

## **Justice and Post LRA War in Northern Uganda: ICC Versus Acholi Traditional Justice System**

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### **Abstract**

Guns have gone silent in Northern Uganda after the LRA war, but clouds of injustice are still thick in the air. Perpetrators of injustice have disappeared in thin air. Victims of atrocities languish in their villages with psychological and physical scars difficult to forget; lips cut, legs maimed, girls raped, children abducted and some left parentless. The International Criminal Court (ICC), an institution of justice in the world, has taken over the process of justice by demanding for the arrests of the leaders of the LRA. However, the Acholi Elders and Religious Leaders have demanded an alternative justice system.

An investigation on how justice can be realized for these victims of war is needed. The question is; can justice be delivered to the people of Northern Uganda by the ICC, or by the alternative justice system, proposed by the Acholi Elders and Religious Leaders? Southwick (2005) calls this situation a dilemma for the ICC, while Ruaudel & Timpson (2005) describe it as “a forgotten and an unforgivable crisis”.

This paper discusses what justice in a post-conflict situation is and how it can be realized in Northern Uganda. The hypothesis is that true justice is more than punishments for wrongs done; it involves healing the wounds of conflict, mending broken hearts, reviving dampened spirits and restoring relations torn apart by human violence. This understanding is very close to the view of the Acholi Elders and Religious Leaders, which need to be critically examined for relevance in contemporary Africa.

**Keywords:** lord’s resistance army, LRA, international criminal court, ICC, Acholi traditional justice system, ATJS

## Introduction

This paper discusses justice in the context of post-armed conflict. The question is whether justice should be understood as appropriate punishments for bad conduct and rewards for good (Quaglioni, 2014), or as fairness (Rawls, 1971). If the first is the case, then one doubts whether those responsible for the bad conduct during the LRA conflicts in Northern Uganda have been justly punished. On the other hand, if justice is fairness, then one questions if fairness has been realized for the victims of this war. In the view of this paper, justice is more than punishments for wrongs committed, rewards for good done or even mere fairness for those wronged. Justice in a post-armed conflict situation is constitutive of all these mentioned, but more importantly, it is a process of healing and peaceful restoration of harmonious co-existence among individuals and within communities. It is this type of justice that can provide a true healing to a community that has suffered for more than two decades of war.

The International Criminal Court (ICC), in the context of Northern Uganda, thinks justice is the appropriate punishments for bad conduct during the war between the LRA and the GoU in Northern Uganda. While the Acholi Elders and Religious Leaders (AERL) think justice goes beyond appropriate punishments for the atrocities committed in Northern Uganda during this war. Justice in the view of the AERL encompasses; apology, compensation, forgiveness and reconciliation (Acirokop, 2010, p. 268). It is the concept of justice as forgiveness that divides the two camps; where the ICC interprets forgiveness as impunity for the perpetrators of injustice; the AERL see it as a basis of peaceful restoration of harmony within the community.

The views of various authors on this subject can be generally categorized into two: those in support of ICC justice system (Bassiouni, 2002; Tim, 2008) and those in support of alternative justice mechanisms (Keller, 2008; Wasonga, 2009; Acirokop, 2010; and Mwesigye, 2014). This paper takes the midway between these two extremes, as supported by McAuliffe (2013), though his approach is more a legal integration other than integration of the different methods for realizing justice, as this paper proposes.

The problem these views pose is in emphasizing the either or dichotomy; as if modern criminal justice mechanisms can never be combined with traditional justice systems. Here, the hypothesis is that there is need to look at the supplementary role of both the ICC and the traditional justice mechanisms in delivering justice for the people of Northern Uganda.

The methodology used in this paper is analytical, where strengths and weaknesses of these two positions are critically analyzed so as to derive the desired conclusions proper to this paper. In this analysis care has been taken in first presenting these opposing views as they are before digging deeper into the underpinning theories beneath them. Secondly, it is in these underlying theories where a better understanding of justice can be unveiled. Consequently, a better approach to administering justice in Northern Uganda will be proposed. This type of justice harmonizes other than polarizing the communities that have suffered for more than two decades. This theory is centered and guided by the view that crime that breeds injustice is more than a personal affair; it is as well a social affair. To understand the personal and social dimensions of crime, the paper will identify the African social philosophy behind this understanding that should be contextualized in the discussion on justice in Northern Uganda.

