

Here, Not There?
Theorizing about why traditional mechanisms work in some communities, not others¹

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A significant amount of research surrounding traditional practices of conflict resolution and social reconstruction has been conducted in Uganda. Many of these studies have claimed, wrongly, that traditional mechanisms are the best possible solution.³ Most of these studies have centred around traditional practices in Northern Uganda, as a kind of antidote to the horrors of the civil conflict that has taken place there since the mid-1980s. Indeed, enough interest in these practices has been garnered that the Government of Uganda itself has extolled the virtues of their use in resolving the current conflict.⁴

It is becoming increasingly clear, however, that these traditional practices are used successfully in some communities but not others—in the north and elsewhere. My own work on traditional practices throughout Uganda, and a small number of studies carried out on practices other than those in the north, have pointed to differences in these practices throughout the country.⁵ This paper explores a number of potential hypotheses that might explain these differences.

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³ See Adam Branch, “Ethnojustice: the Theory and Practice of ‘Traditional Justice’ in Northern Uganda,” a paper presented at the conference, “Reconstructing Northern Uganda,” held by the Nationalism and Ethnic Conflict Research Group, The University of Western Ontario, London, ON: 9 April, 2008.

⁴ Ruhakana Rugunda, “Keynote Address,” Stakeholders Consultative Meeting on the Juba Peace Talks: A search for durable peace in Northern Uganda, Kampala, Uganda, 30 Aug. 2006.

⁵ See Joanna R. Quinn, “Gender and Customary Mechanisms in Uganda,” paper prepared for presentation at the Global Gender Justice Symposium, George Mason University, Fairfax, VA, April 17, 2008. See also Lorelle Jabs, “You Can’t Kill a Louse with One Finger: A Case Study of Intra- versus Inter-group Conflict in Karamoja, Uganda,” *Peace and Change, in press*; and Joanna R. Quinn, “Social Reconstruction in Uganda: The Role of Informal Mechanisms in Transitional Justice,” *Human Rights Review*, 8.4 (2007): 389-407.

What are Traditional Practices, and How are They Used in Uganda?

As I have written elsewhere, traditionally, cultures and societies around the world had highly complex, highly developed systems for dealing with conflict and conflict resolution. These systems carried out a number of functions, including mediation, arbitration, adjudication, restitution, and punishment—the same retributive elements included in the kinds of systems familiar in “modern” justice. They often also included elements of restoration and reconciliation.⁶ And these elements typically functioned in tandem.

In many parts of the world, these practices were shoved aside to make way for modern, Western ideas and practices. Colonial rulers disparaged such traditional customs, and allowed only “natives” within the colonies to utilize them, setting up separate mechanisms for use by “non-natives,” effectively creating a dual system.⁷ In Uganda, traditional practices were officially prohibited in 1962, at the time of Independence, in favour of a harmonized court system modeled on the British system.⁸ Yet they have continued to be used in different parts of the country. They are now legally provided for under legislation including Article 129 of the 1995 Constitution, which provides for Local Council Courts⁹ to operate at the sub-county, parish and village levels;¹⁰ and the Children Statute 1996, which grants these courts the authority to mandate any number of things including reconciliation, compensation, restitution, and apology.¹¹ And the Government of Uganda has recognized the potential of these practices in the recent Agreement on Accountability and Reconciliation and the subsequent Annexure, which emerged out of the Juba Peace Talks.¹² Although these mechanisms broadly fit within very different approaches to justice, whether retributive or restorative, and fulfill different roles within their respective societies, from cleansing and welcoming to prosecution and punishment, what they have in common is that they draw upon traditional customs and ideas in the administration of justice in modern times.

These institutions are still widely used throughout the country by many of the 56 different ethnic groups.¹³ Among the Karamojong, the *akiriket* councils of elders adjudicate disputes according to traditional custom¹⁴ which include cultural teaching and ritual cleansing

⁶ Joanna R. Quinn, “Tried and True: The Role of Informal Mechanisms in Transitional Justice,” a paper presented at the International Society of Political Psychology Annual Meeting, Toronto, 6 July 2005.

⁷ Mahmood Mamdani, *Citizen and Subject* (Kampala: Fountain Publishers, 1996), 109-110.

⁸ The British Colonial Office, *Report of the Uganda Relationship Committee*, 1961.

⁹ The LC Courts were formerly known as Resistance Council Courts and “were first introduced in Luweero in 1983 during the struggle for liberation. In 1987 they were legally recognized throughout the country.” See Waliggo, “The Human Right to Peace for Every Person and Every Society,” 7.

¹⁰ “Uganda: Constitution, Government & Legislation,” [article on-line]; available from <http://jurist.law.pitt.edu/world/uganda.htm>, accessed 30 April 2005.

¹¹ Government of Uganda, *The Children’s Statute 1996*.

¹² These documents form one part of a five-part agreement that was signed in June 2007 and February 2008, respectively. Although the agreements were signed, at the time of writing, the final agreement has not been signed and both parties have walked away from the talks. See Joanna R. Quinn, “Accountability and Reconciliation: Traditional Mechanisms of Acknowledgement and the Implications of the Juba Peace Process,” a paper presented at the conference, “Reconstructing Northern Uganda,” held by the Nationalism and Ethnic Conflict Research Group, The University of Western Ontario, London, ON: 9 April, 2008.

