
Endangered Peace: Stocktaking from the Case of Post-massacre Mucwini, Northern Uganda

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Introduction

Members of a given human community can hardly be detached from the history of their community. This sense of belonging to a past is not only treasured by community members, as it fully explains their origin (both mythical and historical); it is also what shapes their primary conviction of good or evil, what they hold onto as communal 'values'. What is even more specific is the fact that a people's past becomes the most referential element to reckon with in the aftermath of a violent conflict. In this respect, Ngabirano (2008) posits that people are born within a community that possesses a past; certainly this past becomes the past of the newly born as well as the past of those yet to be born. Indeed, the stories of individuals affected by narrative conflicts are thus embedded in the grand story of the definite community from which they belong, and hence from where they derive their identities.

Informed by an empirical field study, this chapter examines community narratives in post-massacre Mucwini (one of the 10 sub-counties of Kitgum District in northern Uganda) as they echo concerns about justice from different perspectives of two conflicting clans; namely, the Pubec and the Pajong. The raw material for analysis in this chapter consists of a specific aftermath of a Lord's Resistance Army (LRA)-commanded massacre instigated by a Pubec clan member, which claimed the lives of 56 people on the night of the 23rd of July 2002 with the majority of the dead (21) having been Pajong clan members. The study took keen interest in this case due to the ongoing tensions between the now two polarised communities. Some members of the Pubec clan, namely, those from the Pamong family lineage to which the instigator of the massacre belongs

were still held in former internal displacement camp premises – over a decade since the massacre occurred – as a result of non-acceptance of their resettlement by Pajong clan members. The intricacies of this LRA-commanded massacre in Mucwini, culminating in more than a decade of post-massacre hostilities, make it an outstanding case of the unfinished business of mass violence.

Admittedly, post-war northern Uganda is not an exceptional case as such. Nor is it an isolated one. Post-independence Africa and Latin America are in fact replete with scenarios where opposing demands for righting past wrongs threaten the yet fragile peace (absence of direct violence) in the aftermath of mass violence. This too is even more evident in many scenarios in the African Great Lakes region characterised by post-war and in some instances ongoing mass violence, to date. The 2002 LRA-commanded massacre in Mucwini, however, has left behind two distinctly framed communities: on the one hand, a community considered as victims (Pajong Clan) and a community perceived as offenders (Pubec Clan), on the other. The extent that some members of Pubec clan (those belonging to the Pubec-Pamong lineage) have so far been denied the right for resettlement in Pajong-A village – where they lived peacefully prior to the forced encampment policy dictated by the ruling government during the LRA insurgency (and evidently prior to the occurrence of the massacre) more than a decade after the massacre had occurred – makes this case of mass atrocity uniquely perturbing. Unlike the massacres that took place in Areak, Namokora and Barlonyo where LRA rebels killed civilian populations in the most indecent ways in their terror-for-recruitment campaigns, the Mucwini massacre is essentially considered a revenge by the LRA to civilian populations in Pajong-A village due to a problematic escape by one of its abductees who hailed from there.

Specifically focusing on the fragility of post-war communities of Acholi sub-region in the district of Kitgum – undeniably considered the epicentre of the two-decade long horrendous LRA insurgency in northern Uganda – the fieldwork for this study delved into the challenges facing the application of transitional justice mechanisms in the aftermath of mass violence (massacre). A decade over ever since the war that pitted the Government of Uganda's armed forces against the LRA, together with all direct violent confrontations, ceased; however, peace still is utterly disturbed by the continuing voices calling for 'justice' for the past evil deeds.

Both scholars and civil society practitioners have acknowledged that a recent move from a retributive type of justice to restorative justice and reconciliation has seriously sparked off an ongoing debate in most post-war societies. In this highly contentious debate about transitional justice, Huyse (2008) argues that political leaders, members of the civil society organisations, and academics – at the local and international levels – are divided on numerous points. The less conspicuous but more significant challenge is how to balance the demands of justice against the many political, economic, social and cultural contingencies.

Given the complexities that almost always characterise civil wars in post- Cold War Africa, and more so the intricate context in which the Mucwini massacre occurred, all varied processes currently informing transitional justice praxis, including the famous Acholi's *Mato Oput* tradition in the case of Uganda's Acholiland, ought to be subjected to thorough scrutiny and tested against many prerequisites of peace with justice. While these processes and forms of transitional justice (traditional justice mechanisms) have lately emerged as a way to best serve the interests of a post-violence scenario, cultural anthropologists, Bartlet (2009) noted, remain divided about their significance in ushering sustainable peace after mass violence. The objective that undergirded the field study now presented in this chapter was two-fold: (i) to identify the stakes fuelling conflict between the now antagonistic clans of Pajong and Pubec in post-massacre Mucwini and Uganda's *Acholiland* as a whole, and (ii) to establish whether Acholi traditional justice mechanisms, more particularly the *Mato Oput* tradition, can contribute or not toward the attainment of peaceful coexistence among conflicting in today's Acholi sub-region.

It is perhaps no exaggeration to note that the impediments to peace building may differ according to contexts, but peaceful communities do have many things in common. On the whole, the overarching argument made in this chapter maintains that peace-building is not a destination; in fact, no one can really say: 'we have finished building the peace; now, we can live in the built peace!' Peace-building, whatever the context, will always be an ongoing task that requires constant attention to the thread that keeps society bound together. Such thread with which the previously torn socio-economic and political fabric may be woven is what this study sought to examine in the context of post-massacre Mucwini in particular and today's northern Uganda in general.

Contextual Background

Beginning from 1986 the Acholi sub-region (commonly referred to as *Acholiland*) of northern Uganda was the site of armed conflict between the guerrillas of the Lord's Resistance Army/Movement (LRA/M) and the ruling government armed forces (the National Resistance Army, NRA, later turned into Uganda Peoples' Defence Forces, UPDF). This war in the north of the country had dragged on for long, involving multiple causes and actors, and with cyclic forms of violence greatly affecting civilian populations. The roots of this armed struggle had been intertwined with other conflicts in Uganda and beyond, and the coming to power of the National Resistance Army/Movement (NRA/M) of Yoweri Museveni in 1986. Ginyera-Pinywaha (1992) pointed out that this bloody conflict has been attributed to a number of factors, including poverty and general underdevelopment, the loss of economic opportunities and jobs by former army officers, and political repression as well as a struggle for political power. Adler (1997) argued that,

like any other social institution, war is socially constructed and partly depends – for its persistence – on collective ideas about the inevitability of war and its desirability for achieving political gain, riches and glory.

As Museveni's NRA captured Kampala in January 1986, soldiers and supporters of the previous governments fled northwards, towards *Acholiland* (Gulu, Kitgum, and Pader districts) bordering the then Sudan. Museveni's army followed hard on their heels, crossing the symbolically significant border of the Nile-Karuma bridge at the middle of the country's South-North divide. Finnström (2005) wrote that killings, rape and other forms of physical abuse aimed at the non-combatant population became rife when Museveni's former guerrillas reached *Acholiland*, which was foreign to them. Simultaneously, from within the then Sudan, opposition elements regrouped and launched the Uganda People's Democratic Movement/Army (UPDM/A). Other insurgency movements were also formed, of which Alice Lakwena's Holy Spirit Movement (HSM) is well-known. As war evolved, Finnström 2005 further notes, people in the war-torn region came to differentiate between two dimensions of armed resistance: the first called 'the army of the earth' (*mony me ngom*) and the second 'the army of the heaven' (*mony me polo*).