## The Context of the LRA War

The Northern Uganda war, which began in 1986, had different phases. It began with the Uganda People's Defence Army (UPDA) led by Brigadier Odong Latek, followed by the Holy Spirit Movement (HSM) of Alice Auma – nicknamed Lakwena, and later the Lord's Army (LA) of Severino Lukoya – Alice's father (RLP, 2004). This was followed by the deadly Joseph Kony's Uganda Christian Democratic Army (UCDA) in 1987, that changed its name to Lord's Resistance Army (LRA) in 1991 (Ojera, 2008).

When the war intensified, thousands of people were forced to relocate to IDP camps. These camps were established rhetorically as a way of protecting the civilians from the LRA, but actually they were means of denying the LRA resources, which included: civilians and especially children that were abducted at will; food supply, which were forcefully looted by the LRA; and more importantly, it was a denial of information, which the LRA cogently extracted from their civilian victims about the whereabouts of the government soldiers.

The effects of the displacements on the people of Northern Uganda were: denial of healthy living conditions, lack of food, and collapse of educational and health systems, among others. The people's vulnerabilities increased due to poor sanitation and health services in the camps, leading to frequent outbreaks of communicable diseases like Cholera, Hepatitis B, Nodding disease and Ebola. Indeed the IDP camps were like a death trap for the people of Northern Uganda.

On top of these, civilians continued to be killed, raped, maimed, adducted and attacked in broad daylight; huts were frequently torched and destroyed by rebels or gutted by fire. Lanz quoting Human Rights Watch (2005) adds the list to include: abductions of over 2,000 children, sex slavery of young girls, indoctrination and transformation of children into child soldiers, human rights abuse by the UPDF, forced displacements and failure to protect over 500,000 mostly Acholi people (Lanz 2007, p. 5).

The root causes of the war are many. The divide and rule policy of the British (Ojera, 2008) that allocated different roles to the different regions of Uganda is one of them: the Central – administration; the North and East – a reservoir for military recruitment; and the West – manual labor (Mugaju 1999). This was an attempt to apply the Platonic concept of justice as division of labor according to natural fitness, based on the dominant element in the human soul: wisdom (which favors administration), courage (favors guardians), and temperance (favors manual labor) (Sabine 1973). This policy gave birth to ethnic specializations that created what Lomo and Havil (2004) called the deep-rooted social, political and economic divide between the North and South of the country, heightened by various leaders since independence.

Another root cause is the excessive political power given to Ugandan Presidents by the Obote's 1967 and subsequent Constitutions, where presidents can "promote, transfer, dismiss and deploy army officers or commanders at will" (Ojera, 2008, p. 87). As history shows, Ugandan presidents are difficult to remove constitutionally.

History of militarism in Uganda, which made Ugandans think the best way to come to power is through the barrel of the gun. Beside the five military takeovers in Uganda since independence, twenty-two rebellions and insurgencies have been waged against the NRM

government alone by various actors since 1987 (Ojera, 2008). The LRA war is one of these rebellions.

African social philosophy of communal responsibility; where crimes committed by members of a given tribe are attributed to the entire tribe (Lajul 2011), is another root cause. This is manifested in collective condemnation of tribes belonging to ousted political leaders; the persecutions of people from Northern Uganda (1971–1979) when estimated 500,000 Acholi were killed by Idi Amin (Ojera, 2008) and people from West Nile region of Uganda (1979–1980), remain unforgettable legacies in the history of Uganda.

What triggered the war in Northern Uganda was however; the revengeful attitude of the NRA and FEDEMU fighting forces when they reached the North in 1986, which saw a number of former UNLF soldiers and politicians from the Acholi sub-region arrested (RLP, 2004). Other triggers were the violation of the Nairobi peace agreement by the NRA in 1985 and the Acholi's fear of repression by the NRA; given the history where subsequent regimes killed members of opposing tribes with impunity.

