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CAN INTERNATIONAL CRIMINAL LAW DETER REBEL GROUPS?: THE CASE
OF UGANDA, THE LORD'S RESISTANCE ARMY, AND THE INTERNATIONAL
CRIMINAL COURT

By

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CAN INTERNATIONAL CRIMINAL LAW DETER REBEL GROUPS?: THE CASE
OF UGANDA, THE LORD'S RESISTANCE ARMY, AND THE INTERNATIONAL
CRIMINAL COURT

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University of Nebraska, 2016

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How does a state's commitment to international criminal accountability mechanisms affect the tactics of rebel groups fighting against it? I examine the conflict between Uganda and the Lord's Resistance Army, spanning four phases from 1996 until 2015, and parse out whether Uganda's stance on the Rome Statute and the International Criminal Court affected the LRA's propensity to target civilians. I use descriptive statistics of civilian and military casualties and qualitative case studies, drawing largely on newspaper and NGO reports of events in the conflict. I find that the affect of Uganda's signaling on justice on the LRA's civilian targeting is conditioned by several factors, including principal-agent relationships among the LRA, inconsistency of signaling and subsequent doubts about credibility, and learning processes among all actors about the role of the ICC in ongoing conflict.

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Introduction

Those who took up arms outside of the authority of the state—or directly against the state—have long had to contend with the risk of being apprehended and potentially punished according to the laws of their state. Only recently, however, have they had to consider the risk of arrest and prosecution on international laws, by institutions whose authority can transcend or contradict that of individual states.

The justice cascade, and in particular the proliferation of international criminal law and tribunals, has influenced the decision-making of countless political actors (Kim and Sikkink 2010). Armed rebel groups are almost certainly among them, but we are only beginning to understand how the specter of international laws might influence how rebel groups fight, or choose not to fight. Current scholarship focuses on two broad avenues by which a state's commitment to international criminal law might influence rebel groups. First, the prospect of their adversaries in government promoting international prosecution of rebels for human rights violations might deter rebels from committing such violations. Second, commitment to international criminal law might induce the state—and in particular, its armed forces—to change its behavior, thus affecting the overall landscape of the conflict and changing the rebels' decision-making calculus within it.

Through the lens of the case of Uganda, the Lord's Resistance Army (LRA), and the International Criminal Court (ICC) from 1996 until 2015, this paper is a first cut at unpacking the complex dynamics through which international criminal tribunals might influence rebel groups' behavior in conflict.

The broad, orienting question is: *how does a state's commitment to international criminal accountability affect the tactics of non-state militant groups within it?* To

answer this question, I first review the literature on how international criminal law affects the decisions of its current potential violators. Since the case study spans periods of open warfare and several attempts at peace negotiations and post-conflict transitions, I survey literature on both the role of international criminal law in wartime, and its role in transitions to peace. I then explain the case selection, and provide important context on the ICC and the conflict in Uganda. Next, I explain my assumptions about the three main actors, and articulate a theory derived from those assumptions—simply put, the more credible support that Uganda shows for the ICC, the more likely the LRA is to alter its behavior to prevent atrocity. Then, I describe the methods of this study and conduct a case study in four periods, each characterized by variations in Ugandan support for the ICC. While I do not find that variance in Ugandan support for the ICC demonstrably, directly deterred the LRA from attacking civilians, I do find that the ICC conditioned the context of the conflict, and most importantly, attempts at peace negotiations, in important ways. I conclude by discussing how Uganda's stances on the ICC, interacted with the ICC actions, conditioned the context of the conflict by reducing the credibility of Uganda's promises about post-conflict justice, and with suggestions for how these and other relevant dynamics can be studied further.

Literature Review

There is a vast and richly multi-disciplinary literature on the effects of international criminal law. The bulk of this literature can be divided into two camps, based on its outlook on the effects of international criminal law. The optimist camp argues that international criminal law is, on the whole, a net positive force—that in spite of its limitations, it does promote respect for human rights and deter human rights abuses

(Akhavan 2001, Akhavan 2004, Simmons 2009, Jo and Simmons 2014, Dragu and Polborn 2013). The strongest optimists argue that the proliferation of international criminal law and international criminal tribunals has created a new age of accountability. Kathryn Sikkink articulates this conviction as a “justice cascade”—the idea that each new human rights treaty, body, law, and tribunal begets increased institutionalization of and respect for human rights (2009). Regarding human rights crimes, this means that as prosecutions of human rights violators increase in number and visibility, political leaders become more and more aware that they too could be prosecuted for similar violations, and are thus deterred from committing them.