At the initial stage, the uprisings led by Lakwena's HSM which later metamorphosed into Joseph Kony's LRA had considerable support among the grassroots population who found their homes, belongings and cattle herds destroyed and looted *en masse* by the intruding soldiers (the NRA which too later on metamorphosed into the UPDF). In their view, *Acholiland* was under occupation, something they resisted in the name of social justice. The evolving war between government forces and the renewed insurgency however caused an enormous humanitarian catastrophe in the Acholi sub-region of northern Uganda. At the height of the war, some 800,000 or 70 per cent of the Acholi population were forced into large internally displaced camps cynically called 'protected villages' (Finnström 2005; Latigo 2008; Komakech 2008).

The LRM/A led by Joseph Kony, who is alleged to have taken over his cousin Alice Lakwena's HSM, abducted tens of thousands of minors into their fighting ranks, which eventually alienated them from the local population (Angucia 2010). Originally composed largely of ethnic Acholi from northern Uganda, the composition of the lower ranks of the LRA has changed as they have replenished their numbers through abduction of civilians across the region, including northern Uganda, north-eastern Democratic Republic of the Congo, south-western Central African Republic, and southern South Sudan. From this protracted armed conflict that spanned over two decades, an unspecified number of civilians perished, both in forced displacement in squalid camps and through abduction accompanied by forced conscription.

Since the 1990s, there has been a consensus in the Uganda officialdom that the LRA can only be stopped by military intervention; this consensus was internationally

backed up by the United States' Africa Command (AFRICOM). To date, Uganda's armed forces (UPDF) have led the offensive across the region and claimed that LRA numbers are low and the movement is near defeat (Conciliation Resources 2011). In fact, in 1992, the first military intervention by Uganda's armed forces known as 'Operation North' resulted in large numbers of IDPs being housed in camps across northern Uganda. The second military offensive, known as 'Operation Iron Fist' was launched against the LRA ten years later (2002 through 2005), aiming at attacking LRA rebels from the rear in South Sudan. Again the operation's failure had severe humanitarian consequences, including increased abductions and IDPs in northern and eastern Uganda. This finally culminated in the failed attempts to end the conflict through dialogue in the Juba peace talks from July 2006 to April 2008 following the LRA's active relocation from the Ugandan soil. The third military offensive, which came to be known as 'Operation Lightning Thunder' and the subsequent joint military intervention by the Democratic Republic of Congo (DRC) armed forces, Central African Republic (CAR) armed forces and the UPDF, was successively launched from the end of 2008 through 2011. However, evidence on the ground, in the aftermath of these military campaigns, still pointed out that the LRA/M is operating in new areas, notably in the Sudanese-controlled Kafia Kingi enclave of South Darfur (Agger 2013).

In northern Uganda, nonetheless, the second half of the year 2006 which followed the signing-off of 'Agreement on Comprehensive Solutions' under Agenda Item 1 of the Juba Peace Process ushered in a relatively tranquil northern Uganda. Subsequently, civilian populations (former IDPs) resettled in their respective home areas. This, however, was not the case for all formerly displaced families of Pajong-A village, who had been taking shelter in the vicinity of the headquarters of Mucwini sub-county. More conspicuous, some family lineages from the Pubec clan were still being held in the then established IDP camps neighbouring the sub-county headquarters for having been denied resettlement by members belonging to Pajong clan.

Living within such circumstantially distinct communities of belonging, particularly since the 2002 massacre, these clan members (Pubec and Pajong) separately possess their own beliefs, codes and myths; their own trajectories, stories told and retold over time (community narratives); their own obligations and taken-for-granted worlds; their own flavours and tastes; in brief, their own understandings of home and destiny. In this respect, Seligman (2004) argues that individual members from a common group will categorise ways of understanding, moral judgments, boundaries of what is permissible and prohibited, basic frames of meanings, fears and desires, pleasure and suffering, and so create a strong sense by which their community is framed. Inevitably, the framing of a community of belonging (the clan in this case) is the result of a deliberate endeavour of *othering*: 'we/us' as victims and 'they/them' as perpetrators, with only one prevailing community narrative – that of victimhood across the divide.

Antagonist community narratives being recounted by the differing clans (the Pubec and the Pajong), who are now considered as parties to the conflict, could make it possible for recurrence of mass violence. Conventional wisdom in today's northern Uganda continues to echo the need for contextualised transitional justice mechanisms (a place of honour to the Acholi traditional justice system in this case) in a bid to secure lasting peace in the aftermath of numerous atrocities during the LRA insurgency. Such traditional justice mechanisms are largely considered as restorative, for they aim at community reconciliation and peaceful co-living following mass atrocities. Can justice, as perceived by those who were victimised, be complementary to and compatible with the pursuit of peace as conceived by those who effectively victimised them? What, in the final analysis, would justice be about in an intricate post-violence context such as post-massacre Mucwini? These are questions that preoccupied this field study.

Scope of the Study

Conceptually, the study limited itself to the concept of transitional justice in the aftermath of mass violence, with a bias toward the assessment of traditional restorative justice mechanisms. Three concepts remained key as in shaping the research endeavour throughout fieldwork and in the subsequent analysis: (i) community 'memories' of evil; (ii) community demands for 'justice' after evil; and (iii) possibility of a peaceful 'post-violence coexistence.'

As its temporal scope, this study specifically looked into a 5-year span from 2008 to 2013 engulfing developments in the aftermath of the collapse of the Juba peace talks, although cognizant of the fact the Ugandan Parliament enacted the Amnesty Act relating to the LRA insurgency in 2000. Geographically, fieldwork covered the administrative area of Mucwini sub-county of Kitgum District in northern Uganda. Specifically, the parish of Pajong (the largest in the sub-county) and Pajong-A village in particular (where the massacre ultimately took place) constituted the area where most of the primary data were collected. Apart from the aforementioned areas, additional primary data were collected in the urban areas of Kitgum Town and Gulu Municipality as well as Kampala City as some key respondents were based there.

Methodology

Principally, this field study took narrative analysis as its approach. As a methodological orientation, the narrative analysis is part and parcel of the qualitative research method. In line with the arguments advanced by Gerring (2007) which, among other things, underscore both epistemological and methodological shifts about researching social reality in recent decades – which have enhanced the attractiveness of the case-study format in social sciences – this

study sought to undertake a case-study method. Amin (2005) further argues that in a case-study research, the qualitative researcher seeks to derive and describe findings that promote greater understanding of how and why people behave the way they do. This approach, hence, explains and gains insight and understanding of phenomena through intensive collection of narrative data, in order to get a feel of people's lived experiences without imposing foreign meanings on them (Hesse-Biber 2010).

In this qualitative inquiry, different knowledge claims as well as strategies of inquiry (including in-depth interviews and focus-group discussions) were employed. Because this study was qualitative in its research design, the sample size was not arrived at under considerations of numerical representativeness but rather on prospects for in-depth information until when saturation point was attained – a point at which no substantively new information could be obtained. In line with this, “the range and completeness of experience studied is not as important as picking experiences that can be said to be insightful revelations, a good contribution to [rich] understanding” (Stake 2010:57).