The main factors that perpetuated the conflict were: the perceived depletion of economic wealth of the Acholi people under the pretext of Karamojong cattle rustlers that raided cattle from Acholi land during the war; the support which the Khartoum regime gave the LRA in retaliation to the alleged support Uganda gave SPLA/M, which boosted the LRA military strength (Acker, 2004); and the metaphysical belief that war can be fought with spiritual powers (Ojera, 2008). In fact, all the rebel groups that came after the UPDA, claimed to use some spiritual powers to wage the war as the names HSM, LA, and the LRA reveal. The dismissal of the conflict in the North by Uganda president as a minor problem of insecurity caused by criminals and terrorists perpetuated the war (Ojera, 2008). Lastly, the LRA motivations transmuted from instrumental to existential ones; that is fighting as a means to capture political power to waging war as a vocation. Surely, the LRA fought for survival and security of its leaders and members (Vinci, 2007), which made them resilient.

With greater pressure from the International community on the GoU and the LRA to talk peace, there was gradual decrease in the intensity of the LRA war in Northern Uganda. At that moment, the ICC came with its verdict on how to administer justice to the victims of this war, which we are going to survey next.

## **Literature and Theory**

This section analyses different literatures and theories of justice which have been proposed for Northern Uganda. Apparently these theories are divided into two; those that look at justice as punishment for the wrongs done or rewards for the goods done, and those that look at alternative justice systems.

### **Justice as Retribution**

The ICC Institution bases its administration of justice on the theory that justice is punishment, prosecution and seclusion of perpetrators of injustice from society. This can be realized when crimes against humanity, genocide and war crimes are prosecuted at an international level, since grave crimes committed during wars and rebellions are often difficult to prosecute within national court systems (Human Rights Watch, 2004). Behind this

understanding is the theory that justice is retribution. Apparently, the ICC is this platform for retributive justice in the world.

Bassiouni (2002) thinks that the ICC combines humanistic values and policy considerations essential for the attainment of the goals of justice, redress and prevention as well as the need for the restoration of world order and world peace. Lanz (2007) noticed that besides Bassiouni's observation, five years after its creation, the ICC has been accused of being an impediment to what it was created to promote: peace. Bassiouni (2006) continued to note that with regard to Northern Uganda, the ICC indictments against top five senior members of the LRA was received negatively by some individuals involved in the Ugandan peace process, who have argued that it has undercut their efforts to advance peace initiatives. Father Carlos Rodriguez seems to confirm this when he said; "nobody can convince a rebel leader to come to the negotiating table and at the same time tell him that when the war ends he will be brought to trial" (Lanz, 2007).

Lanz thinks the ICC does not obstruct peace in Northern Uganda. In his view, it would be simplistic to look at the framework of peace versus justice, suggesting the pursuit of peace demands abandoning aspirations for justice, thus requiring the immediate withdrawal of the indictments against the LRA leaders. He equally challenges the contrary view, that peace settlement must imperatively include strong mechanisms of accountability, therefore suggesting the continuation of indictments by the ICC at all costs. In fact, Lanz (2007) seeks to provide a differentiated analysis, looking at costs and benefits of the ICC's intervention in terms of bringing about peace in Northern Uganda.

Lanz however, argues that, if it is in the interest of peace, the indictment of the ICC can be withdrawn, but this should be done legally, otherwise it would irreparably damage the credibility of the ICC.

### **Alternative Justice Systems**

The alternative justice system theorizes that justice is more than punishments or rewards for the wrong or good done. A number of authors have given their views on the alternative justice systems for Northern Uganda after the war between the LRA and GoU. Though the names given by each author may vary, five different concepts of alternative justice seem to emerge and they are the following: *Amnesty* (Nkandha, 2012); *Truth Commission* (Robinson 2003); *Transitional Justice* (Kirstine, 2009); *Restorative Justice* (Zehr & Gothar, 2003); and *Traditional Justice* (Tom, 2006; Ogora, 2009).

While it is beyond the scope of this paper to discuss in details all these justice systems, the focus of this paper is on the proposal made by the Acholi Elders and Religious Leaders. The closest to their view is the traditional justice system, which has great similarities with restorative or transitional justice.