On the other hand, skeptics of international criminal law argue that its net effects are either superficial or detrimental. Milder skeptics argue that international criminal law simply doesn't have the far-reaching effects that optimists celebrate, that while states may ratify human rights treaties and codify commitments to accountability for atrocity, they do not enforce them (Hafner and Burton and Tsutsui 2005, Hathaway 2002). Stronger skeptics argue that, in some cases, international criminal law actually worsens human rights conditions, and make the commission of atrocities more likely (Ku and Nzelibe 2006).

One camp of these skeptics examines the effects of international criminal law in the context of conflict, and largely finds that it has negligible, mixed, or counterproductive effects. In a game theoretic analysis, Gilligan finds that international criminal tribunals can prevent some atrocities “on the margins” because it reduces the exile option for culpable leaders, thus making them more likely to be apprehended by tribunals sooner (2006, p. 935). However, Krmaric empirically tests this assertion, and

finds that diminishing prospects for the safe exile of culpable leaders actually makes those leaders more likely to commit atrocity crimes (2014). Since these leaders can't count on the option of safe exile, they will become more committed to their fight, and thus prone to commit atrocities in the course of the continuing conflict (ibid.)

Thus, some suggest that amnesties can be a necessary and useful tool to promote the end of conflict, and thus prevent atrocities. Offers of amnesty can prevent local backlash—and the reigniting of conflict—that pursuing prosecution risks (Snyder and Vinajmuri 2003). Indeed, many peace researchers take as given that neutral mediators of civil war agreements, even those who respect human rights, need to have amnesty as an option for post-conflict justice if both parties can negotiate successfully and in good faith (Scharf and Williams 2003, Sonnenberg and Cavallaro 2012). It's important to note that—despite some of the rhetoric of the old peace versus justice debate—amnesties and accountability are not mutually exclusive. In a 2016 study, Geoff Dancy finds that only 20% of amnesties offered in civil wars entail the forgiveness of human rights abuses. Further, he finds that amnesties only prevent further violence when they do not prevent accountability for human rights abuses (ibid).

Proponents of amnesties argue that they promote peace because they change the bargaining situation in a conflict in clear ways—by mitigating the threat of prosecution, they establish trust between the sides and enable progress in negotiations (Snyder and Vinajmuri 2003). However, there is much less consensus on how international criminal law, and international criminal tribunals, change the bargaining situations in peace negotiations in civil wars.

It is well established that war, including civil war, is essentially a bargaining problem. The sides fight because of a breakdown in peaceful bargaining—a lack of information about their opponent, or a lack of faith in the opponent’s credibility (Fearon 2004, Fearon 2005, Powell 2006). When an opponent has private information—and, perhaps—incentives to misrepresent that information, it is easy for their opponent to miscalculate their capabilities, incentives, and credibility, which can lead to war. In some cases, issue indivisibility makes it impossible for either side to make credible commitments using peaceful bargaining, and so the situation can escalate into war. War is just another form of bargaining—a means of establishing credibility, demonstrating resolve, and gaining information. Furthermore, bargaining in war might give opponents more information about each other’s credibility, resolve, and capabilities than bargaining in peace.

Therefore, attempts to make peace necessarily revolve around the factors that underlie bargaining—credibility, commitment or resolve, and information. Peace negotiations in civil wars are notoriously difficult because, by their nature, credibility is especially difficult to establish (Walter 1997). Civil wars are, by definition, wars between the state and any number of non-state armed groups. In order to return to peace, rebel groups must necessarily lay down their arms, while the state, by virtue of being a state, must maintain armed forces. This creates an exacerbated security dilemma—it is extremely difficult for rebels to trust a state that is allowed to maintain arms as they surrender theirs. Thus, credible commitments in civil war peace negotiations are extremely difficult to come by (Walter 1997).

The best solution to this exacerbated security dilemma is the use of third party guarantors both during peace negotiations and throughout the post-conflict transition (Walter 2004, 2009, 2014). Third parties can increase the credibility of the commitments that each side makes to each other during peace negotiations, as they provide assurance that these commitments will be overseen and enforced by outside observers (Doyle and Sambanis 2002, Hartzell and Hoddie 2003).

Uganda and the LRA's attempts to negotiate peace show that international criminal tribunals—in this case the ICC—can influence peace negotiations in civil wars (Kersten 2016). However, there is insufficient understanding of how international criminal tribunals might affect the bargaining climate in civil wars. Much of the extant literature focuses on how the ICC affects leader's actions in peace negotiations, since—due to the focus of the Court—they are the ones vulnerable to prosecution. The bulk of these studies examine how the involvement of the ICC makes leaders less likely to cooperate in ending the conflict (Krcmaric 2014, Goldsmith and Krasner 2003, Cronin-Furman 2013, Scheffer 2012, Mendeloff 2011). Krcmaric finds that since charges for atrocity crimes limit the possibilities for leaders to step down or go into exile, leaders are therefore more likely to double down on their efforts to win the conflict (2014.) Further, since definitions of atrocity crimes are subject to interpretation, leaders accused of atrocity crimes can easily view the accusations more as indications of Western bias than actual atrocities, and are thus unlikely to take them, and subsequent peace-making efforts, seriously (Goldsmith and Krasner 2003). This perception of Western bias is reinforced by the reality that international criminal tribunals depend heavily on the support of powerful, almost always Western, states (Scheffer 2011). Other studies suggest that ICC