The study made use of both random and non-random sampling techniques. One of the random sampling techniques used consisted in *stratified sampling* as demonstrated by Ahuja (2001). Different categories of respondents (mainly the youth, women, and elders) whose voices were captured by this study were grouped in accordance with their population size and then subjected to a *systematic sampling*. Purposive and snowball sampling techniques were also used as non-random techniques to identify key informants. *Purposive sampling* mainly served in the selection of elders as “unique cases that are specially informative” (Neuman 200:143) and considered satisfactory to the research needs (Cohen and Manion, cited in Odiya 2009). The key informants who were critically identified by using purposive sampling led to the identification of other valuable participants (who otherwise would not have been captured) by using *snowball sampling*. The latter consisted of “beginning with the few respondents known who subsequently give other names of those who meet the criteria of research, who in turn give more new names” (Ahuja 200:167).

In-depth interviews, focus-group discussions, participant observation and review of literature (documentary analysis) were used as data collection methods. This methodological triangulation was aimed at cross-checking data and enhancing their credibility (Hesse-Biber 2010) through various methods of verification. In Berg's supportive view, “by combining several lines of sight [data collection methods], researchers obtain a better, more substantive picture of reality; a richer, more complete array of symbols and theoretical concepts; and a means of verifying many of these elements” (Berg 2001:4). Apart from questions seeking for bio-data, all the questions in the research tools were open-ended. As suggested by Patton, “the purpose of gathering responses to open-ended questions is to enable the researcher to

understand and capture the points of view of other people without predetermining those points of view through prior selection of questionnaire categories” (Patton 1990: 24). Such questions were also found effective in soliciting in-depth data from which to draw direct quotations to report.

The final sample size consisted of 75 respondents, including 30 male and female single youths (between the ages of 15 and 24); 15 married women with offspring (between the ages of 24 and 50); 18 male clan elders from both Pubec and Pajong clans (between the ages of 50 and 90); 6 opinion leaders who included elites from religious and educational institutions, civil society and non-governmental organisations; and 6 government officials, who included elected local government officials, civil servants and army officers attached to district local government. Data quality control measures in light of reliability and validity were ensured through methodological triangulation.

Furthermore, ethical considerations both during fieldwork and through data analysis entailed (i) strict observance of cultural sensitivities of respondents, (ii) consented participation (by way of receiving verbal or written consent by the respondent) of study respondents with no degree of inducement or duress whatsoever, (iii) privacy and confidentiality in dealing with respondents’ bio-data as well their feedbacks collated either through interviews or FGDs, that were guaranteed during and after fieldwork, and (iv) a do-no-harm approach both during collection of data and in reporting of the study’s findings. This do-no-harm approach encompassed reimbursement for costs associated with the respondents’ participation in the study as well as protection against research-related injuries, harm, exploitation and any other forms of abuse as stipulated in the national guidelines for research involving humans as research participants (Uganda National Council for Science and Technology 2014).

Study Findings: Presentation and Analysis

A Revengeful LRA-commanded Mass Violence

In the early morning hours of 24 July 2002, it was reported that the LRA had attacked the villages of Mucwini sub-county, in a massacre that claimed the lives of 56 civilians (men, women and children) in a night. To date, ten years after the massacre had occurred, many a survivor still perceive this dreadful event as a deliberate and ruthless retaliation by the LRA rebels, which came as a result of deep-seated betrayal by a local dweller in Pajong (belonging to the Pubec Clan), having escaped from the LRA abduction with the rebels’ gun after having allegedly misrepresented the family of another Pajong dweller (belonging to the Pajong Clan) in a statement recorded by the LRA at the time of his abduction.

The retired Anglican Bishop of Kitgum, Rt. Rev. Macleord Baker Ochola II, who had been the chairperson of the Mediation Team (a joint stakeholders’

intervention to mediate between the people of Pajong and Pubec Clans in Mucwini) since 2008, reported the following during an in-depth interview:

[...] What happened before the massacre had taken place is something to reckon with. The people of Pajong and Pubec clans [had] lived together harmoniously for ages, earning their living through communal farming in the aker equitably divided into cleared farming fields, known as kitaara, per households. It was only when the people of Pubec Clan – spearheaded by Otim Katende with the support of the then LC III of Mucwini, Onek Atube (a member of the Pubec clan) – claimed singular ownership of parts of the communal aker in the year 1992 that the deep-seated land dispute became manifest, leading the antagonism that still characterise the relationships of the two clans to date. The abduction of Otim Katende by the LRA in 2002, the misrepresentation of the family of Okello Manweri, who was a respected Pajong clan elder, and the subsequent massacre itself fuelled and escalated this long-standing antagonism.

In the aftermath of the massacre in Mucwini and general turbulent times caused by the LRA-led insurgency in north of the country, Pajong returnees who were previously mixed up in IDP camps at the peak of armed conflict (2002-2005), have persistently denied some displaced people from the Pubec Clan the right to resettle in their perceived homeland in Pajong-A village. Precisely, members from the Pamong lineage who are, in a biologically direct way, linked to Otim Katende – the instigator of the LRA-commanded massacre – are still not accepted to either dwell or till the land in Pajong-A village, where they previously co-lived with their neighbours (Pajong clan members).

Surviving victims from Pajong Clan, precisely those related to the family of the late Okello Manweri (a respected prominent Pajong clan elder) continue to consider the occurrence of the massacre as a purposely orchestrated venture by Pubec clan members to finalise the long-standing land dispute by exterminating Pajong members. This, they affirm, was evidenced by the LRA-targeted killing of Okello Manweri, his wife Acen Duculina Okello, and their first-born son Toowili Okello together with 53 other people gathered along the rebels' way to Okello's home, majority of whom (21 individuals) reported to have been Pajong clan members. In its detailed report on the Pajong-Pubec conflict produced in November 2008, Justice and Reconciliation Project (JRP) alluded to the fact that, in the aftermath of the massacre, victims from Pajong still accuse Otim Katende – who escaped from LRA abduction with the rebels' gun – of purposely orchestrating the massacre to resolve the long-standing dispute over land for farming in Pajong.

Ten years after the dreadful LRA attack in Mucwini had occurred different communities of belonging (clans) continue to tell various tales of victimhood. The latter is manifested in the attitudes each group portrays vis-à-vis the other. On the one hand, Pajong clan members almost always tend to emphasise the victimisation they incurred in the course of the massacre and so justify the cold-

blooded relationship with their Pubec neighbours. The Pubec-Pamong people, on the other hand, underscore the sheer marginalisation they have been undergoing for now a decade. Clan elders of Pamong argue that their people have not only become destitute following the displacement from their homeland to the so-called protected camps, but they have also been denied any chance to get out and farm in the communal *aker* in Pajong.

In a decidedly interactive focus-group discussion with nine Pajong male youths, one of them (directly linked to the family of Okello Manweri) said:

These people of Pubec-Pamong are indeed stubborn. Our elders emphatically told us they should not be allowed to come and dig in any of the fields here in Pajong anytime soon, for we in Pajong are still nursing our wounds of the massacre they brought to us. It is as if they always want to test our position; we still can see them come and endeavour to till the prohibited land with no prior notice whatsoever. Such are some of the attitudes which are fuelling the on-going conflict up to date.

