indictments, and the subsequent bombings of rebel camps and resumed fighting in late 2008, the shaky dialogue, and a lot of hope with it, was lost.

Before these very developments, however, even those of my informants who saw the rebel leaders' violent conduct as a primary obstacle to peace were willing to welcome them back home, for rather pragmatic reasons. "People just want peace, full stop," as my friend Otim p'Ojok justified his position in the early days of the ICC intervention. His stand exemplifies the Primo Leviian "gray zone" that he and his friends live with, a kind of historical and lived memory that preserves "traces of two quite different strategies of coping with violence—vengeance and forgiveness—and so leave open, at all times, the possibility of choosing how one will react to evil" (Jackson 2005:367). From such a gray zone, the much-debated issue about the restorative and retributive dimensions of justice is not really about any final either-or. Rather, in the moments of life, it is a kind of acceptance of the complexities of the situation so that life can go on (Jackson 2005:368). The majority of people, to speak with Jackson's analysis of Sierra Leone, are perhaps too powerless to cultivate feelings of retaliation. "They were simply realists, acutely aware of what they could and could not do," Jackson (2004:69) writes of his informants.

For Jackson, it is an existential "issue of power and powerlessness." For the ICC, the claim to power is as simple as it is firm: LRA/M leader Joseph Kony will be arrested at all costs, as claimed by the court's registrar (in *Daily Monitor*, May 30, 2008). For Joseph Kony himself, the claim to power takes a more violent twist. In various statements he questions the ICC intervention, and he has even claimed that he would rather die fighting than surrender to the ICC. The second-in-command, Okot Odhiambo, in early 2009 and after sustaining a serious bullet wound in the renewed fighting, allegedly hinted that he wanted to lay down arms with his group of fighters, but only if the ICC indicted against him were lifted. His plans to surrender eventually turned out to be a hoax, but indeed, the destiny of defected rebels will play a central role not only for any moves by other rebels fighting now and in the future, but also for any peace/war process as such and how that will connect to Uganda's political past.

Reconciliation Grown Bitter?

In the effort to end the war, local politicians as well as cultural and religious leaders have lobbied for the amnesty law and frequently asked the rebels to surrender, "to come out from the bush," claiming that the war is "useless." They have even asked the local population to follow their example to forgive the rebels for "all the bad things they have done." In this rhetoric, they have

frequently labeled the LRA/M rebels as "our children in the bush." The children are encouraged to flee from the rebels, and on radio broadcasts, they have been informed that they will be well received. Rebel commanders too are encouraged to surrender. Even if it has good intentions, such rhetoric suggests an imposed fixity of meaning, a claim to cultural consensus from the powerful, even a kind of set manual for ritual action, as Allen's (e.g., 2007) critical analysis shows. But more importantly, in the rhetoric about the rebels as "children in the bush," the opponent is regarded as a minor who needs proper guidance. It also limits any future reconciliation to an Acholi affair only, between Acholi parents at home and their children in the bush. It localizes a national, even regional, conflict. As a young man commented concerning the mass installation of clan chiefs as peace promoters, facilitated by international NGOs, it is "a means to transfer the responsibility to the elders, about something that they don't know. . . . [I]t is the government's use of elders to carry the blame, for what they don't know. Poor, poor elders. It's a great mistake. The elders are accepting a responsibility they cannot carry."

Consequently, when the amnesty law was finally endorsed by the Ugandan president in early 2000, senior LRA/M rebels were frustrated by the one-sided request for their surrender. They argued on their part that they are fighting not for the Acholi, but for all Ugandans. In arguing for this, I propose, the rebels opposed the Ugandan government's reinforcement of a hierarchical structure in the process of war and peace. In such a hierarchical structure, the political, cultural, and religious leaders indirectly promote themselves as the *superior* party to the conflict, the ones to forgive the *inferior* party. The latter are the rebels, or "the children in the bush," or even the "terrorists," "hyenas," and "bandits." As such, they are objectified as criminals and children only. They are effectively denied any political subjectivity, and the proposed reconciliation denies the intersubjectivity of the present that Borneman sees as central if the violent past is not to repeat itself.