involvement can distort leaders' perceptions of their own strength—if a leader is able to evade arrest on an ICC warrant, he is likely to evaluate himself as strong enough to continue the conflict, thus lowering the likelihood of successful peace negotiations (Scheffer 2012, Mendeloff 2011). In two studies, Snyder and Vinjamuri look at the group rather than leader level, and find that groups under threat of human rights prosecution are more likely to spoil peace negotiations and reignite conflict (2003, 2015).

None of these studies centralize the vastly differing incentives facing rebel leaders and heads of state and government. Indeed, almost all of them examine the effects of international criminal accountability on state leaders, and then offer that their conclusions could likely be generalized to rebel leaders. However, Walter's concept of the exacerbated security dilemma that defines peace negotiations for civil wars is inescapable, and shows that rebel leaders and state leaders face different incentives and different concerns. Thus, these studies are limited because they do not fully explore how international criminal tribunals might condition perceptions of credibility in peace negotiations. International criminal tribunals are especially likely to affect perceptions of the state's credibility in peace negotiations, as they can constrain the actions of states in the ways that they cannot constrain those of rebel groups. This study is a first cut at showing how an international criminal tribunal—the ICC—may have affected rebel (LRA) perceptions of a state's (Uganda) credibility in the process of peace negotiations for a civil war.

Theory, Assumptions and Hypotheses

In asking how the shifts in Uganda's position regarding the International Criminal Court have affected the LRA's propensity to target civilians, I am making several assumptions, both regarding the LRA and the government of Uganda.

First of all, I assume that the LRA is not socialized to any humanitarian norms, and thus any compliance or change in behavior on its part stems entirely from material concerns. This assumption stems from Joseph Kony's public statements, which clearly indicate that, if he believes in human rights at all, his concepts of them are very different from the internationally accepted norms.¹ His public statements regarding human rights indicate that he does not place great importance in even trying to convince the international community of any kind of credibility regarding human rights. Furthermore, this assumption dovetails with previous findings that criminal groups are most likely to change their behavior as the threat of arrest becomes more real (Bueno DeMesquita & Cohen, 1995; Nagin, 1998; McCarthy, 2002, Chalfin and McCrary 2014).

I also assume that it is the Ugandan government's signaling that primarily determines the LRA's perception of the likelihood of prosecution. This study does not centrally explore whether the LRA is taking signals from other actors, such as the ICC, into account, although I certainly acknowledge that signals from other actors matter. This is for several reasons. First, since Uganda referred the LRA situation to the ICC, and since its active cooperation with the Court is all but required to apprehend the

¹ For example, when answering questions on the LRA's use of child soldiers, Kony said, "We don't have any children. We only have combatants" (Voices Education Project). Kony also maintains that none of the LRA's actions violate human rights because they fight for the Ten Commandments, and were ordained by God to do so (Farrar, 2006).

perpetrators, it follows that Uganda can constrain the ICC's ability to conduct investigations and execute arrest warrants to the extent that it is Uganda's commitment to prosecution, not the ICC's, that matters most.

Second, once Uganda referred the LRA to the ICC, the Court's signaling on its commitment to investigating and later prosecuting the case did not change. Thus, the LRA could take the ICC's stance as fixed, while Uganda's signaling was much more variable. It follows that any changes in LRA behavior are likely more to due with changes in Ugandan signaling, simply because ICC signaling on its commitment to justice for the LRA did not significantly vary.

Third, I assume that the LRA is not socialized to international humanitarian norms, and that it does not seek international legitimacy. Observers agree that the LRA has shown no consistent interest in fitting itself into the strictures and norms of the state or international system. The LRA originated as a spiritual movement, political only in a nebulous desire to establish a theocratic state founded on principles that mix traditional Acholi with evangelical Christian ideas and practices (Doom & Vlassenroot, 1999). Even those that see Kony as fighting for more conspicuously political reasons, such as the Institute for Peace and War Reporting (2006), can only describe Kony's tactics as "airing grievances," but can trace no pattern or intention of achieving actual political aims, let alone fitting into the state or international system.