Drawing from yet another occurrence, almost a decade since the massacre took place, one respected Pubec-Pamong elder, described what recently happened to him as a clear manifestation of the prolongation of animosity between Pajong and Pubec clan members:

One gentleman from the Pajong clan had just passed on having succumbed to a chronic disease. The ceremony for his funeral was organised and conducted at his home in Pajong-B. I had to make sure that I attend the funeral given the fact that he was a friend but even most importantly a person who married from the family of my wife. Surprisingly, upon my arrival to the funeral at his home, I was ridiculously told to vacate the place, for this was considered a Pajong affair! I just could not argue with anyone there... I simply found myself chased out. This, I think, shows you [the researcher] the extent of harshness we are faced with.

Some seven Pajong clan elders at the helm of decision-making processes in the village persistently put forth the defence for their non-acceptance of Pubec-Pamong members (to settle back and co-live with Pajong members) by reiterating the following:

It is well known to any Acholi person that there always is responsibility for wrongdoing in any human society. According to our Acholi tradition, this responsibility is to a certain extent collective. The massacre, although perpetrated by the LRA rebels, clearly fell within the collective responsibility of Pubec-Pamong people. As the latter continue to deny any sort of responsibility for this past evil, we thus find no reason to accommodate them back into this village. After all, it is not that easy for a community (previously victimised) to live again side by side with the other community of wrongdoers unless important milestones are achieved. And this is well known to the Pubec-Pamong people. Besides, we the elders of Pajong continue to watch over and so discourage any eventuality of violence in our village. Chances of violence are higher if Pubec-Pamong people simply come back and live with us without sorting out critical issues.

That some members of Pubec clan, particularly those of Pubec-Pamong are still living in former IDP camps ten years after the massacre is ample evidence of demands for justice in post-massacre Mucwini. Justice per se seems to mean different things to different people in today's Mucwini, and consequently, clashes about what justice after violence ought to mean seem to invigorate tension in such a post-massacre context. In line with this, Webber (2012) argues that more often than not, arguments between or among parties to a conflict or those emerging from violent conflicts are over different conceptions of justice, not merely the balance between justice and expediency or even between justice and forgiveness. By and large, members from the Pajong clan, on the one hand, consider their Pubec neighbours as wrongdoers who must bear the collective duty of reparation for the past evil suffered. Pubec-Pamong members, on the other hand, consider their Pajong neighbours as much crueller following the dreadful massacre inflicted on them.

There seems to be a tendency by most external interveners in the Pajong-Pubec conflict, including non-state actors as well as government officials (both the local and central governments) to believe that since both Pubec and Pajong clan members are Acholi people in the first place, there is no doubt that they do have a shared understanding of justice after violent conflict, given their shared culture and tradition. Greatly ignored is the fact that following the dreadful massacre, different clans in present Mucwini have been framed in different categories (victim-offender communities) based on what happened (remote past), what has just taken place or is taking place (recent past/present) as well as what is envisioned to take place in the future. Accordingly, at a much deeper level, the understanding of justice (what it ought to mean) for one given community in post-massacre Mucwini tends to differ and even clash with that of another community of belonging in the same context, regardless of their shared Acholi culture and tradition. Seligman (2004) further notes that members from a given community of belonging, framed by the thread of community narratives, always search for bits of characterisation in terms of some 'us' as against some 'other.' This development of *othering* further bestows a socially acceptable reason for compensation or restitution to members of the in-group (considered as victims) on the one hand, and a call for retribution or punishment to members of the out- group (considered as offenders), on the other hand, in the aftermath of violent conflict.

Justice itself is no doubt a complex and contested notion, but even more so in many transitional societies, those emerging from a violent past. Webber (2012) posits that there are at least two substantially different forms of justice at issue and, indeed, often, a third. Webber terms the first two forms as 'retrospective' (backward-looking) and 'prospective' (forward-looking) justice and the third, 'adjustment of contending legal and political orders' (Webber 2012:99). No doubt, most debates in the transitional justice literature concern the tension among these forms of

justice. Noll (2011) too acknowledges that the notion of justice per se has a lot of different meanings: retributive, restorative, distributive, or social justice as different interpretations of the notion of justice. From the viewpoint of mediation after violent conflict, Noll ascertains an inherent tension between criminal accountability and peace-making and so argues that peace mediators “must have a firm grasp of the many meanings of justice” (Noll 2011:206).

In an engaging focus-group discussion with some seven women of Pubec-Pamong, whose families have been refused the right to settle back in Pajong-A (considered to be their homeland for the past four generations) following the end of the LRA insurgency, one woman shared her burden thus:

[...] We have been made to [become] silent on all our claims, following the LRA attack. Is it really fair that we and our subsequent generations should be doomed? What kind of justice do we have] if we have lost any say after the massacre? The very fact that this conflict has got to be mediated by third-party interveners confirms that the understanding of justice held by Pajong people has been different from ours. We believe in justice in accordance with a third-party's stand, including cultural and religious leaders, government and NGOs. The massacre cannot in any way be taken to be a Pajong affair given that some of our members too were mercilessly killed.

In post-massacre Mucwini, clans remain divided over what justice means and/or ought to mean following the devastating massacre in the area. In the very first fact-finding report by the Justice and Reconciliation Project of November 2008, it was reported that among the 56 people killed on that fateful night some were abducted on the rebels' way from Namokora (the bordering sub-county on the west side of Mucwini), and one of those killed was a Sudanese citizen. In Mucwini itself, the damage of the massacre (death and loss of property) extended to other many clan communities including the Pajong, Pubec, Yepa, Bura, and Akara, Pachua and Okol. While the people of Pajong still emphasise their primary victimhood (considering themselves as targeted and direct victims of the massacre, in addition to having been the most killed) the people of Pubec together with other communities (especially the people of Bura) persistently insist that what took place in Mucwini in 2002 should never be considered a Pajong clan affair in terms of victimhood.

At the core of these viewpoints, much of the squabble between criminal liability (retributive) and negotiated peace (reconciliatory) settlement is actually an argument about whose understanding of justice should be applied in order to settle the conflict in Mucwini. Additionally, there seems to be existing alliances among the different communities both in terms of sympathy and defence. On the one hand, key decision-makers of the Pajong clan, in consonance with their allies from Akara clan, untiringly echo the call for reparation or compensation in a bid to restore the broken relationships. On the other hand, clan elders of the Pubec-

Pamong, who are at one with their allies from the Bura clan, underscore that the call for compensation in the context of post-massacre Mucwini falls outside the realm of possibility in two ways: first, the realisation of compensation by the Pubec-Pamong is entirely impossible given the fact that the massacre consisted of a merciless killing by LRA rebels, and second, due to the vulnerability of the people of Pubec-Pamong, who were and still are equally victimised and impoverished by the massacre.

Consequently, sheer disagreements tend to interrupt the methodology of forgiveness and reconciliation following a violent conflict. In present Mucwini, some stress that reconciliation and peace (*kuc*) will only come as a result of reparation for wrongdoing (*culo kwor*) while others argue that the emphasis on *culo kwor* [compensation] is actually what puts *kuc* [peace] outside the realm of possibility. In the same spirit, Webber (2012) draws attention to one key realisation: given that individuals strongly argue over the meaning and implications of justice, one of the great challenges facing any community is how to persuade people to acquiesce in the decisions made by a community's institutions even when they espouse a differing conception of right.

Habermas (1996) emphatically puts it that the recourse to violence by the in-group as a legitimate form of action is done away with by the formation of a public sphere as a deliberative space across the out-group (enemy) lines; with this, comes the transformation of the public discourses of all parties to the conflict. The post-massacre scenario in Mucwini, however, seems to stress hegemonic discursive structures that legitimise violence on the part of Pajong clan members. These hegemonic discursive structures, as in the understanding of Habermas (1996), in Mucwini, cause the 'in-group' (Pajong clan) compliance or inhibit dissent (Pubec-Pamong members) to perceptions, attitudes and behaviours, and so run counter to discourses of non-violence and peaceful co-living.