¹³ For a more in-depth discussion of the use of traditional mechanisms in Uganda, see Joanna R. Quinn, “What of Reconciliation? Traditional Mechanisms of Acknowledgement in Uganda,” a paper prepared for *Reconciliation*, a conference held by the Nationalism and Ethnic Conflict Research Centre at The University of Western Ontario, May 14-15, 2005.

¹⁴ Bruno Novelli, *Karimojong Traditional Religion* (Kampala: Comboni Missionaries, 1999) 169-172, 333-340.

ceremonies.¹⁵ The Acholi use a complex system of ceremonies in adjudicating everything from petty theft to murder;¹⁶ in the current context, two ceremonies have been adapted to welcome ex-combatant child soldiers home after they have been decommissioned: *mato oput* (drinking the bitter herb), and *nyouo tong gweno* (a welcome ceremony in which an egg is stepped on over an *opobo* twig).¹⁷ These ceremonies are similar to those used by the Langi, called *kayo cuk*, the Iteso, called *ailuc*, and the Madi, called *tonu ci koka*.¹⁸ The Lugbara, in the northwest of the country, maintain a system of elder mediation in family, clan and inter-clan conflict.¹⁹ And in 1985, an inter-tribal reconciliation ceremony, *gomo tong* (bending the spear) was held to signify that “from that time there would be no war or fighting between Acholi and Madi, Kakwa, Lugbara or Alur of West Nile.”²⁰ A similar ceremony, *amelokwit*, took place between the Iteso and the Karamojong in 2004.²¹

In some areas, however, these practices are no longer used regularly. From time to time, the Baganda use the traditional *kitewuliza*, a juridical process with a strong element of reconciliation, to bring about justice.²² The “Annexure to the Agreement on Accountability and Reconciliation” also lists those mechanisms used by the Ankole, called *okurakaba*²³—although I have uncovered only weak anecdotal evidence of their continued use.

People from nearly every one of the 56 ethnic groups in Uganda have reported to me that “everyone respects these traditions,”²⁴ and that reconciliation continues to be an “essential and final part of peaceful settlement of conflict.”²⁵ But many, particularly young, educated Ugandans who live in the city, have also reported to me that they have never participated in such ceremonies.²⁶ Yet a common understanding of these symbols, ceremonies, and institutions, and their meanings remains throughout Uganda—even in those areas where such practices are no longer carried out.

Why Traditional Practices are used Here, Not There

¹⁵ Peter Lokeris, Minister of State for Karamoja, interview by author, 18 Nov. 2004, Kampala, Uganda.

¹⁶ See Thomas Harlacher, Francis Xavier Okot, Caroline Aloyo Obonyo, Mychelle Balthazard, and Ronald Atkinson, *Traditional Ways of Coping in Acholi: Cultural provisions for reconciliation and healing from war* (Kampala: Thomas Harlacher and Caritas Gulu Archdiocese, 2006).

¹⁷ For an excellent description of *mato oput* see Sverker Finnstrom, *Living With Bad Surroundings: War and Existential Uncertainty in Acholiland in Northern Uganda* (Uppsala: Acta Universitatis Upsaliensis, Uppsala Studies in Cultural Anthropology no. 35, 2003) 297-299.

¹⁸ Government of Uganda and Lord’s Resistance Army/Movement, “Annexure to the Agreement on Accountability and Reconciliation” (Juba, 19 Feb. 2008), Art.21.1.

¹⁹ Joseph Ndrua, “A Christian Study of the African Concept of Authority and the Administration of Justice among the Lugbari of North Western Uganda,” (M.A. diss., Catholic Higher Institute of Eastern Africa, 1988), 42-56.

²⁰ Finnstrom, *Living With Bad Surroundings*, 299.

²¹ Iteso focus group, conducted by author, 31 Aug. 2006, Kampala, Uganda.

²² John Mary Waliggo, “The Human Right to Peace for Every Person and Every Society,” (paper presented at Public Dialogue organized by Faculty of Arts, Makerere University in conjunction with Uganda Human Rights Commission and NORAD, Kampala, Uganda, 4 Dec. 2003) author’s collection, 7. Also, idem, “On Kitewuliza in Buganda, 3 May 2005,” author’s collection, 1.

²³ Government of Uganda and Lord’s Resistance Army/Movement, “Annexure,” Art.21.1.

²⁴ Confidential interview by author with Sabin man studying at Makerere University, 7 Nov. 2004, Kampala, Uganda.

²⁵ Waliggo, “The Human Right to Peace for Every Person and Every Society,” 9.

²⁶ Northern Uganda focus group, conducted by author, 23 Aug. 2006, Kampala, Uganda.

What no one has yet explored are the reasons behind why these mechanisms are utilized in some societies, while they have seemingly been left behind by others. For they are by no means universally used across the country. The following section explores five potential hypotheses.