Koch and colleagues (1977) have described reconciliation in the Fijian context, where one party must surrender, remain silent during the reconciliation ritual, and accept a lower status. Such a ritual of reconciliation "serves to reinforce hierarchical structures," adds Hagborg (2001:15), "because the superior forgives the inferior." The LRA/M commanders will not easily accept the lower status in such a hierarchy. As they stated in a letter, distributed in northern Uganda soon after the rebels' intrusion from their bases in Sudan in late 1999:

You who advocate mato oput [interclan reconciliation] or gomo tong [interchiefdom or even interethnic reconciliation] with Museveni know quite well that Museveni, who came to his leadership position through the barrel [of a gun], has never admitted that he has committed crimes against Ugandans. He has never apologized. . . . It was Museveni who first attacked us. His army. . . . was the first to kill us, to destroy our homesteads, including foodstuffs, rustling cattle, goats, sheep and even children. . . . Why should the religious leaders and cultural chiefs mislead the people, but not be honest and speak the truth to the people they administer? Mato oput and gomo tong ceremonies should not be taken as joking matters. . . . People. . . . are ignorant when they say that Acholi should pardon us [LRA/M]. We are not fighting Acholi but Museveni's government and all his supporters. If there is any apology at all, it should be for the Acholi and all Ugandans to demand from Museveni and his cronies. This can be possible only when they confess their mistakes publicly. (Undated LRA/M letter distributed to the public, late December 1999, translated from the Acholi original)

I heard the same argument repeated when interviewing LRA/M representatives in 2007. And it was not really the ICC as such the rebels opposed, they told me, but the court's bias in investigating only one side of the conflict (see also Branch 2007:188–89). Similarly, the main problem with ICC intervention, according to most of my noncombatant informants, is not that Kony or Odhiambo are wanted for the crimes they have committed, but rather the court's bias. Having suffered in the shadows of war for so many years, victimized by both rebels and government forces, the ICC's mandate and principle of gravity, and its one-sided focus on a few selected rebel leaders, make little sense to my Ugandan friends. As was the case with James's (1988) Uduk informants, my informants held the outside intervention to be unpredictably and arbitrarily exercised.

So That Life Can Go On

The coin has, as always, two sides. Accordingly, reconciliation also has two sides, most informants in Acholiand argued. So even if restorative and reconciliatory rituals cannot be equated with international justice, the latter should perhaps pause for a moment to join the former and other practices of listening. Only then may Uganda depart from its legacy of violence to instead enter a genuine political process of negotiation and national rebuilding. In the

interclan mato oput rituals that I have attended, there was no structural inequality between the parties. Rather the contrary—the ritual performance manifests equality. Members of both the offending and offended parties consumed the bitter root, always on neutral ground in the uncultivated bush, symbolically selected on the path between two homesteads. They were always occasions of great feasting and happy feelings, everyone sharing food and drink. Therefore, I suggest, in northern Uganda reconciliation cannot be hierarchical in the sense that one party forgives the other only. Rather, all parties involved, also those from the international community, must step out and genuinely admit their respective wrongdoings if they are to be able to promote reconciliation. Indeed, my informants held, this is necessary if peace is ever to come. In the opinion of a male senior sixth-form student, whom I met just after the amnesty law had been enacted:

The rebels cannot accept anything as long as they are denied equality. The more ignored they are, the more determined [to fight] they will be. Mato oput comes in only at a later stage when equality is established. There can be no mato oput as long as there is inequality between the fighting parties. (February 2000)

Reconciliation, my informants constantly remarked, can only be the final step in any conflict settlement, which again illustrates Borneman's general thesis that reconciliation comes only after conflicts (see also Refugee Law Project 2005a). For this to happen in any profound way, as Ricoeur notes, there must be a mutual "recognition of the other as . . . equal in terms of rights and duties" (2000:6).

Here it is not really any illusive *cultural consensus* that people seek, I argue. Nor is it for researchers to delineate any essence of Acholi ways of life. It is not even about delineating ritual detail to determine these as authentic, thus allegedly "traditional," with ritual meaning forever set in time and space, nor about dismissing them as only recently invented or inauthentic. Rather, as Fernandez (1965:912) reminds us in a classic article, when we approach and try to understand ritual activity, we need to be "aware of the range of cultural ambiguities involved in social interaction." In ritual action people join hands for a number of objectives rather than following a single predefined purpose. It is about hope and a basic *social consensus*, where, as Fernandez's informants said, "people understand each other" (1965:904). Fernandez builds on Edmund Leach, another anthropological icon, and the latter's claim about the essential vagueness of all ritual statements. "The remarkable integrative effect

of ritual," Fernandez writes, "rests in the fact that it can bring together in repeated activity persons who have quite a variant interpretation of the meaning of that activity." He concludes that if "coexistence is guaranteed socially, coherence need not be sought culturally" (Fernandez 1965:912). The flexibility of ritual action promotes the acceptance of the necessity for social interaction and everyday coexistence. Following its static principles and restricted by its mandate, international retributive justice does not really tune in to this flexibility of ever-changing meanings and local social realities. Still the talk on the ground about reconciliation must be seen as an ambition to achieve through ritual means a condition of social solidarity—or one-heartedness, as Fernandez's informants put it. Kony and his colleagues can be part of this ambition, but only if they want it in their hearts, I often heard informants claim.