During a focus-group discussion with four clan elders of Pajong, one elder said:

The responsibility for the dreadful massacre which took place here in Pajong rests on the shoulders of Pubec-Pamong people for peace to be restored; the letter written by the LRA and later found at the scene of the massacre says it all. This responsibility entails compensation for the dead as per the Ker Kwaro Acholi [cultural institution] arrangements. This is what our tradition dictates.

While discussing with some five elders from Pubec-Pamong lineage, most of whom still live in previous IDP camp premises around the sub-county headquarters, one Pamong elder stated:

The dreadful massacre was but perpetrated by the LRA rebels in their fight with the national government, which utterly failed to protect all of us, civilian populations. The rebels' tactics of warfare consisted of abducting innocent civilians who then were forced to serve the rebels' purpose. If anything, it is therefore up to the

government to compensate the unfortunate losses (human lives and properties) for which we [Pubec-Pamong] should all be beneficiaries. This is the type of justice we look forward to.

It, therefore, appears that negotiating a nuanced understanding of justice in the aftermath of the massacre is of paramount importance for peace to be imagined and to prevail in Mucwini. What justice means vis-à-vis what it ought to mean remains one of the greatest contestations among different communities in post-massacre Mucwini. Furthermore, prescriptions about the understanding of and demands for justice as per the established Acholi tradition seem not to accommodate fully the intricacies of this massacre: its circumstances, actors, and scale. More specific, the institution of *Ker Kwaro Acholi*, which constitutes the supreme cultural decision-making body in *Acholiland*, appears to be overwhelmed by the nitty-gritty of this massacre and hence ill-equipped for a long-term settlement of tension between Pajong and Pubec-Pamong clans.

Perhaps, one exceptional trait of this massacre that differentiates it from other dreadful ones that took place in the very *Acholiland*; namely, Barlonyo, Atiak and Namokora at around the same period, is the subsequent polarisation of different understandings about what sort of justice is to be pursued in the search for peaceful coexistence among the different clans in post-massacre Mucwini. For some, it is urged that the fear to accept responsibility is what undermines the attainment of peace with justice in such post-massacre context. Others argue that the understanding of what is just and what is wrong is not and cannot be the sole prerogative of a few individuals over the rest. At the bottom line of all claims, a lingering argument tends to suggest that although truth and justice per se may never vary, people do approach them in various (and often conflicting) ways. Hence, if epistemological claims to truth and justice can be known, the understanding of what these notions mean is a matter of debate, more especially in a context of communities emerging from a bloody past such as the Pajong and Pubec-Pamong clans in Mucwini.

Referring to Volf's *Exclusion and Embrace*, McAdams (2006) underscores the complexity in achieving a balance of sorts between these twin objectives of justice after violent conflict. In the pursuit of justice after mass violence, embrace and justice (to borrow Volf's usage of the two words) have, on numerous occasions, assumed mutually exclusive proportions. On the one hand, proponents of the more aggressive perspective (aggressive truth-seeking and retribution), McAdams (2006) notes, have been inclined to define reconciliation as, above all, a victim-oriented enterprise (exclusion) which presupposes that the instigators of injustice first be forced to own up to their offenses and proven themselves worthy of the trust and respect of full citizenship. On the other hand, another opposing group of activists has tended to emphasise the inclusionary side of reconciliation (embrace), which presupposes a largely offender-based activity that is meant to

bring outsiders back into the public fold and to restore harmonious relations among all of society's diverse parts. In this regard, truth and justice are considered as, at best, secondary pursuits along the path to unity and peace. Again, as seen in the case of post-massacre conflict between Pajong and Pubec clans, the tension seems to be powered by the potentially destabilising consequences of pursuing both victim-centred and offender-based strategies simultaneously.

It was reported that in the aftermath of the massacre, and given the tense atmosphere that prevailed in Mucwini, the Office of the then Resident District Commissioner (RDC) in the very first instance took up the matter and so endeavoured to reconcile the two antagonist clans (Pubec and Pajong) through some cultural reconciliatory practice of animal slaughter. This RDC's intervention, however, did not yield any successful outcome, for it was never wholly embraced by the people who perceived it to be a mere government hand-out. In the second place, the contested Acholi Paramount Chief, *Rwot* David Onen Acana II (whose paramouncy is especially hotly contested among the Acholi hailing from Kitgum as compared to those from Gulu), to whom the matter was referred by the *Rwot* of Chua, gathered together Pubec and Pajong clan members in a mediated dialogue and implored the prevalence of forgiveness and reconciliation for harmonious co-existence. This too did not yield any satisfactory result. Subsequently, in mid-2008, the then Kitgum District Local Government Chairperson, Ogwok Komakech, contacted retired Anglican Bishop M.B. Ochola II and requested him to initiate a mediation process between the two conflicting clans, due to the frustration the ongoing conflict has brought in the implementation of government policies in Mucwini and the district at large.

It is surprising that, more than decade after this outbreak of violence and despite the large population of the internally displaced persons involved, the central government has so far remained indifferent to, not to talk of finding a permanent solution to the social dislocation of Mucwini. However, the ongoing tension seems fuelled by the sheer lack of an agreed prioritisation regarding the content (and not the form) of the pursued transitional justice. Beneath this lack of agreement to constitute any such culturally based restorative justice mechanism are economic undertones of which land still remains key. These economic undertones also include the expected compensation package (especially material) from the government (whether local or central, or both) in its bid to secure harmonious co-existence between Pajong and Pubec-Pamong members.

Equally important to note is the fact that, since the resettlement campaign started in 2006, there has been a proliferation of non-state (community-based, faith-based, non-governmental) organisations in Mucwini, which have emphatically prioritised peace building on their interventionist to-do list. Following the interest expressed by the Kitgum District Local Government in resolving the spiral effect of the massacre, World Vision Kitgum Office is reported to have been

the first key non-state player to mediate in the conflict under the chairmanship of the retired Anglican Bishop M.B. Ochola II, who fittingly represented his faith-based organisation, Acholi Religious Leaders Peace Initiative (ARLPI). Much as the State too – namely through its Amnesty Commission (AC) and Northern Uganda Social Action Fund (NUSAF) interventions – has slackly endeavoured to show interest in the post-massacre development undertakings in Mucwini, the circle of non-state stakeholders on the ground in post-massacre Mucwini, until recently, kept on expanding with the presence of other international humanitarian organisations, including among others United Nations High Commissioner for Refugees, United Nations Human Rights, United States Agency for International Development (USAID)-funded project of Northern Uganda Transition Initiative (NUTI), United Kingdom Department for International Development (DfID)-funded project of CARITAS, International Rescue Committee (IRC), Norwegian Government-funded Justice and Reconciliation Project (JRP), and the Makerere Law School's Refugee Law Project (RLP).