### **Transitional Justice**

This theory perceives justice as a response to deal with and address crimes committed at major periods of political transformations. For Teitel (2003), transitional justice is a concept associated with periods of political changes, characterized by legal responses to confront the wrongdoings of repressive predecessor regimes. At its core, Kirstine (2009) clarifies that transitional justice constitutes the link between the concept of transition, referring to a period

of major political transformation, and the concept of justice, denoting a wide range of complementary criminal and non-criminal justice mechanisms. Literally, it means justice administered at major political transitions in a given area. In our case, it is an attempt to administer justice to Northern Uganda after the 20 years war waged between the LRA and the GoU.

Kirstine (2009) contends that this process, which was initiated by the GoU in its effort to restore peace and administer justice to the victims of the LRA war, runs the risk of failing because of the following reasons:

(1) The failure of the ICC and the national judicial system to prosecute the alleged perpetrators from both parties to the conflict; (2) the failure of the GoU to support and legitimize the traditional justice mechanisms; (3) the failure of the GoU to recognize the suffering of the victims through truth telling mechanisms and reparations; and (4) the failure to address the socio-economic marginalization and political disempowerment of Northern Uganda, which constitute the main root causes of the conflict (Kirstine, 2009).

Hence, transitional justice has not been realized in Northern Uganda after the LRA war with the GoU.

### **Restorative Justice**

This is a theory that true justice repairs and re-establishes peace and harmony within societies torn apart by war and human cruelty. For Zehr and Gohar, restorative justice is “a process to involve, to the extent possible, those who have a stake in a specific offense to collectively identify and address harms, needs and obligations in order to heal and put things as right as possible” (2003, p. 40). The main goals of restorative justice is to put key decisions into the hands of those most affected by crime, make justice more healing and transformative, and reduce the likelihood of future offenses.

Zehr and Gohar (2003) observe that to achieve these goals: victims are to be involved in the process and come out of it satisfied; offenders should understand how their actions have affected other people and take responsibility for these actions; outcomes should help to repair the harms done and address the reasons for the offense; and both victim and offender should get reintegrated into the community.

### **Traditional justice**

In a post-conflict situation, the theory behind traditional justice is that harmony, peace and fairness can only be realized when the offenders and the offended confront the crimes committed in truth, contrition, reparation, forgiveness and reconciliation. The essence of traditional justice system is centered on four core elements according to Ogora (2009): (i) truth telling and the opportunity for perpetrators to confess; (ii) reparations (or the payment of symbolic compensation); (iii) reconciliation; and (iv) the restoration of relations.

Ogora proposes to transform the traditional justice mechanisms by taking into account contemporary realities so as to complement the limitations of more standard forms of transitional justice. The reasons he gives are facts that; “traditional rituals and ceremonies are often presented in their “ancient” and “archaic” formats as they used to be practiced in the past. Yet times have changed: new conflicts including mass atrocities have sprung up and

new generations have been born who are not familiar with traditional practices” (Ogora, 2009).

Among the traditional justice mechanisms Ogora identified are: *Mato Oput* of the Acholi, *Kayo Cuk* of the Langi, *Ailuc* of the Iteso, *Ajupe* of the Kakwa, *Ajufe* of the Lugbara, *Aja* of the Alur, and the *Tolu Koka* of the Madi among others (Ogora, 2009). Other traditional justice mechanisms he mentioned across the African continent were; “*Inkundla* in South Africa, *Gacaca* in Rwanda, *Magambo* in Mozambique, and *Bashingantahe* in Burundi” (Ogora, 2009). For him all these traditional justice mechanisms have all been associated with the concept of Ubuntu, since most of them focus on the restoration of broken relations (Ogora, 2009).

To modernize traditional justice systems, Ogora (2009) identifies three key areas, which are: cultural revitalization and consultation with estranged groups like the youth and the Born again Christians; alteration of methods and procedures by which cultural rituals and ceremonies are to be conducted; and lastly, coordination of all existing rituals into one procedure.