Let me give a final example of the acceptance of the necessity for social interaction, or, in Fernandez's terms, social solidarity. To reconcile individual cases in the local community may take time. In early 2000 a young man called Otti asked some elders to facilitate the settlement of a homicide committed by his late father. A fight between the father and another man in the 1950s had ended with Otti's father spearing his rival to death. Charged with manslaughter, Otti's father was imprisoned by the colonial authorities. Legal justice was done. Some forty years later, Otti was planning to marry, but his fiancée came from the clan of his late father's victim. The fight that led to a bad death in the 1950s—that is, long before the father was married and Otti was born—now had to be settled before any marital union could be blessed. Together with some young men from the opposite side, an increasingly impatient Otti staged a mock ambush that forced the negotiating elders to abandon their never-ending discussions on the level of compensation, to instead reach quick social consensus on how and when to perform the ritual. Soon thereafter I joined Otti and the clans as they came together in ritual action.

This and my other *matoto* stories tell us that most Acholi regard accountability as something much more profound than only legal justice done in courts, and existentially so, but not necessarily that they disregard formal trials as such. Such rituals are in no way any blueprint in the solution to the war; still, as my cases illustrate, any future reconciliation, on any societal level, must include inquiries into the complexity of the local social realities and their particular histories. Local reconciliation cannot therefore be substituted with or equaled to formal jurisdiction such as Uganda's amnesty law. Accord-

ing to the law, the rebels must report to the nearest government, police, or army authorities, renounce and abandon involvement in the war, and, finally, surrender all their weapons before amnesty can be granted (Republic of Uganda 2000). This the rebels will not easily do. They have claimed, "We are not going to lay down our arms as long as Museveni is still in Uganda as president, because the only language he understands is that of the barrel of the gun. We are not going to be intimidated or baited into compromise through Amnesty Law, because we have a clear agenda for fighting Museveni" (undated LRA/M letter, distributed in late December 1999, translated from the Acholi original).

As illustrated by the rebels' claim, ever since independence in 1962, the political environment in Uganda has become increasingly polarized. Unless the political issues at stake are seriously addressed on the national level, amnesty laws and cultural practices of reconciliation on the local level may function, intentionally or unintentionally, as weapons of war and mistrust rather than as tools of genuine peacemaking. It would be "an act of willful romantic naïveté," as Wilson (2001:11) shows in the case of South Africa, to conclude that African discourses on reconciliation alone are capable of bringing peace to social settings suffering from long-term armed conflicts or extreme political oppression, even more so if they are imposed by one party in the midst of ongoing conflict.

I am equally unsure whether the retributive justice of the ICC can end impunity in Uganda, because it will not necessarily facilitate a political understanding of the structural, historical, and even global conditions that caused and sustained the war. The ICC has basically proven unwilling to facilitate any genuine practice of listening. At the bottom of all this is the question of social injustices, regional unbalances, and political accountability on a wider and much more everyday scale in Ugandan society—freedom of movement and access to ancestral land, redistribution of national wealth, and everyday security and health. This, if anything, is what the functioning modern state is about. As Norbert Mao, a politician from northern Uganda, put it, "You cannot have justice if you don't have peace. You cannot talk about reconciliation when the structures which encourage violence have not been changed" (*Daily Monitor*, December 5, 2006; see also Branch 2007:193).

Putting down my pen here, in early 2009, I leave the analysis open by way of mentioning another Acholi ritual activity that can perhaps be more useful to start with, the *keto ajaa* ceremony ("to cut off the grass straw"), in which the opposing parties basically agree to disagree, not reconciling but cutting

off the bitter debate in order to be able to proceed. It is an acceptance of necessity for social interaction, to return to Fernandez (1965), and an argument to orient action toward one another. Ritual action mediates lived paradoxes, and social life can be sustained. It is essentially about *habitus*, or the dispositions of "a present past that tends to perpetuate itself into the future" (Bourdieu 1990:54). As a young man in northern Uganda described the incestuous law while he offered me some tea to drink, "Say that I invite you for and you happen to destroy my favorite cup. Then I say *jalo*—anyway, it is nothing to do. But I didn't forgive you." To accept the situation so that life goes on.