Social Change

Institutions change over time.²⁷ “Social change is the alteration of social interactions, institutions, stratification systems, and the elements of culture over time.”²⁸ Like any social practice located in the sphere of actions that is governed by human activity, it is to be expected that social customs will become modified as those actions that inform them also become altered.

And so, like all institutions, traditional practices have also changed. In neighbouring Rwanda, the *gacaca* courts represent the embodiment of this idea: They are a newly-constituted practice that has been constructed in the manner of a collection of traditional practices which had ceased to exist for a period of years, and that now carry the same, traditional name. Similarly, traditional elders courts that operate in aboriginal communities across Canada²⁹ and Navajo Courts that have been (re)created in the United States³⁰ mimic those traditional practices that used to exist. They are modeled on old institutions, with changes made to make them relevant to contemporary circumstances. In this way, they are “neo-traditional” institutions.³¹

In other instances, these traditions have continued without interruption over time, but have gradually been adapted. Traditional values and teachings continue to inform the ritual of such practices. *Conselho* psychological healing in Angola,³² and ceremonies to “cool the heart[s]” of child ex-combatants upon their return to their home communities in Sierra Leone, are said to be an extension of traditional practices, although they have become modified over time.³³ As such, these customs look very similar to the kinds of mechanisms that are understood to have existed in pre-Western societies. In many cases, these mechanisms have also been formalized, in that their proceedings are regularized and carried out according to pre-arranged and codified rules. This is also the case in Uganda.

It is not surprising that the role played by traditional mechanisms of justice has changed. As has been shown about social institutions throughout the world, these kinds of conventions change over time, influenced by current social practice. The intrusion of colonial powers into Uganda caused a significant upheaval in the social customs of the country, as did the centralization of governance structures.

The introduction and subsequent influence of other religions, particularly Christianity, cannot be underestimated in this case. Christianity forcefully led many to reject traditional

²⁷ Max Weber was one of the early proponents of the theory of social change. See Max Weber, *Economy and Society: An Outline of Interpretive Sociology* (New York: Bedminster Press, 1968).

²⁸ Margaret L. Andersen and Howard F. Taylor, *Sociology: Understanding a Diverse Society* (Belmont, CA: Thomson Wadsworth, 2005), 618.

²⁹ Rupert Ross, *Returning to the Teachings* (Toronto: Penguin, 1996).

³⁰ Philmer Bluehouse and James Zion, “The Navajo Justice and Peace Ceremony,” in *The Mediation Quarterly* 10.4 (Summer 1993): 328.

³¹ Stephen Brown, “Forging National Unity in Rwanda: Government Strategies and Grassroots Responses,” a paper presented at *Reconciliation*, a conference held by the Nationalism and Ethnic Conflict Research Centre at The University of Western Ontario, May 14-15, 2005. See also Priscilla Hayner, *Unspeakable Truths* (New York: Routledge, 2001), 192.

³² Carola Eyber and Alastair Ager, “Conselho: psychological healing in displaced communities in Angola,” *The Lancet* 360 (Sep. 14, 2002) 871.

³³ Rosalind Shaw, *Rethinking Truth and Reconciliation Commissions: Lessons from Sierra Leone*, United States Institute of Peace, Special Report 130 (Feb. 2005): 9

mechanisms³⁴—although a number of people interviewed referred to the level of compatibility between their religious beliefs and Acholi traditional mechanisms, and saw no contradiction. This is of great concern for those who have converted to Christianity but hold to their traditional beliefs as well. And many are also concerned that some groups, including religious leaders, are co-opting the process. One woman said,

It is no use performing healing rituals in town. The thing they are doing now is a big mistake. It will take all the *cen* to the place where it is done. Those rituals will have to be done by clan elders. The Acholi are losing their culture. Culture was created by God. I am very Christian. Jesus goes with my culture. I love God so much. I respect Catholics. They brought Jesus to us. But they must correct their mistake. I helped set up the Acholi Traditional Ritual and Prayer Committee. We collected information and messages from old elders and summarized them. Instead of listening, the *rwodi mo* (the annointed traditional chiefs) are fighting those people. It is because the religious leaders are mobilizing the *rwodi mo*. They are saying the old ways are Satanic... They are fighting against the real rituals. We need to mobilize the elders for prayers and rituals. I don't want *rwodi mo* interfering.³⁵

There is some evidence of the decline in the use of these practices.³⁶ “The traditional values, cultural knowledge and social institutions of everyday life are threatened.”³⁷

Certain practices and beliefs are still widespread in some areas of Acholi but less common in others. Moreover, some rituals might not have been performed for a long time in a particular area because it has not been possible to put together all the necessary components due to extreme poverty or war-time insecurity, but might still be applicable and sought after by the community.³⁸

And the social meanings of the ceremonies that are still practiced appear, in some cases, to be shifting³⁹ as people move farther away from their *gemeinschaft* communities⁴⁰ toward better education and jobs in cities. Among the Karamojong⁴¹ and also among the Acholi,⁴² cultural education through practice and social education, is beginning to decline.

Yet, even institutions no longer in common use provide strong examples of social order:

It would be wrong to imagine that everything traditional has been changed or forgotten so much that no traces of it are to be found. If anything, the changes are generally on the

³⁴ Hon. Kefa Sempange, interview with author, 18 Nov. 2004, Kampala, Uganda.