## Discussions

In these discussions, I shall try to analyze the justice systems proposed above, the Acholi traditional justice system and the social philosophy behind it.

### Retributive Justice System

The ICC, which seems to endorse the retributive justice system, emphasizes punishment of the offenders and pays little attention to the plight of the offended. This makes justice lopsided. The indictment levied against the top five commanders of the LRA does not help to improve the situation of the offended. In as much as it did not help to stop the war, it still does not help the victims of the war.

But this paper argues that the real problem is not about the ICC indictment, but the imbalance between punishments, which is negative, and improving the conditions of the victims, which is positive. Even in administering punishment, there is lack of impartiality; prosecuting the LRA commanders and leaving the UPDF commander that are implicated in the atrocities scot-free.

Associating the LRA with other terrorists’ organizations in the world without proper investigations is a demonstration of this impartiality (Lanz, 2007, p. 5; Dunn 2007, p. 148). Understandably, the voluntary referral of LRA case for prosecution to the ICC is an expression of confidence in the nascent ICC institution’s mandate and a welcome opportunity to demonstrate its viability (Akhavan 2005, p. 404). From this background, the ICC suspects for the atrocities in Northern Uganda became this terrorist organization called the LRA. The accusing fingers pointed at the UPDF by the Human Rights Watch (2005, pp. 24–36), were then neatly ignored.

The view of this paper is that retributive justice by itself without the corresponding restorative justice leaves a lot to be desired in Northern Uganda. But this paper understands restorative justice in the sense of healing wounds of conflict, mending and reconciling societies and their members. Northern Uganda needs justices that punishes the offenders and

heals the wound inflicted on the offended. This missing link is provided by the alternative justice system proposed by AERL.

### **Transitional and Restorative Justice Systems**

From the literature surveyed we can read that transitional justice requires: (i) prosecution of all perpetrators of atrocities, in our case, both the LRA and the UPDF implicated in committing crimes in Northern Uganda; (ii) identification of a comprehensive justice mechanism; (iii) establishment of truth commission; (iv) and in addressing the root causes of conflict, which in our case is socio-economic marginalization of Northern Uganda. As per now, no significant effort has been made to address any of these issues outlined. The transitional justice system is ignored by both the GoU and the ICC.

On the other hand, restorative justice, which requires that key decisions should be put into the hands of the people of Northern Uganda who are most affected by the crimes committed against them is ignored. The prosecution of the top five LRA commanders by itself does not reduce the likelihood of future offenses, since the UPDF officers who were equally implicated feel exonerated. If this allegation is true, then the UPDF will think they can commit atrocities another time and nothing will happen to them. This will make impunity a real threat to lasting peace.

Similarly, the victims of the Northern Uganda war cannot come out satisfied that justice has been done to them simply by prosecution. Besides, the offenders do not acknowledge the damage they caused and they are not willing to accept responsibility for these offenses. Likewise, the plight of over 20,000 children abducted during the war, will not be addressed, which threatens lasting peace.

What transitional and restorative justice systems do not recognize is the social nature of crime. That any crime committed has social implications, so it requires a social context to comprehensively address it. The two systems take for granted that crime is a personal responsibility. The Acholi traditional justice system, which I am going to explain shortly, addresses this missing link.

### **Acholi Traditional Justice System and the Social Philosophy Behind It**

Justice is the fair distribution of benefits and burdens in the community, according to Acholi traditional system. This is derived from their social philosophy, which theorizes that crime is both a personal and social affair. Lajul identifies this as an African social philosophy, which states that, whatever affects an individual, affects the community, and whatever affects the community, affects the individual (2011, p. 128). In this line Mbiti says; *I am, because we are; and since we are, therefore I am* (1969, p. 106). An individual exists because of society, and society persists in the individual members. From this social philosophy, springs two principles: *communal responsibility* and *individual responsibility*.

The communal responsibility principle holds that social welfare or deprivation affects all the members of a community; and equally, individual welfare or deprivation influences the entire community. In the same way, crimes committed by individual members of society, affects all the members of that society, and crimes committed by members of a particular society, equally impinges on all the members of that society. In fact, the collective condemnation of tribes belonging to ousted political leaders because of crimes committed individually by



those leaders, which has been common in Uganda, is a result of this philosophy. The people of Northern Uganda still think they are being collectively victimized as they were from 1971 to 1979 during the reign of Idi Amin. They have a collective responsibility therefore, to preserve the innocent children abducted by Joseph Kony during the war.