This assumption is essential because it means that the main deterrent for the LRA to cease committing atrocities is fear of apprehension and prosecution, not a desire to be accepted by the international community as shown through a willingness to abide by its norms. The only extant explanation for why international criminal accountability would

deter a rebel group hinges on the rebel group seeking a perception of legitimacy among states and the international community (Jo and Simmons 2014, Jo 2015), but there is absolutely no indication that the LRA seeks legitimacy. Therefore, if international criminal accountability can deter the LRA, deterrence of rebel groups does not hinge on their pursuit of legitimacy, a strong indication that international criminal accountability can serve as a direct, material deterrent of atrocities.

Finally, due to the ICC's complementarity principle, it was bound to endorse any Ugandan domestic prosecution of the LRA, although it can certainly influence domestic prosecutions. Still, the ICC has very little sway over whether LRA prosecutions are domestic or international, as Uganda could choose to prosecute LRA leaders domestically or to have them prosecuted internationally, while the ICC is bound to support either option. Whether the LRA leadership is prosecuted domestically or internationally could be very relevant to their fates. For these reasons, Ugandan signaling on prosecution has more direct implications for the LRA.

Thus, these assumptions lead to the theoretical expectation that as the perceived threat of indictment or arrest on charges of war crimes increases, the LRA will be less likely to target civilians. Rebel perception of the threat of indictment and prosecution by an international court will be conditioned by the state's signaling of support for the court. If the state signals strong support for the international court, the threat of prosecution for rebels increases. If the state signals weak support, or opposition, the threat diminishes. Therefore, the perceived threat of indictment or arrest is determined by the Ugandan government's signaling on various justice mechanisms. Therefore, I have three hypotheses.

The central hypothesis of my paper is that *when the Ugandan government showed strong support for international prosecution of LRA leaders, the LRA decreased its targeting of civilians*. I theorize that when a state shows strong support for the ICC, rebel groups will respond by decreasing their civilian targeting. They will do this because they perceive state support for the ICC as a heightened threat of arrest and prosecution, and because they are conscious of the fact that targeting civilians is one of the most serious crimes for which they can be arrested and prosecuted. It is important to note that strong support cannot only constitute statements, but action, as the LRA must perceive Uganda as not only willing to carry out a potential ICC arrest warrant, but capable of doing so.

Due to the particular landscape of justice options in the Ugandan conflict, a third hypothesis emerges: *when the Ugandan government showed support for domestic mechanisms of justice, the LRA's targeting of civilians increased*. The ICC accepts and encourages complementarity, or the idea that international and domestic justice can work towards the same purposes of accountability. However, the ICC does not support amnesty, and domestic justice mechanisms in Uganda have always included the possibility of amnesty. Therefore, in the Ugandan context, international justice mechanisms and domestic justice mechanisms can be seen as incompatible and opposed. Since domestic justice mechanisms in Uganda would include amnesty, they represent a reduced threat of punishment for LRA leaders, and would therefore give them no incentive, or even an increased incentive, to target civilians.

To allow for the possibility that my theory is wrong, I hypothesize that *the Ugandan's government's signaling on international prosecution, domestic prosecution, or amnesty had no affect on the Lord's Revolution Army's targeting of civilians*. This

hypothesis allows for the possibility of principal-agent issues: if the LRA had significant issues with soldiers not obeying commanders orders, the null hypothesis would likely be upheld. In this case, even if rebel commanders wanted to reduce civilian targeting in response to government signaling, there would not be a corresponding decrease because their soldiers would not obey orders.

Context, Case Selection and Methods

Context: the ICC as the World's Foremost International Criminal Tribunal

This study explores the effects of international criminal tribunals by examining one tribunal: the ICC. It was formally created in 1998 with a particular kind of human rights violator in mind—a leader who ordered and participated in mass atrocities. Due to the scope of its aims and its status as a truly international court, it is arguably the centerpiece of the international criminal accountability regime.

Its ambitions notwithstanding, its importance to the international human rights regime and ability to do its work are contingent on the cooperation of states. The ICC is composed of 123 states that have ratified the Rome Statute, thus placing themselves under the jurisdiction of the court (UN General Assembly 2010). The ICC is dependent on states not only to place themselves under its jurisdiction, but also to provide the material support necessary for it to do its work (Sikkink 2011). When the ICC initiates an investigation into a situation, it relies on state support of the investigation for the access and resources necessary to carry out the investigation. Likewise, if the investigation culminates in an arrest warrant, the ICC relies on state forces to apprehend the accused. While the ICC is in some senses an autonomous international institution, its role is

heavily contingent on state support. Thus, when considering international criminal accountability, it is not enough to consider the ICC, but how states engage with it.