³⁵ *Ibid.*, 80.

³⁶ Allen reports that a study funded by the Belgian government revealed that young people no longer automatically respect the elders. Tim Allen, *War and Justice in Northern Uganda: An Assessment of the International Criminal Court's Intervention* (London: Crisis States Research Centre, Development Studies Institute, London School of Economics, Feb. 2005), 76.

³⁷ Finnstrom, *Living With Bad Surroundings*, 201.

³⁸ Harlacher et al., *Traditional Ways of Coping in Acholi*, 113.

³⁹ Finnstrom, *Living With Bad Surroundings*, 298.

⁴⁰ Ferdinand Tönnies made a distinction between *gemeinschaft* communities, which he saw as tightly-knit primary kinship groups, and *gesellschaft* communities, which he identified when “people... leave their primary groups for association with those who may be strangers.” Ferdinand Tönnies, *Community and Society*, trans. Charles P. Loomis, ed. (Chicago: University of Chicago Press, 1957), 65.

⁴¹ Novelli, *Karimojong Traditional Religion*, 201-225.

⁴² Finnstrom, *Living With Bad Surroundings*, 76, 219. See also E.E. Evans Pritchard, *Witchcraft, Oracles and Magic Among the Azande* (Oxford: Clarendon Press, 1937) 154.

surface, affecting the material side of life, and only beginning to reach the deeper levels of the thinking pattern, language content, mental images, emotions, beliefs and response in situations of need. Traditional concepts still form the essential background of many African peoples, though obviously this differs from individual to individual and from place to place. I believe ... that the majority of our people with little or no formal education still hold on to their traditional corpus of beliefs.⁴³

These kinds of ceremonies “help us deepen our experience of events, cope with them, humanize them.”⁴⁴

“These practices, far from being dislocated in a past that no longer exists, have always continued to be situated socially. They are called upon to address present concerns. Of course, like any culturally informed practice, with time they shift in meaning and appearance.”⁴⁵ The use of traditional practices, for example, has been widely reported in Northern Uganda to deal with those children who have returned home after forcible abduction, during which time they have been forced to commit unspeakable atrocity. Traditionally, Acholi ceremonies of *mato oput*, which involves the ritual drinking of a bitter soup to cleanse impurities, and *nyouo tong gweno*, which involves stepping on and breaking an egg over an *opobo* twig to be welcomed home, were utilized to bring about healing between a perpetrator and his victim(s). In the present context, multiple ceremonies of both are being carried out in which hundreds of perpetrators are healed at a time, each walking on the same broken egg and drinking from the same soup.⁴⁶

Conflict

Conflict causes tremendous upheaval. The scope and scale of conflict in Uganda has been immense: including the present conflict, it is estimated that three million people have been killed, tens of thousands gravely injured, tens of thousands abducted and forcibly conscripted,⁴⁷ and close to two million forced to flee situations of conflict within their own country. Similarly, dozens of conflicts have affected different parts of the country since Independence in 1962, causing death and destruction. It is the case that the presence of protracted civil conflict in various parts of the country has altered the manner in which people are able to live, and, consequently, to deal with conflict.

The effect has been that people have been forced to live apart from their *gemeinschaft* communities, in reconstituted and blended settings like camps for the internally displaced. It is

⁴³ John S. Mbiti, *African religions and philosophy* (Kampala: East African Educational Publishers, 1969, 2002), xi.

⁴⁴ Aylward Shorter, *African Culture* (Nairobi: Paulines Publications Africa, 1998), 61.

⁴⁵ Finnstrom, *Living With Bad Surroundings*, 299.

⁴⁶ Barney Afako, “Reconciliation and justice: ‘Mato oput’ and the Amnesty Act,” Conciliation Resources; article online; available from <http://www.c-r.org/our-work/accord/northern-uganda/reconciliation-justice.php>; accessed 19 May 2008.

⁴⁷ The exact number of abductees in the present conflict is unknown. Pham, Vinck and Stover estimate that “the LRA abducted 54,000 to 75,000 people, including 25,000 to 38,000 children, into their ranks between 1986 and 2006.” Phong N. Pham, Patrick Vinck, and Eric Stover, “The Lord’s Resistance Army and Forced Conscription in Northern Uganda,” *Human Rights Quarterly* 30.2 (May 2008): 404. “The scale of abduction is a matter of speculation” due to insufficient monitoring. Allen, *War and Justice in Northern Uganda*, iii. Forced conscription has been reported in many of the conflicts that have taken place since 1962, into both Government of Uganda and rebel ranks. Dennis Pain, *The Bending of Spears: Producing consensus for peace and development in Northern Uganda* (London: International Alert, 1997), 29.

estimated that 1.8 million⁴⁸ people are internally displaced within Northern Uganda, and living in ostensibly protected camps for the internally displaced, a figure which represents more than 80% of the region's population. These camps are an "integral part of the Ugandan government's anti-insurgency policy. In some places, anyone who refused to move from their rural homes was forcibly displaced."⁴⁹ Effectively, the people were "herded into camps where they [are forced to] survive on relief aid."⁵⁰ "While roughly 230,000 people have left the camps, few have actually returned home. Most have been relegated to smaller resettlement camps where conditions are often as bad (or worse) than the older, more established sites."⁵¹ The camps have led to a phenomenon of "suspended animation"⁵²—people have put off carrying out the activities of daily life, merely trying to survive, hoping that they would soon be able to leave the camps and return to their homes to pick up where they had left off.