However, the Acholi also uphold individual responsibility principle, which states that if any crime is committed by an individual against the members of one's own society, it is the individual or his/her immediate family to bear responsibility. The Acholi for this reason would not mind if Joseph Kony was prosecuted for the crimes he and his commanders committed against their own people, because they have individual responsibility to answer for such crimes. Forgiveness and reconciliation, on the other hand, should be extended to the family members of the perpetrators because they are not directly responsible for the crimes committed by their sons and daughters.

### **Findings, Conclusions and Recommendations**

In this section, the paper will identify the main findings of this paper, draw main conclusions and give some recommendations for the various stakeholders of justice, if peace and reconciliation are to prevail in Northern Uganda.

#### **Findings**

This paper found out that justice should target both the offenders and the offended. Unfortunately, the study found out that the ICC's emphasis is placed on the offenders and not on the offended. Alternative justice systems like transitional and restorative justice, place emphasis on the offended. However, the Acholi traditional justice system targets both the offenders and the offended. Besides, the Acholi traditional justice system takes into consideration the social philosophy and context within which crimes are committed. This goes beyond the offenders and the offended; it also involves the members of the community from which both the offenders and the offended come.

The Acholi traditional justice system begins with the acknowledgement that continuous revenge, which is encouraged by the Acholi social system, may lead to the extermination of society. Bloodshed, especially in the context of inter-tribal or inter-community violence, must be stopped. The mechanism to stop it was through negotiations between antagonistic communities, interceded by neutral parties. The key elements of the Acholi justice system, constitutes the following: the offenders acknowledgement and acceptance that they have wronged the offended; the offenders payment of reparation to the offended for the wrongs they have caused; the offended forgiveness of the offenders; and reconciliation between the two parties in burying their bitterness by symbolically drinking (*mato*) the bitter herb (*oput*) so that peace and harmony is restored. *Mato oput* then, is not synonymous with the Acholi justice system, since it is only the climax of that system of justice.

Thirdly, the study found out that the people of Northern Uganda need justice more than at any other time in their history, since this is the only way their region can stabilize and be put on track of peace and development. For this to happen, they do not need only retributive justice, but also traditional justice. In traditional justice, what matters are not the ceremonies, rituals and procedures, not even the agreement of all stakeholders, but adoption of the constitutive elements of this justice system as outlined above. For that matter, the frank acceptance of guilt by the offenders is a pre-requisite for this justice system to prevail.

Fourthly, for reparation to take place the evidences gathered through truth telling are needed. On the basis of these pieces of evidence, reparations or prosecutions can and be done. Legal processes could be used to verify such evidence. Where false claims are made, such compensation should be denied. Sufficient funds may be required to make this possible, which the international community could help to mobilize.

Fifthly, reconciliation requires honesty in accepting guilt and responsibility for crimes committed on the basis of which forgiveness can be realized. This honest process can lift dampened spirits, heal broken hearts and mend broken relations both at personal and community levels. For individual perpetrators that can be identified, depending on the gravity of the crimes, they should be allowed to undergo modern legal redress. This would be an area the ICC would be most competent to handle, but the majority of other cases, should be relegated to lower courts within national boundaries, or boundaries where such perpetrators have migrated. In this way, there will be no blanket amnesty for all grave crimes committed.

Lastly, restoration of relationships between identifiable members of the victims and perpetrators' families should be organized and effected under the auspices of the traditional justice system. In this way justice as a process of healing and restoring individuals and communities to a state of peaceful and harmonious co-existence will be achieved.

### **Conclusions and Recommendations**

In a post conflict situation, true justice should target both the offenders and the offended, and where the entire communities are affected, they too should be part and parcel of such justice procedures. The ICC in addressing injustice at international level using its preferred methodology, prosecution, should then try to understand these two components of justice. They should learn the unique situations within which it operates, particularly in executing its mandate in African countries. Local justice mechanisms should objectively and positively be studied and adopted to strengthen the mandate of the ICC.