Yet, with the plethora of interveners and accumulative endeavours to stabilise the ongoing tension in post-massacre Mucwini, there is still little to point to regarding the socio-economic situation in Mucwini. One key respondent during fieldwork and a dweller in Mucwini's trading centre complained in the following terms:

I am sure that for many of these NGOs this massacre has served as their money – and – fame-making scheme to the detriment of the suffering people here [Mucwini]. In fact, one can ask whether they [NGOs] are even interested in seeing peace re-established and the people getting back to their previous lifestyles. The compensation being asked by those of Pajong is actually far less than the money they continuously put in to organise the gatherings whenever they come here. Yet, these people of Pubec have clearly mentioned to them that any external bail-out is most welcome. Why can't they do the obvious and let people move on?

Local peace activists from the civil society organisations, on their part, do present a different agenda for the resolution of the precarious conflict. A locally – based NGO worker whose organisation has recently been at the forefront of the mediation process between Pubec and Pajong clans stated the following in an interview:

We [our organisation] approach this mediation process from within the understanding of the mediation of conflicts in Acholi tradition: that there are some key milestones for peace and reconciliation, which include truth-seeking through acknowledgement of wrongdoing, accountability for the wrong done by reparation or redress, and rebuilding of broken relations through communal dialogues and sharing. With this in perspective, it is equally important to consider this particular conflict as something way beyond Pubec and Pajong clans per se; all stakeholders are called for to contribute toward the realisation of the above milestones.

The above approach to the settlement of the ongoing tension between the two antagonist clans seems to be in tandem with what Zehr (1990) identified to be the five main needs of survivors of victimisation; namely, the need to speak the truth about what happened to them; to receive ‘answers’; to be awarded compensation and/or restitution; to receive guarantee of non-repetition; and lastly to be actively involved in the judicial process. Of all these specificities, Herman (1992) too points out that remembering and telling the truth about terrible events are “prerequisites both for the restoration of the social order and the healing of individual victim” (Herman 1992:1).

In a remarkable twist during fieldwork, views emerging from the grassroots themselves tended to converge on the way forward to the pacification in post-massacre Mucwini. Pajong clan elders, on the one hand, unambiguously reiterated their deep-seated call for justice through compensation. Pubec clan members (precisely the Pubec-Pamong) too, on the other hand, still look forward to any bail-out from the government (whether local or central) or any such well-wishers (non-state stakeholders) in a bid to respond to the demand from Pajong clan members. A highly esteemed elderly member of Pajong clan made the following revelation:

So far I believe that we [Pajong clan] have maintained a reasonable demand for justice following this devastating massacre. That the first three people killed in Okello’s compound be fully compensated and that a memorial school be built in form of compensation of the rest killed as per the recommendations of Bishop Ochola II’s mediation team. The last time he came here President Museveni pledged to build that school. We are still waiting up to now...

In another interview with another esteemed clan elder from Pubec-Pamong lineage, the interviewee revealed:

The LRA rebels came and killed people here [Mucwini] whose lives ought to have been protected by the government. More importantly, Otim Katende who is said to have been the cause of the whole problem first reported the matter to the government military barrack in Orom, and where he handed over the rebels’ gun. It is so sad that people here in Mucwini eventually got killed by the rebels who were coming after Otim even after they [government soldiers] had been briefed by Otim about the issue at hand. First, LRA rebels are the ones who perpetrated the massacre. Second, we have been impoverished, not even able to look after our own lives. Let government then come in [and] settle this matter. We [Pubec-Pamong members] also welcome other parties to assist us...

If any transitional justice mechanism, as Bickford (2004) argued, is concerned with re-ordering a society emerging from a past violence to promote a more just, less repressive Post-violence society that seeks to overcome past trauma and account for past injustice, the imagination of such mechanism appears to be quite far-fetched from within the realm the Acholi cultural prescriptions.

A massacre Beyond the Reach of the Mato Oput Tradition

Following the massacre in 2002, many interest groups have attempted to resolve the Conflict. These groups included cultural and religious institutions, non-governmental organisations as well as the Local Government of Kitgum. Of special mention in this process are arguments for traditional justice mechanisms to ensure reconciliation among conflicting communities. Undoubtedly, the civil society and international non-governmental organisations have played a crucial role in advocating and assisting in the design of these mechanisms at the time of transition. The *Mato Oput* tradition, from the Acholi ethos (*Mato*, which culturally signify 'to drink' and *Oput*, a uniquely bitter root of tree grown in the wilderness of *Acholiland*) is heralded by the Acholi people as the venerated reconciliatory practice which has the ability to midwife peace after a deadly conflict.

Based on the existing literature and ongoing debate about transitional justice in practice, it can be said that the scope and boundaries of transitional justice remain molten. The measures and mechanisms advanced within the framework of transitional justice cannot, and should not indeed, be prescriptive, for these ought to be context-dependent. More often than not, the state-sanctioned measures typically used within transitional justice are truth commissions, prosecutions of individual perpetrators of human rights violations, reparations, vetting and lustration, and judicial institutional reforms. Brankovic (2010), nonetheless, notes that while these measures can be used in isolation, with a state only pursuing prosecutions, for instance, they are increasingly been employed in a more all-inclusive manner that sees the measures as interdependent and combines elements of both retributive and restorative justice. To illustrate this, in the aftermath of the Juba peace talks which led to the signing of an agreement on reconciliation and accountability in June 2007, it was noted that the application of Acholi reconciliatory rites, including among others *Mato Oput*, were appropriate mechanisms to address the issues of accountability and reconciliation (Huyse 2008).

However, it is worth bearing in mind that such performance of *Mato Oput* as a cultural transitional justice mechanism among the Acholi people is decided upon by a much smaller group of individuals who are regarded as custodians of the tradition. More specific, Latigo (2008) refers to "the traditional masters of ceremony, conciliators, and elders from both clans" as attendants of the *Mato Oput* ritual performance (Latigo 2008: 104). Furthermore, from a deeper interrogation about the performance of the *Mato Oput* tradition, the latter seems to be uncalled for in the case of this massacre. Regardless of the reason that ignited its occurrence and circumstances under which it was perpetrated, the Mucwini massacre consists of a mass killing carried out by LRA rebels. Culturally, the performance of the *Mato Oput* reconciliatory rite is warranted by direct killing, whether deliberate or accidental, of person(s) from clan A killed by person(s) from clan B (Latigo 2008).

Hence, the stance of all Acholi respondents aged 50 and above, mostly clan elders in Mucwini, vis-à-vis the performance of *Mato Oput* in the aftermath of the massacre, reiterated a clear-cut rationale for the inapplicability of the *Mato Oput* tradition in this context. While the *Mato Oput* tradition among the Acholi people still remains one of the most revered cultural practices of settlement of conflict after shedding of blood (whether of one individual or group of individuals by another or group of others), the Mucwini massacre seems not to warrant the performance of the *Mato Oput* reconciliatory rite, which essentially emphasises compensation – material or symbolic, depending on the context of the killing. The case of the Mucwini massacre defies what Teitel (2000) argues about reparations as having a strong dimension of prospective justice, in that, they often respond to the past precisely in order to place the descendants of the original victims in a better position today. The *Rwot* (Traditional Chief) of Chua, who doubles as the Chairman of the County *Ker Kwaro*, said:

In the case of the Mucwini Massacre where the killing was done by a third party (the LRA rebels) it is culturally impossible to conduct the reconciliatory performance of *Mato Oput*. Traditionally, *Mato Oput* can only take place where a person (a) from clan (A) went on to kill a person (b) from clan (B) with direct means; such a killing warrants the performance of *Mato Oput* by which they may reconcile and restore the previously broken relation caused by evil (killing). In my opinion, the three things expected to be done in a way to reconcile Pajong and Pubec clan members consist of the following: *culo kwor*, which in this case ought to be a third party (the Uganda government with or without support from other NGOs), followed by *ngonyo laa*, a cleansing ceremony before Otim Katende could come back to his homeland, and finally *ribe ki kelo ber bedo* which implies the sharing of food and drink after a detailed dialogue for reconciliation and peace.