Research has begun to demonstrate that those who have been living in the camps are fearful of encountering violence upon their return, and are, thus, reluctant to do so. While many people do remain in the camps, a number have begun to transit back and forth between the camps and their village homes regularly; in one community, more than 53% of the population reported maintaining a residence in both the camp and in their community.⁵³ For many, these camps, in which people have been living for up to 20 years, have become communities.⁵⁴ Some have suggested that a substantial number of IDPs may not ever be able to return to their homes.⁵⁵ In this case, the enforced 'communities' that have sprung up within the IDP camps may be formalized, and the camps themselves will become permanent.

As such, the behavioral patterns of those forced to live in the camps have also changed. For example, it is considered too dangerous to sit around the traditional *wang oo* (campfire) at night, where such situations ought to be discussed. "Thus the oral tradition and all that is bound up in it has been subsumed beneath the constant threat of violence."⁵⁶ "War is destroying our tradition. In the camps, the animals are not there – not even chickens, not even the eggs that the ones who come back from the bush have to step on. And we can no longer sit at night and discuss all these things. The army tells us to stay inside."⁵⁷ "You know, the camp is like a tree where you are getting shelter, it is not like a home where cultural things can be carried out."⁵⁸

⁴⁸ Geresome Latim, Secretary to the Paramount Chief of Acholi, interview by author, 22 Nov. 2004, Gulu town, Uganda; also World Vision, *Pawns of Politics: Children, Conflict and Peace in Northern Uganda* (Kampala: World Vision, 2004), 4.

⁴⁹ Allen, *War and Justice in Northern Uganda*, 23.

⁵⁰ Moses Odokonyero, "Acholi's political 'Elephant breed' fails," *The Monitor* (Kampala), 10 March 2006.

⁵¹ Enough, "Northern Uganda Monthly Report," April/May 2007, [article on-line]; available from <http://www.enoughproject.org/region/northern-uganda/overview.php>; accessed 20 April 2007.

⁵² In medical terminology, *suspended animation* refers to the slowing of vital functions by external means without resulting in death.

⁵³ Eric P. Green, "Communities in Transition," a paper presented at the conference, "Reconstructing Northern Uganda," held by the Nationalism and Ethnic Conflict Research Group, The University of Western Ontario, London, ON: 9 April, 2008.

⁵⁴ *Ibid.*

⁵⁵ "UNDMT Technical Group Status Report: Preparatory Planning for Displaced Persons" as cited in Chris Dolan, "Understanding War and Its Continuation: The Case of Northern Uganda," (Ph.D. diss., University of London, 2005), 167.

⁵⁶ Hovil and Quinn, *Peace First, Justice Later*, 24.

⁵⁷ RLP interview with young man, Acholi Bur IDP camp, Pader, 15 March 2005, (through translation), from Hovil and Quinn, *Peace First, Justice Later*.

⁵⁸ RLP interview with elderly woman, Corner Kamdini, Kitgum town, 14 March 2005, interview in Acholi (no translation), from Hovil and Quinn, *Peace First, Justice Later*.

If you look at the way huts are built, squeezed together, and what people do at night – even at daytime – has removed respect completely now... Morally we are completely broken, the Acholi way of life is torn apart.... Raping women has not been acceptable in Acholi culture, but today it is very pleasing. Killing has never been accepted in Acholi culture, but today it is considered a game. Go and see in the street what kind of games people play, the words people use. Our children now talk about laying ambush, shoot to kill – war games. Before they used to play marriage games, dancing games, hunting games. Now they make tanks, lorries, airplanes.⁵⁹

“Our culture was very rich. Education was not just got from formal classrooms. *Wang-oo* was the place all the cultural, moral education happened. In camps the *wang-oo* is not there. Now parents do not have time to talk to their children... Now the basic “family” is destroyed and also the community at large. The camp situation has left people not believing in reality. They now have this as their way of life, they now dwell on artificial life, the hand-outs, feeding on WFP [World Food Program-provided food]. Being dependent is now part of the system, something that used not to happen.”⁶⁰

Some of the people of Northern Uganda have reported that traditional mechanisms can no longer be applied in any meaningful way in a context of displacement: ceremonies have little meaning when there is no place to perform them, and food is so scarce that there are no animals left to sacrifice.⁶¹ “The pre-war cultural agency of the displaced Acholi people diminishes. In the long run, the situation is of course socially destructive.”⁶²

In part because of the dislocation of the community into IDP camps, and in part because the ceremonies themselves are being changed to some extent to deal with the present and formerly unknown circumstances, they feel that it is not proper to carry out these ceremonies. The *Rwot* (Chief) of Atiak reiterated these concerns:

[The performing of *mato oput* and other healing ceremonies] has to be done by the elders of each clan (*kaka*) [and not by government officials, as is being done now]. This thing they have been conducting in Gulu is not good. But what can I do? They accepted to do it there. They must do it separately [and not in groups as it is currently being done]. If they do it in the town it will make things worse. It will bring *cen* [evil spirits] there...⁶³

Added to this is the effect of displacement on children, who are no longer growing up within the type of environment that is conducive to passing on ideas and values that underpin many of the cultural mechanisms. Many now feel that traditional mechanisms have become obsolete. Yet others believe that traditional practices ought to be resumed once people return home.⁶⁴ “[Traditional mechanisms] can work if all the people have gone to their normal settlements, not as IDPs. Because then you are sure of where your son or child is. But if we

⁵⁹ RLP interview with elderly man, Gulu town, 3 March 2005, from Hovil and Quinn, *Peace First, Justice Later*.

⁶⁰ RLP interview with young man, Kichwa, 13 March 2005, interview in Acholi (no translation), in Hovil and Quinn, *Working Paper 17*.

⁶¹ Lucy Hovil and Joanna Quinn, *Working Paper 17: Peace First, Justice Later* (Kampala: Refugee Law Project, July 2005), 24-25.

⁶² Sverker Finnstrom, *Living With Bad Surroundings (War and Existential Uncertainty in Acholiland in Northern Uganda)* (Uppsala: Acta Universitatis Upsaliensis, Uppsala Studies in Cultural Anthropology no. 35, 2003), 204.

⁶³ Cited in Allen, *War and Justice in Northern Uganda*, 79.

⁶⁴ Hovil and Quinn, *Working Paper 17*, 24-25.

return to our homes, then we can start to do these things again.”⁶⁵ Many see the use of traditional mechanisms as a vital component to the whole process of return, symbolizing aspects of social cohesion that have been lost in the process of displacement.

There is some support for the carrying out of traditional practices in the camps. “Our chiefs are trying to revitalize the system, but not fully. Because now, many of the cleansing ceremonies for example are done here in Gulu. If it could be done in the camps, I think many of the young there would see, ‘this is the way things used to be done.’ But when things are only done in Gulu, then only the wrongdoers see what is being done.”⁶⁶ Indeed, some feel that the younger generation does not recognize or understand such mechanisms any longer, a complaint that is not uncommon in many societies around the world. It has become difficult to “teach the children [the] Acholi culture.”⁶⁷

The war itself has caused tremendous change and dislocation. And as a result, the use of traditional practices has slowed or even stopped.

Scope of Conflict

Closely related to the manner in which people are able to deal with conflict is the scope of conflict and its relation to the use of traditional practices. It is likely that the extent of conflict in the present circumstance may have caused such traditions to become dislocated or modified beyond any useful form. One example of this type of modification is the group *mato oput* ceremonies, discussed above, which would have little meaning, and would be largely unrecognizable, if applied outside of the current conflict situation.

Some maintain that none of the traditional practices was ever designed to deal with conflict on this scale. The magnitude of conflict throughout Uganda, and particularly in the North, has never before been seen. When asked, many Ugandans acknowledge that violence and murder have taken place on such a scale that it is no longer possible to determine who is responsible for individual deaths. There is no parallel to the current situation in the history of the country. As one man living in the same IDP camp said, “Kony has brought killings where people kill in their own clans and families. This is so complex that I do not think it can easily be handled.”⁶⁸

Yet there have been cases of massive conflict throughout the modern history of Uganda. Particularly gruesome conflicts have erupted and spilled across ethnic borders. And solutions have been found, particularly at the inter-ethnic level. For example, this occurred with the *gomo tong* between leaders from across the greater North, in the realm of “traditional resolution between warring clans or tribes when a symbolic spear from each is bound together and then broken.”⁶⁹ Similarly, a ceremony known as *amelokwit*, took place between the Iteso and the

⁶⁵ RLP interview with elderly woman, Kichwa, 14 March 2005, interview in Acholi (no translation), from Hovil and Quinn, *Peace First, Justice Later*.

⁶⁶ RLP interview with middle-aged man, Gulu town, 3 March 2005, interview in Acholi (no translation), from Hovil and Quinn, *Peace First, Justice Later*.

⁶⁷ Benjamin Oballim, Camp Leader, Labuje Camp, Kitgum, cited in *Trapped in Anguish: A call for Acholi reconciliation*, prod. Northern Uganda Peace Initiative, Eyez on Africa, 2006, videocassette.

⁶⁸ Middle-aged man, RLP interview in Acholi language, 3 March 2005, Gulu town, from Hovil and Quinn, *Peace First, Justice Later*.

⁶⁹ Pain, *The Bending of Spears*, 88.

Karamojong in 2004. While not entirely common, these ceremonies have been developed and used regularly in responding to crises on a grand scale.⁷⁰

What is less clear is whether such practices can and should extend to the kinds of circumstances created in the context of war. Finnstrom and others maintain that they can.⁷¹ Whether they should is a question that remains to be answered.