Uganda: Context and Case Selection

In Uganda, news of the first serious discussions of creating an international criminal court came in the context of a nearly decade-long war. It dates back to 1986, its first manifestation a spiritualist movement that arose in response to the Ugandan army's (UNDP) hostilities in northern Uganda. By the time the ICC was created, the movement had morphed into the Lord's Resistance Army, led by Joseph Kony, and was well-known for targeting civilians, including kidnapping children to use as child soldiers, massacring villages and attacking refugee and IDP camps. As will be detailed below, Uganda was a strong supporter of the ICC and its inception, and the desire to use the ICC as a tool to gain leverage over the LRA was a strong motivator for Uganda's support.

The case of Uganda and the LRA is an ideal case to explore whether a state's commitment to international criminal accountability affect the tactics of non-state militant groups within it for several reasons. Due to the nature of the LRA, it is in many ways a most difficult case to test this relationship—if government signaling on the ICC can affect the LRA's targeting of civilians, it is likely that it would affect many other rebel groups' as well. It has been well-established that rebel groups seeking legitimacy among the international community respond to incentives to abide by international criminal and humanitarian law (Jo 2015), but it has not yet been conclusively shown that the threat of apprehension and prosecution by an international criminal court can, in and of itself, deter a rebel group from committing atrocities. A finding that Ugandan signals

of resolve to prosecute the LRA at the ICC deters the LRA from targeting civilians would show that international criminal law can be a material deterrent to actors in conflict, as well as a yardstick by which the international community could evaluate their legitimacy.

Furthermore, Uganda's stance on international justice has been rife with complications and switchbacks, providing more than enough variability to give this case analytical leverage. Uganda has alternately supported ICC prosecution, prosecution in domestic courts, and traditional justice practices of varying severity, some lenient enough to constitute amnesty. This variation is what allows me to examine whether the LRA's targeting of civilians varies along with Uganda's varying levels of commitment to prosecution.

Methods

Using an original dataset compiled from the Global Terrorism Database (GTD), ACLED, and the LRA Crisis Tracker, I trace levels of civilian targeting by the LRA from December of 1995 until July of 2015. Using ACLED data, I also trace levels of civilian targeting by the Ugandan People's Defense Force (UPDF), the Ugandan military, and the Ugandan police force, which has occasionally played a role in quelling violence in northern Uganda. Along with levels of civilian targeting, I trace levels of military targeting by both actors. For each time period covered by the study, I test the difference between means of civilian targeting between the LRA and Uganda, as well as the difference between the monthly means of civilian and military casualties for each actor, in order to better contextualize the LRA's rate of civilian targeting, which remains the indicator of the most interest for the question of rebel deterrence.

I combine these data with a qualitative case study of the Ugandan government's

signaling on the Rome Statute and the ICC, and major reports of LRA decision-making in the conflict. The case study is split into four periods, based on the Ugandan government's evolving signaling. I find that the Ugandan government's signaling on international justice, in and of itself, does not affect the LRA's propensity to target civilians, but that it is conditioned by several factors that do play a role—perceptions of Uganda's credibility of commitment to promises made in the course of peace negotiations, including those relating to justice mechanisms; Uganda's own human rights record in prosecuting the conflict; and the growing involvement of non-state stakeholders, including northern Ugandans themselves, in advocating for the ICC to play a role outside of the one initially conceived by the government of Uganda.

December 1995- December 2003: Uganda supports international criminal accountability

[Figure 1 here]

[Figure 2 here]

Ugandan Signaling

In the final days of 1995, the United Nations General Assembly resolved to create a Preparatory Committee for a much-discussed but as-yet-unrealized court to internationally try the perpetrators of the worst crimes (UN General Assembly). This Preparatory Committee went on to convene twice in 1996; in each of these meetings, delegations from both states and NGOs formally discussed issues behind and ideas for an international criminal court (Committee on International Law and Committee on International Human Rights, 1996, pp.4). In November of 1996, the Preparatory Committee resolved to elevate its sessions from simple discussions to meetings of various

working groups, each of which was tasked with negotiating an aspect of what would hopefully become a draft for an international convention (ibid, pp. 4). The General Assembly reinforced this with a resolution (1996). These discussions continued throughout 1997, to be culminated in a diplomatic conference in Rome at the end of 1998. Uganda was engaged in these discussions.

Two years of committee work culminated in three days of international negotiations at the Rome Conference, which took place from June 15-17, 1998. Uganda signed the Rome Statute less than a year later, on March 17, 1999. That it was within the first sixty states to do so signaled Uganda's strong support for not only the principle of criminal accountability, but for the mechanism of an international criminal court to provide accountability for the perpetrators of the worst crimes.