Secondly, the legitimacy of the ICC depends on being recognized and accepted by the different peoples in the world. When people acknowledge the positive role played by the ICC in addressing conflicts and restoring peace, justice and harmony in the different parts of the world, then they will be popularly accepted. This paper recommends that they make an effort to understand world systems and the philosophies behind them, before universalizing prosecution as the key method of executing their mandates.

Thirdly, true justice in the context of armed conflicts should help to heal the wounds created by wars, mend broken hearts, revive dampened spirits and restore social relations torn apart by conflicts. To realize this, the world needs a much broader methodology, including prosecution when and where it is necessary, but above all bringing about peace through reparation, reconciliation and restoration of normality among and within the affected communities. This will help them address the needs of the offended and not only concentrate in punishing the offenders.

Fourthly, violence and crimes in the world will still continue to have social implications and sometimes these social implications are ignored. Crimes affect people beyond the confines of the offended parties. This paper recommends that for a long lasting solution to the social impacts of violence, better methodologies of addressing crime and violence should be

adopted. The International community could learn from the unique justice systems of the world and sometimes, from the so-called primitive or indigenous communities.

The paper also concludes that, the way things are, the root causes of injustice in Northern Uganda has not yet been addressed. The paper recommends that the socio-economic marginalization, not only of people in Northern Uganda, but also of any other parts of Uganda, should be taken seriously. This can be addressed through government socioeconomic policies and programs supported by civil society organizations, the international community and implemented progressively. These will likely close doors to future grievances among the different regions of Uganda.

Lastly, the paper concludes that African social philosophy of communal and individual responsibilities and the contexts in which they are applied have not yet been understood and appreciated by many scholars at international level. The paper recommends that the African social philosophy that limits and identifies communities with tribes, clans and villages should be extended to include all humankind, since we all belong to one big human community. Equally, communal responsibility should now be replaced by individual responsibility, even though crime by nature has social connotations.

## References

- Acirokop, P. (2010). The potential and limits of *mato oput* as a tool for reconciliation and justice. In S. Parmar, & et al (Eds), *Children and transitional justice: Truth-telling, accountability and reconciliation*, (pp. 267–292). Cambridge: Harvard University Press.
- Acker, F. V. (2004). Uganda and the Lord's Resistance Army: The new order no one ordered. *African Affairs*, 103(412), 335–357. <https://doi.org/10.1093/afraf/adh044>
- Akhavan, P. (2005). The Lord's Resistance Army case: Uganda's submission of the first state referral to the International Criminal Court. *American Journal of International Law*, 99(2), 403–421. <https://doi.org/10.2307/1562505>
- Bassiouni, M. C. (2002). The universal model: The International Criminal Court. In M. C. Bassiouni (Ed), *Post-conflict justice*, (pp. 813–825). Ardsley, NY: Transnational Publishers.
- Bassiouni, M. C. (2006). The ICC - Quo vadis? *Journal of International Criminal Justice*, 4(3), 421–427. <https://doi.org/10.1093/jicj/mql022>
- Dunn, C. K. (2007). Uganda: The Lord's Resistance Army. In K. C. Dunn & M. Bøås, *African guerrillas: Raging against the machine*, (pp. 131–149). Boulder, CO: Lynne Rienner Publishers.
- Human Rights Watch. (2004). *Human Rights Watch world report, 2004: Human rights and armed conflict*. Washington, DC: Human Rights Watch.
- Human Rights Watch. (2005). *Uprooted and forgotten: Impunity and human rights abuse in Northern Uganda*, 17.12(A). pp. 1–76.
- Keller, M. L. (2008). Achieving peace with justice: the international criminal court and Ugandan alternative justice mechanisms. *Connecticut Journal of International Law*, (23)209, 209–279.
- Kirstine, A. I. (2009). Transitional Justice in Northern Uganda. *A report on the pursuit of justice in ongoing conflict*. Department of Society and Globalization: Roskilde University.
- Lajul, W. (2011). Impact of African traditional ethics on behaviour in Uganda. *MAWAZO: The Journal of the College of Humanities and Social Sciences, Makerere University*, (10)3, 125–139.
- Lanz, D. (2007). The ICC's intervention in Northern Uganda: Beyond the simplicity of peace vs. justice. In *The ICC in Northern Uganda*, (pp. 1–30). The Fletcher School of Law and Diplomacy.
- Lomo, Z. & Hovil, L. (2004). *Behind the violence: The war in Northern Uganda*. Pretoria, South Africa: Institute of Security Studies.
- Mbiti, S. J. (1969). *African religions and philosophy*. London: Morrison & Gibb Ltd 1969.
- McAuliffe, P. (2013). Romanticization versus integration? Indigenous justice in rule of law reconstruction and transitional justice discourse. *Goettingen Journal of International Law*, 5(1), pp. 41–86.
- Mugaju, J. (Ed.), (1999). *Uganda's age of reforms: A critical overview*. Kampala: Fountain Publishers.
- Mwesigye, R. A. (2014). An involvement of African traditional means of reconciliation to improve conflict management in Africa. *Journal of Modern Education Review*, 4(2), 142–152.
- Nakandha, E. (2012). *Amnesty: An 'olive brabch' in justice? Amnesty advocacy tool for Uganda*. Kampala: Avocats Sans Frontières (ASF).
- Ogora, L. O. (2009). *Moving forward: Traditional justice and victim participation in Northern Uganda*. Wynberg, South Africa: Institute for Justice and Reconciliation.