It is, therefore, imperative to bear in mind that the performance of such restorative kind of justice as *Mato Oput* remains context-dependent. What might have happened in the course of violence (the times of abuse) has much influence on what ought to be done in the aftermath of violence (transition). *Mato Oput*, just like any other restorative justice mechanism, should be called for on a case-by-case basis. In an interview with a Mucwini-born influential civil society activist, deeply concerned with the resolution of the Pajong-Pubec tension, the latter said:

[...] I am still of the view that many peace scholars as well as practitioners who have taken interest in the war which devastated northern Uganda have so far terribly failed to grasp the ingredients of the Acholi culture. Agonisingly, they always tend to push for things they have little or no knowledge about. For instance, one often hears these researchers and peace activists, most of whom are outsiders as well as unfamiliar with [the] Acholi tradition, lobbying for *Mato Oput* to be performed for peace to be restored. To remain true to [the] Acholi tradition, the issue between Pajong and Pubec does not warrant *Mato Oput*; what is required is a mediated settlement of conflict. *Mato Oput* is therefore out of context, the reason

being that the alleged perpetrator did not commit the act in person as required by this traditional justice system.

This shows that the custodians of the tradition (clan elders and community chiefs) fully understand what ought to be done to respond to the killing of such scale and in such context. These custodians of tradition (cultural wardens) do know what course of action to take to restore peaceful coexistence in post-massacre Mucwini and post-war northern Uganda as a whole. Whereas a peaceful resolution of disputes in today's Pajong could be midwived by clan elders and community leaders, the hardest challenge tends to revolve around the pedagogy of dealing with what one key respondent during fieldwork referred to as *nipoo pi jami ma otime* – to remember what took place in terms of memory, both individual and collective. As Osiel (1997) noticed, parties previously involved in a violent conflict watch over one another, in even the most private settings, with extreme sensitivity to the possibility of betrayal; the fragile tissues of social life having worn precariously thin.

It seems that conflicting communities, more especially emerging from brutal mass violence, tend to reaffirm their categorical attributes (identity, communal narratives as well as collective memory) in an even more pronounced way. The case of post-massacre tension in Mucwini testifies to this manifestation and so does it urgently call for Habermas' dialogical framework (1996) consisting of an inherently inter-subjective communicative rationality, together with Freire's pedagogy of hope (1992) and Seligman's pedagogy of tolerance (2004). The resort to violence, Habermas (1996) notes, as a seemingly adequate strategy to deal with latent conflicts neither results from the non-availability of other conflict resolution strategies nor from the fact that pro-peace, non-violent voices are absent from the public discourse altogether. Rather, the resort to violence ensues from hegemonic discursive structures that cause in-group members (considered victims) to accept, proclaim and rationalise violence (not only directly, but even structurally) as a legitimate means to enforce in-group interests against out-group members (considered perpetrators). Borrowing a leaf from Habermas' discourse ethics, Jabri (1996) suggests a counter-discourse of peace, which challenges the discursive and institutional continuities that legitimise war and violence as a form of human conduct. The force of the model in conceptualising peace, Jabri (1996) argues, is in its capacity to locate a process that allows for the emergence of dialogical relationships. This model, therefore, does not provide "a substantive definition of the contents of peace, but provides a framework through which war [violence] as an institution may be put to question" (Jabri 1996:166).

The dialogical framework Jabri (1996) is referring to points to Habermas' communicative rationality, which ensures free and transparent communication by which a shared, inter-subjective consensus could be reached. Such inherently inter-subjective communicative rationality is characterised by two premises. First is the

principal possibility of unhindered and equal participation of all social actors in the discourse, and second, the evolvment of undistorted communication which implies the right to question the underlying validity claims of all utterances put forward by any member participating in the discourse (Habermas 1996). With more than a decade since the guns went silent in northern Uganda, the ongoing tensions between post-war communities – as is the case of the tension between Pubec and Pajong clan members – continue to frustrate the attainment of full post-war recovery and durable peace not just for Mucwini Sub-county or Kitgum District, but even the region of northern Uganda as a whole. No doubt, the sheer lack of praxis of Habermas’ communicative rationality and discursive ethics by Pajong and Pubec clan members in post-massacre Mucwini has made the search for sustainable peace a highly priced venture there.

Given such ongoing antagonism in post-massacre Mucwini and post-war northern Uganda in general, Freire’s *Pedagogy of Hope* (1992:8) attempts to invigorate the imagination of peace after violent conflict when it noted:

There is a hope, however timid... a hope in each and every one of us [...] To attempt to do without hope, which is based on the need for truth as an ethical quality of the struggle, is tantamount to denying that struggle one of its mainstays.

But what is even more insightful about the construction of a framework within which sustainable peace could be imagined and pursued in post-war northern Uganda, consists of Freire’s earlier argument for dialogue (Freire 1970:69-70) according to which:

Dialogue is the encounter between men, mediated by the world, in order to name the world... dialogue is thus an existential necessity. And since dialogue is the encounter in which the united reflection and action of the dialoguers are addressed to the world which is to be transformed and humanized, this dialogue cannot be reduced to the act of one person’s ‘depositing’ ideas in another, nor can it become a simple exchange of ideas to be ‘consumed’ by the discussants... Because dialogue is an encounter among women and men who name the world, it must not be a situation where some name on behalf of others.

In reference to the socio-economic situation in post-massacre Mucwini, Freire’s *Pedagogy of the Oppressed* (1970) reminds us that the dehumanisation resulting from an unjust order or a brutal past should not be a cause for despair but for hope, leading to the incessant pursuit of the humanity denied by injustice. It is this sort of collective consciousness (to make usage of Freire’s words), which can turn out to be instrumental both in the design and the implementation of a roadmap to sustainable peace in post-massacre Mucwini and post-war northern Uganda as a whole. More intriguing, Freire’s *Pedagogy of Hope* is meant as “a defense of tolerance,” not to be confused with connivance and radicalness; it is equally

meant as “a criticism of sectarianism” (Freire 1992:9). Seligman (2004:155) adds a staunch observation to this imagined scenario of peaceful coexistence after violent conflict, pointing out that tolerance is a very circumscribed virtue, for it is applied from within boundaries:

[...] groups have boundaries. They cannot exist without boundaries... Tolerance, then, is a virtue that has everything to do with boundaries and with margins. It does not have to do with all-out threats to who we are, whether those threats come from outside or from inside, or whether those threats are physical or symbolic in nature. Rather, tolerance has to do with behaviors and/or beliefs that exist on the ‘margins’ of the group’s identity.

The predicament of peaceful coexistence in the aftermath of violent conflict as in the case of post-massacre Mucwini seems to lie in the search for compromise between ‘peace’ and ‘justice.’ In the very end, therefore, the search for justice as the most wanted virtue in post-violence scenarios should not eclipse the manifestation of peace, just as the pursuit of peace as the ultimate value should not undermine the realisation of justice. Else, for so long as these communities (Pajong and Pubec clans) continue to claim monopoly of victimhood through endangering narratives of self-righteousness, peace – whatever the cost – in post-massacre Mucwini as in many other instances in today’s northern Uganda, will still remain elusive in the long run.