Stratification

With great interest, I have noted that those ethnic groups which were traditionally organized hierarchically, such as the Baganda, are far less likely to utilize these mechanisms. Conversely, those ethnic societies that were arranged horizontally, with a system of equal clans, like the Acholi, are more likely to continue to utilize these mechanisms. It seems that the hierarchical stratification of societies with entrenched kingdoms, whose social order was organized from top to bottom, were more likely to coordinate whole formalized political systems, of which justice formed one part. Certainly, this is the case in Buganda, where the *kitawuliza* courts, used mostly at the sub-sub-county level, were headed by the head of that particular political strata; he, in turn, reported to *muluka* chiefs, and so on, up to the *katikkiro*, and ultimately, the *kabakka*, or king, who had the power to reverse the decisions made.⁷² This pattern seems to repeat itself in Uganda today, in that those ethnic groups with highly stratified kingdoms, including Buganda, Toro, Ankole and others, use such traditions infrequently.

There are five likely causes as to why, over time, societal organization had a role to play in the way such mechanisms are utilized. The first is that the Baganda and several of the other kingdoms, for example, were colonized first. Their first contact with the British came in the late 1800s. Britain formally declared a protectorate over the area which now comprises Buganda in 1894.⁷³ At that time, the country was divided into a series of indigenous kingdoms and chieftaincies, each of which had its own ruler and leadership system.⁷⁴ Britain colonized the Kingdoms of Bunyoro, Toro, Ankole and Bugosa in 1896—although formal agreements between the kingdoms and the British were not signed until as late as 1933.⁷⁵ In 1900 the Buganda Agreement, a treaty between the British protectorate and the kingdom of Buganda, was signed, an attempt to establish indirect British rule in the protectorate. The system of indirect rule suited the British because it was less costly to install Buganda chiefs as agents and to create local chiefs to do their bidding.⁷⁶ By contrast, other regions of the country were not colonized for several years afterward. Karamoja, for example, was declared a closed district in 1911.⁷⁷ The protectorate was extended to include the “north” in 1911 (Kigezi, Lango), and 1913 (Acholi, Karamoja). West Nile, previously “leased” to the Congo, became part of Uganda in 1914.⁷⁸ As such, these districts have a shorter history with the British, and even then the “indirect” system of

⁷⁰ Finnstrom, *Living With Bad Surroundings*, 299.

⁷¹ *Ibid.*, 299-300.

⁷² Dr. Livingstone Walusimbe, Institute of Languages, Makerere University, interview by author, 16 May 2006, Kampala, Uganda.

⁷³ M. Louise Pirouet, “Uganda: History to 1971,” *Encyclopedia of Africa South of the Sahara*, ed. John Middleton (New York: Charles Scribner’s Sons, 1996) 303-306.

⁷⁴ Dirk Berg-Schlosser and Rainer Sieglar, *Political Stability and Development: A Comparative Analysis of Kenya, Tanzania and Uganda* (Boulder: Lynne Rienner Publishers, 1990) 97.

⁷⁵ Philip Briggs, *Uganda* (Old Saybrook, CT: The Globe Pequot Press, 1998), 15.

⁷⁶ *Spectrum Guide to Uganda* (New York: Interlink Books, 1998), 47.

⁷⁷ Augusto Pazzaglia, *The Karimojong: Some aspects* (Bologna: E.M.I. della Coop. Servizio Missionaria, 1982), 59.

⁷⁸ Briggs, *Uganda*, 17.

rule left them able to conduct their own affairs as they saw fit. In these areas, “governance was highly decentralized, and power lay in the hands of elders who practised a form of democratic government.”⁷⁹

The second possible reason is that the Baganda and other kingdoms were so eager to curry the favour of the British that they whole-heartedly adopted the systems suggested and/or imposed by the British. The Kingdom of Buganda was Uganda’s principal Kingdom during this period, and the British counted the Baganda⁸⁰ as its main strategic ally. The Baganda became the highly-favoured agents of the British Crown, acting as tax collectors and labour recruiters, and forcing the Buganda culture on those from other parts of the new Protectorate of Uganda.

The third likely reason for the divide along these lines is the outlaw of the kingdoms under Obote I in 1967—and many Ugandan royals, including the Kabakka of Buganda, went into exile during that time.⁸¹ The kingdoms were restored in 1993, but without any political powers.⁸² The existence of the kingdoms is protected under the 1995 Constitution.⁸³ However, those ethnic groups that were stratified horizontally, in a system of equal clans, were unaffected by this decision, as their structures of governance were allowed to remain in place. Conversely, those ethnic groups whose heads were effectively banished were stripped of their decision-making apparatus. And so they were more likely to have acquiesced to the demands of the centralized government.

The fourth reason has to do with the geography of Uganda. For, the epicentre of power has long centred around the Kingdom of Buganda, which occupies the central geographic area of the country. The seat of government under the British was Entebbe, and from Independence onward, has been Kampala—both in Buganda. For the most part, those ethnic groups which have kingdoms and are stratified vertically are located in reasonable proximity to Buganda. Those groups which are stratified horizontally tend to be located further away from the centre of government.