At this point, the International Criminal Court existed on paper, but still not yet in reality. The Rome Statute stipulated that the ICC would not come into force until sixty states had ratified it (Bosco, 2014, pp. 56). This would happen more than three years later, on June 30, 2002. Uganda was one of the last of the initial sixty to ratify the Rome Statute; it did so on June 14, 2002. In the months leading up to ratification, the Ugandan Prime Minister, Apolo Nsubingi, loudly called for Uganda to ratify the Statute, specifically so that Uganda could take advantage of the new ICC to try Joseph Kony for crimes against humanity (Africa News, 2002).

Uganda showed strong support, both internally and on the international stage, for ratification of the ICC. However, it is clear that its motivation was much more material than it was normative. Prime Minister Nsubingi's call for the speedy ratification of the Rome Statute *specifically so* Uganda could use the ICC to try Kony shows very clearly

that much of Uganda's interest in ratification lay in a desire to use the ICC as a powerful card to play against the leader of a long-standing and costly rebellion. This is further reinforced by the fact that, only several weeks after calling for the speedy ratification of the Rome Statute, Uganda signed a Bilateral Immunity Agreement with the US. Uganda's willingness to agree to not ever help the ICC hold US military personnel accountable for their wartime conduct clearly indicates that Uganda was not operating according to a pure, unwavering belief in the principles of international justice and universal jurisdiction. Its aims were tactical and self-interested. Still, in spite of the BIA, public affirmations of its strong support for the ICC were an important tactic, with a Ugandan delegate to the UN making a strong statement of support for the nascent ICC in October of the same year (Kalema, 2003). Indeed, throughout the end of 2003, Ugandan leaders met several times with the prosecutor of the ICC to discuss referring the LRA situation for ICC investigation and eventual prosecution (Otim & Wierda, 2010, pp. 2).

LRA Civilian Targeting

The LRA maintained a consistent low level of civilian targeting from the late 1990s through the early 2000s. There is a notable spike in violence in April of 2002. Prior to this, the LRA's highest monthly death toll had been 41 (September of 2000), and in April of 2002, the LRA killed 530 civilians. This is likely due to the fact that, in the late spring of 2002, the LRA established a base in Southern Sudan (New Vision, July 19, 2002), and in the second half of the summer, they were once again able to turn their attention towards attacking northern Uganda from their new base (The Globe and Mail, July 26, 2002).

However, in July and August, there seems to have been a turn—while the LRA continued its usual tactics by attacking an IDP camp (New Vision, August 3, 2002), it also released many captives, a notable departure from their usual practice of killing them (New Vision, July 30, 2002). The number of civilians killed also fell to 109 in July and 154 in August. In the last week of August, Kony called a ceasefire, but the numbers of civilians killed remained between 150 and 200 a month during the fall, when the ceasefire was in effect (The Monitor, August 25, 2002).

Kony's request for a ceasefire came just over two months after the Rome Statute came into force, with Uganda as one of the initial ratifiers. This is telling; however, in his terms of the ceasefire, Kony only stipulated that the LRA would not attack the UPDF. He mentioned nothing about ceasing attacks on civilians, and his additional terms—that the UPDF not come within one kilometer of the LRA's positions—suggest that the ceasefire was much more about protecting the LRA in the context of the conflict, rather than about ending the conflict altogether, or about any LRA trepidation about the nascent ICC. This corresponds with the generally high rates of Ugandan military targeting seen throughout this time period, which spiked especially in the beginning of 2002, and posed a significant military challenge to the LRA. Thus, if Kony was responding to the newly created ICC, it was much more likely that he conceived of the ICC as a tool that gave Museveni an advantage over him in the conflict, not that he conceived of the ICC as a mechanism that would inevitably impose justice on him.

The early weeks of 2003 saw the LRA preparing for ceasefire negotiations (New Vision, January 14, 2003; New Vision, February 6, 2003), even as they continued their usual tactics of targeting civilians (The Independent, February 28, 2003). There was a

notable spike in violence in January of 2003—the LRA killed 457 civilians. This spike suggests that the LRA might have increased its targeting of civilians to force the government's hand to accept the ceasefire, and shows that it was not deterred by any specter of international prosecution.

In April, the LRA demanded an unconditional ceasefire from Uganda (UN Integrated Regional Information Networks, April 10, 2003), and, as if to heighten the credibility of their desire for peace, they reduced their targeting of civilians, as only 56 civilians were killed in April of 2003. The targets of several of these attacks—a health center, a trading center, a mission—suggest that the LRA was more interested in material plunder than it was in merely terrorizing civilians. Still, the summer of 2003 saw a spate of abductions (New Vision, May 29, 2003; The Monitor, June 21, 2003). The LRA's tactics that fall suggest a renewed commitment to mounting hostilities. Kony established a new training camp (The Monitor, July 28, 2003), started attacking more blatantly political targets (New Vision, August 28, 2003), and the LRA publically affirmed its commitment to the conflict (The Monitor, November 14, 2003). Throughout the end of 2003, the LRA continued to target civilians (The East African Standard, October 16, 2003; AP, October 31, 2003; Independent on Sunday, November 9, 2003). Throughout this period, the LRA gave no public admission that they were aware of the ICC, let alone that they considered it a threat, or even something to influence their tactics. Also, notably, the LRA's levels of civilian targeting and military targeting were relatively on par throughout this time period, and the difference between means between the monthly rates of each is not significant. This suggests not only that the LRA was highly focused on their fight against the Ugandan government, but also had the resources and wherewithal