- Ojera, L. J. (2008). Chapter 4 – Northern Uganda: Tradition-based practices in Acholi region. In *Traditional justice and reconciliation after violent conflict: Learning from African experiences* (pp. 84–121). Stockholm: International Institute of Democracy and Electoral Assistance (IDEA).
- Quaglioni, D. (2014). Machiavelli, the prince and the idea of justice. *Italian Culture*, 32(2), 11–21. <https://doi.org/10.1179/0161462214Z.00000000027>
- Rawls, J. (1971). *A theory of justice, revised edition*, Massachusetts: The Belknap Press of Harvard University Press Cambridge.
- Refugee Law Project (RLP). (2004). *Behind the violence: Causes, consequences and the search for solutions to the war in Northern Uganda*. Old Kampala: USAID, Perryman's Garden.
- Robinson, D. (2003). Serving the Interests of Justice: Amnesty, Truth Commissions, and the International Criminal Court. *EJIL*, 14(3), 481–505.
- Ruauadel, H. & Timpson, A. (2005). *Northern Uganda – from a forgotten war to an unforgivable crisis – the war against children*. Institute for Security Studies; Situation Report.
- Sabine, H. G. (1973). *A history of political theory*, 4th ed. New York: Harcourt Brace College Publishers.
- Southwick, K. (2005). Investigating war in Northern Uganda: Dilemmas for the International Criminal Court, *Yale Journal of International Affairs*. 1(1), 105–119.
- Teitel, G. R. (2003). Transitional justice genealogy. *Harvard Human Rights Journal*, 16(1), 699–714.
- Tim, A. (2008). Ritual (Ab)use? Problems with traditional justice in Northern Uganda. In N. Waddell & P. Clark (Eds), *Courting conflict? Justice, peace and the ICC in Africa*, (pp. 47–54). London: Royal African Society.
- Tom, P. (2006). *The Acholi traditional approach to justice and the war in Northern Uganda*. Joan B. Kroc Institute for International Peace Studies: University of Notre Dame.
- Vinci, A. (2007). Existential motivations in the Lord's Resistance Army's continuing conflict. *Studies in Conflict & Terrorism*. 30 (4), 337–352. <https://doi.org/10.1080/10576100701200173>
- Wasonga, J. (2009). Rediscovering Mato Oput: The Acholi justice system and the conflict in Northern Uganda. *Africa Peace and Conflict Journal*. 2(1), 27–38.
- Zehr, H. & Gothar, A. (2003). *The little book of restorative justice*. Pennsylvania, USA: Good Books, Intercourse.

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