Conclusion: What Sort of Justice in the Aftermath of a Massacre?

Peace-building, more so in the aftermath of mass violence, is a highly contextualised venture. It, therefore, seems that each post-war context dictates both the content and the shape of the type(s) of transitional justice mechanisms to be applied therein. The post-massacre situation in Mucwini, as with many scenarios of mass atrocities committed during civil war elsewhere in the Great Lakes region and the African continent in general, presents a vivid case contrasting criminal liability to societal reconciliation through restorative justice. Indeed, while the need for charting peaceful coexistence and harmonious living in the aftermath of violent conflict cannot be overemphasised, a fragile society emerging from a bloody conflict as is the case of communities in post-massacre Mucwini still grapples with questions about how best to deal with the bitter legacy of evil deeds. Yet, addressing such questions in a timely fashion remains paramount to the survival and sustainability of such fragile post-war society.

More than anything else, the ongoing conflict between Pajong and Pubec clans in post-massacre Mucwini is a result of clashing views about what justice ought to mean and how it ought to be pursued in response to the devastating massacre that claimed the lives of 56 people in one night. Can the pursuit of a restorative type of justice, in the aftermath of violent conflict, have an opportunity to work towards a non-violent resolution, workable accountability options, and so give peaceful

co-living a chance? Assessing the merits and application of the Acholi traditional justice mechanism of *Mato Oput* reveals the pertinent need for contextualisation of such restorative type of justice in societies emerging from violent conflicts as in the case of post-massacre Mucwini. In the meantime, a plethora of interventions by non-state actors (whether local, national or international) in post-massacre Mucwini notwithstanding, the dividends of a holistic peace – what Galtung (1996) calls ‘positive peace’ – continue to elude this former LRA-invaded area. Frustratingly, even ‘negative peace’ (the absence of direct violence) still eludes most of severely LRA-affected sub-counties of northern Uganda, including Mucwini.

This study, therefore, underscores that any attempt to ensure peaceful settlement of tension as well as harmonious co-living in the context of post-massacre Mucwini must delve into negotiating and then reconciling the differing understandings of justice held by the antagonistic clans. Such negotiating of ways in which to right past wrongs, which does entail bringing the considered offender-community (Pubec clan members) and the considered victim-community (Pajong clan members) together with other member of the wider society, including sympathisers and bystanders alike, may culminate in a set of restorations as argued by Marshall (1997). These include restoration of the considered victim, restoration of the considered offender to a law-abiding life, and then restoration of the damage caused by the crime to the community. Marshall (1997) further argues that restoration is not solely backward-looking; it is equally, if not more, concerned with the construction of a better society in the present and the future.

Basing on her lessons from the end of the apartheid regime in South Africa, Gobodo-Madikizela (2003:125) asserted the following:

To dismiss perpetrators simply as evildoers and monsters shuts the door to the kind of dialogue that leads to an enduring peace... Daring, on the other hand, to look the enemy in the eye and allow oneself to read signs of pain and cues of contrition or regret where one might almost have preferred to continue seeing only hatred is the one possibility we have for steering individuals and societies toward replacing long-standing stalemates out of a nation's past with genuine engagement.

The prevailing normative expectation that has significantly shaped the so-called appropriate response to a wrong has been largely influenced by the notion of *lex talionis* – more often used to refer to a set of legal categories of punishments proportionate to a crime committed. Vis-à-vis this approach towards righting a past wrong, described as ‘retributive justice,’ Pillay (2009) posed a series of questions of Kantian order, asking whether retributive justice is a categorical imperative. Put differently, Pillay (2009) interrogated whether justice-as-punishment is something that must always be carried out when a wrong has been committed. Insightfully, in the quest for justice in the context of post-mass violence as may as well be the case of post-massacre Mucwini, it is worth bearing in mind – at least for a long pondering moment – the words of Mamdani (2014:28):

Human rights may be universal, but human wrongs are specific. To think deeply about human wrongs is to wrestle with the problems that give rise to acts of extreme violence, which in turn means that victim narratives must be circumscribed within a 'survivor narrative', less fixated on perpetrators and particular atrocities, and more alert to continuous cycles of violence from which communities can eventually emerge. For this to happen there can be no permanent assignation of a victim identity or a perpetrator identity...

Those who, on the one hand, emphasise the beneficial effects of prosecution, such as Vinjamuri and Snyder (2004) as well as Bass (2005), propose two sets of arguments. The first argument is victim-oriented: it is argued that a post-conflict society has a moral obligation to prosecute and punish the perpetrators because retribution is exactly what most victims want. It serves to heal their wounds and restore their self-confidence due to the fact that it publicly acknowledges who was right and who was wrong and, consequently, clears the victims of any labels of 'criminal' that were placed on them by the authorities of the past or, indeed, by the very wrongdoers or the new elites. The second set of arguments, Huyse (2008) notes, has to do with establishing and upholding peace and stability. It is thus argued that prosecutions (trials) will avoid unbridled private revenge. Otherwise, victims may be tempted to take justice into their own hands. Therefore, the survival of a newly established order in the aftermath of violent conflict, so it is argued, depends on swift and firm judicial action against the perpetrators of the gravest violations of human rights.

On the other hand, advocates of restorative justice, such as Wierzyńska (2004) and Latigo (2008), question whether outright punishment is the appropriate response in any and every context. The end of a civil war or a period of violent repression creates an intricate agenda, including rebuilding the political machinery and the civil service, guaranteeing a minimum of physical security, disarming rebel movements and re-organising the army and police, rebuilding the socio-economic infrastructure, stabilising the economy, establishing a non-partisan judiciary, healing the victims, repairing the damage inflicted on them, and guaranteeing a reliable security force for civilian protection among other items. It is argued that dealing with the perpetrators, possibly by means of criminal prosecutions, is only one of many challenges. More often than not, it will be impossible to tackle all tasks simultaneously. Choices, therefore, have to be made; it is said that the place of justice in general, and or prosecution (trials) in particular, on the post-violence agenda depends on the particular conjunction of political, cultural and historical forces. Other problems and needs may be more important and even more urgent than seeking justice through trials. Furthermore, proponents of this argument believe that prosecutions are ambivalent in certain transitional contexts; they can even have highly destabilising effects on a peaceful settlement process.

Preoccupied with the thread with which a previously violence-torn society such as post-massacre Mucwini could be woven, the empirical material marshalled for

this study enables this chapter ultimately underscore that what the aftermath of mass violence calls for is neither victims' justice (categorical retribution) nor perpetrators' justice (mere amnesty). Singly applied, both elude the possibility of durable peace after evil. Instead, a rather taxing yet much more rewarding application in such context as post-massacre Mucwini is that of survivors' justice. The idea of survivor, taken in its truly ontological sense, helps us open wide the horizons of peaceful coexistence after large-scale evil, for it concerns itself with whomever survives the violence, whether categorised as victims, perpetrator, sympathiser of either category, or simply bystander. For sustainable peace, at any rate, is essentially a future-oriented endeavour, a pursuit of justice in the aftermath of mass violence should allow for measures that simultaneously “take note of the wrongs committed” and are amenable to “principled compromises for the sake of reconciliation and peace” (Pillay, 2009:350). Only then can peaceful coexistence among hitherto antagonistic communities be imagined and sustained in the context of the post-mass violence.

Note

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