to prioritize military targets in a way that they would not be able to in subsequent phases of the conflict. It also shows that targeting civilians had not yet become as central an aspect of the LRA's military strategy as it would become in later years. This period clearly shows that capacity and resource issues are a primary determinant of whether the LRA chose civilian or military targets.

December 2003- May 2006: Heightened Ugandan support for the ICC

[Figure 3 here]

[Figure 4 here]

Ugandan Signaling

On December 16, 2003, Uganda formally referred the LRA situation to the ICC (Otim & Wierda, 2010, pp. 2). This was a banner event for both the court and Uganda: it was the first time a state referred a situation to the ICC for investigation, and thus was an important affirmation of the court's utility. It also was a strong indication of Uganda's **resolve** in prosecuting the conflict to use even mechanisms of international justice to gain a hold of the LRA rebellion that had ravaged its north for fifteen years. In further affirmation of this resolve, President Museveni publically met with Prosecutor Moreno-Ocampo several times in the early weeks of 2004, and promised to amend Uganda's existing amnesty laws to pave the way for international prosecution of LRA leadership (Africa News, January 29, 2004).

In turn, the ICC demonstrated its commitment to the situation, with the prosecutor publically commenting on an LRA massacre that occurred in February of that year (Otim & Wierda, 2010, pp. 3), and announcing the ICC's commitment to the investigation in spite of Uganda's failure to submit payments to the court (New Vision, March 18, 2004).

That July, the ICC formally opened an investigation into Uganda, and nine ICC representatives arrived in the country in August to begin the investigation (UN Integrated Regional Information Networks, August 26, 2004).

In spite of Uganda and the ICC's strong mutual commitment to investigating the situation, 2004 saw the first of many Ugandan switchbacks regarding international justice. In November, the Ugandan government publically expressed support for the use of traditional justice mechanisms to hold LRA leadership accountable for their actions. As some of these traditional justice mechanisms could be conceived of as amnesty, and as President Museveni (incorrectly) said that Uganda could withdraw its referral to the ICC, these comments raised international concern about Uganda's understanding and support of the ICC (Amnesty International, November 16, 2004). At the same time, a bill was submitted to the Ugandan parliament, proposing changes to the constitution to better accommodate the work of the ICC. It would give the Rome Statute the force of law within Uganda, as well as set up domestic mechanisms for the prosecution of war crimes, which would be in line with the Rome Statute (The Monitor, November 23, 2004). These mixed signals indicate, again, that Uganda's—and especially the Ugandan executive's—primary objective vis-à-vis the ICC was to gain control over the situation in the north. Museveni clearly saw the referral of the situation to the ICC as one of a host of options for bringing LRA leadership into line, and was engaging with the ICC not out of a normative commitment to international justice, or even criminal accountability, but as a possible means to extinguish a longstanding conflict.

However, in spite of Uganda's back-and-forth and public exploring of other accountability mechanisms, including some that went against its Rome Statute

obligations, since the situation had already been formally referred to it, and since referrals are irrevocable, the ICC was able to proceed. Thus, in July 2005, Pretrial Chamber II of the ICC issued arrest warrants for five top LRA leaders: Kony, Lukwiya, Odhiambo, Ongwen and Otti. The warrants were unsealed that October, with the public caveat that the ICC could still issue further arrest warrants for those men and others for crimes that had yet to be committed (New Vision, November 3, 2005).

LRA Civilian Targeting

The amnesty law—itsself evidence that Uganda’s commitment to the ICC was neither pure nor absolute—under which the LRA had been protected during 2002-2003’s ceasefire negotiations, was set to expire on January 17, 2004 (New Vision, January 7, 2004). Furthermore, UPDF increased their hostilities against the LRA, in an attempt to weaken them beyond the point of recovery (New Vision, February 12, 2004). Thus, there is a significant increase in LRA civilian targeting in late January and February. The LRA killed around 200 refugees in an attack on a camp in late February (Butcher, February 23, 2004). This attack, and subsequent attacks on civilians in this time period, are distinguished from earlier years in the conflict in that they are accompanied by almost no military casualties; this feature, combined with the inarguably vulnerable civilian target, marks a definitive evolution of the LRA’s strategy towards explicitly civilian-centric attacks. This massacre generated more international attention than was usually given to LRA activities, and raised widespread question of whether Uganda was as successful in rooting out the LRA rebels as it had claimed, which heightened Uganda’s incentive to root out the LRA insurrection (AP, February 24, 2004). In this instance, this incentive

manifested as a heightened military effort, and the UPDF continued their offensive against the LRA throughout the spring (New Vision, April 13, 2004). In turn, the LRA continued attacking IDP camps, killing and further displacing civilians (UN News Service, May 21, 2004).