The fifth reason takes into consideration the ethnic dissimilarity that exists in Uganda between those of Bantu descent and those of Nilotic descent. Those of Bantu origin tend to occupy the west, south, and east of the country, while the Nilotes tend to occupy the north and northeast. These groups continue to speak languages derived from either their Bantu or Nilotic roots; Bantu languages are structurally inter-related, as are the Nilotic Luo languages, which makes transmission of ideas and culture much easier within a particular ethnic/linguistic group. Again, those ethnic groups which have kingdoms and are stratified vertically tend to be Bantu in origin.

Homogeneity

Others question the relevance of such institutions in rapidly urbanizing and globalizing societies. They worry that, “the traditional values, cultural knowledge and social institutions of everyday life are threatened.”⁸⁴ And as people move farther away from their *gemeinschaft* communities,

⁷⁹ *Spectrum Guide*, 46.

⁸⁰ “The people of Buganda are referred to as *Baganda* (the singular form is *Muganda*), their language is referred to as *Luganda*, and they refer to their customs as *Kiganda* customs.” From “Introduction,” *The Buganda Home Page*; [article on-line]; <http://www.buganda.com/bugintro.htm>; internet; accessed 24 May 2003.

⁸¹ Briggs, *Uganda*, 25.

⁸² *Uganda* (Brooklyn: Interlink Books, 1998) 298-299.

⁸³ *Uganda Constitution (1995)*, article 246.

⁸⁴ Finnstrom, *Living With Bad Surroundings*, 201.

the social meanings of the ceremonies that are still practiced appear, in some cases, to be shifting.⁸⁵

It is the case, though, that in urbanizing, *gesellschaft* societies, the resulting society is not homogenous, but, rather, heterogeneous. As such, the conduction of such cultural practices becomes more difficult. And so homogeneity seems a likely factor in whether or not, and whose, “traditions” are used in a given community.

The composition of Uganda’s population is difficult to determine, since census data are inaccurate and out-of-date—the last official figures are from 1991. But it is estimated that 85% of Uganda’s population lives in rural areas.⁸⁶ The population of cities has grown rapidly in the past 25 years: the city of Kampala, for example, grew by 159% between 1980 and 1991, and continues to grow rapidly.⁸⁷ Cities such as Njeru have experienced fantastic growth: in 1980, its population was recorded as 3,880, and by 2005, its estimated population was 69,452.⁸⁸ Overall, according to 2005 estimates, close to 7% of Uganda’s total population⁸⁹ lives in its ten largest cities. These cities, and particularly Kampala, are composed of people from many different ethnic groups, many of whom have also inter-married. In contrast, only one rural area, the district of Tororo, is identified as “multi-ethnic.”⁹⁰

Interviews with Ugandans raised in, or living in, Kampala indicated that they had less familiarity with traditional practices.⁹¹ Some admitted that they had never before seen even one of these kinds of rituals.⁹² This certainly fits with the hypothesis that heterogeneity decreases a society’s reliance on traditional cultural practices.

The number of IDPs in Northern Uganda roughly equals that population. As outlined above, it is estimated that 1.8 million people are displaced within the greater north, a figure which represents 5.7% of the total population of Uganda, but nearly 80% of the population of the north. These people, too, are “urbanized,” after a fashion. Yet their ethnic composition is mainly homogeneous.

Conclusions

The use of traditional practices in Uganda cannot be said to be uniform throughout the country. Indeed, it is difficult to generalize. There are indications that several factors have caused their use to increase or to decline. Of greatest importance are the role and scope of conflict, the consequences of which are magnified throughout the country. Yet other hypotheses seem to

⁸⁵ Ibid., 298.

⁸⁶ “Rural Poverty in Uganda,” Rural Poverty Portal [article online]; available from <http://www.ruralpovertyportal.org/english/regions/africa/uga/index.htm>; accessed 19 May 2008; “Population, Health, and Human Well-Being—Uganda,” Earth Trends [article online]; available from http://earthtrends.wri.org/pdf_library/country_profiles/pop_cou_800.pdf; accessed 19 May 2008.

⁸⁷ These figures represent actual cities only, not urban agglomerations such as suburbs. “Uganda: City Population,” City Population [data online]; available from <http://www.citypopulation.de/Uganda.html>; accessed 19 May 2008; “2005 Population Estimates for Cities in Uganda,” Mongabay.com Population Stats [data online]; available from http://www.mongabay.com/igapo/2005_world_city_populations/Uganda.html; accessed 19 May 2008.

⁸⁸ Ibid.

⁸⁹ “Uganda,” CIA The World Fact Book [data online]; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/ug.html>; accessed 19 May 2008.

⁹⁰ Stella Ayo-Odango, ed., *The Need for National Reconciliation: Perceptions of Ugandans on National Identity* (Kampala: CSOPNU and JYAK, Dec. 2004), 3.

⁹¹ Northern Uganda focus group, conducted by author, 23 Aug. 2006, Kampala, Uganda.

⁹² Dr. Grace Bantebya, Head, Women and Gender Studies Department, Makerere University, interview by author, 29 Aug. 2006, Kampala, Uganda.

have more validity when attempting to explain the marked divergence. Chief among these is the stratification of Ugandan society, as explained by a number of different factors. The results of social change and homogeneity, when added, offer a compelling explanation for this variation.