Still operating out of Sudan (The Monitor, June 24, 2004), the LRA also continued attacks on Sudanese villages throughout the summer of 2004 (UN Integrated Regional Information Networks, July 26, 2004; UN Integrated Regional Information Networks, August 13, 2004). By the end of the summer, the LRA was significantly weakened. They sustained losses against the UPDF (New Vision, August 20, 2004; New Vision, August 23, 2004; The Monitor, August 28, 2004), and saw some of their leaders surrender (New Vision, August 19, 2004). In the middle of September, the LRA declared an unconditional ceasefire (The Monitor, September 17, 2004). Notably, the LRA killed only 13 civilians from September 2004- January 2005.

Still, the UPDF continued its offensive against the LRA throughout September and October (New Vision, October 5, 2004). In addition, they began returning abducted children to their parents (The Monitor, October 5, 2004; New Vision, October 12, 2004). In the last days of 2004, the LRA and Uganda began peace talks, which the LRA saw as a means of respite from the conflict, but not surrender. (UN Integrated Regional Information Networks, December 29, 2004).

The peace talks began to collapse when Kony ambushed the army less than a week later (The Monitor, January 5, 2005). Nonetheless, ceasefires and various steps at peace talks continued in the early weeks on 2005, and during this period there are no reports of major attacks on civilians (UN Integrated Regional Information Networks,

February 4, 2005). However, the talks collapsed in the end of February, and fighting resumed (The Monitor, November 23, 2005). Therefore, the LRA resumed targeting civilians, with 148 civilians killed in March. (UN Integrated Regional Networks, April 8, 2005). The fighting between the UPDF and LRA continued through the summer to the end of 2005, seemingly unchanged by the issuing of arrest warrants against LRA leaders. The early months of 2006 are much the same. During this period, the conflict between the UPDF and the LRA was highly asymmetric. From January 2005 until May 2006, there are only 13 military deaths attributed to the LRA, while the UPDF claimed 209.

It is difficult to trace any kind of intent in the LRA's actions during this period. There is a distinct pattern of UPDF weakening the LRA until the LRA requests a ceasefire, the granting of a ceasefire, and then the LRA breaking the ceasefire. The most likely explanations for this pattern are principal agent problems and lack of capacity. The LRA was significantly weakened at this point, and only claimed 17 military casualties throughout the entire period. Their forces numbered in the hundreds, many of whom were children. It's doubtful that LRA leadership had complete control over all of their forces, and so it's difficult to ascribe the LRA's tactics to any grand strategy, or even to characterize their actions as tactics (Weinstein 2007). In any case, there is no evidence showing that the LRA was directly responding to Ugandan government signaling vis-à-vis the ICC. However, there is strong evidence that the UPDF's preponderance of military force did affect the LRA's propensity to target civilians, both in the events of the conflict of this period—the LRA's retreat into Sudan, the tendency to spoil peace negotiations by attacking civilians instead of military targets, as they had before—and in

the ratio of the LRA's civilian targeting. On the average month during this time, the LRA killed 0.58 soldiers and 64.76 civilians.

May 2006- December 2008: Uganda revokes its support

[Figure 5 here]

[Figure 6 here]

Ugandan Signaling

In June of 2006, the elusive Kony released a video asking the Ugandan government to meet with him to negotiate a peace deal (Institute for War and Peace Reporting, June 19, 2006). This request came just a few weeks after the ICC arrested its first indicted criminal, a Congolese warlord (Hirondelle News Agency, March 20, 2006). It is very possible that this arrest made Kony realize that his own arrest and international prosecution were very real possibilities, and that his request for peace negotiations came partially out of a desire to circumvent those possibilities. The Ugandan government agreed to negotiate, but promised both the ICC and the international community as a whole that the peace negotiations would not interfere with the ICC's construction of the case against Kony (UN Integrated Regional Information Networks, June 14, 2006). Nonetheless, three weeks later, Museveni then publically announced the Ugandan government's willingness to give amnesty to LRA leadership (UN Integrated Regional Information Network, July 6, 2006). Thus, in the span of three weeks, Uganda issued diametrically opposed signals on post-conflict justice for the LRA, one of the quickest and most dramatic switchbacks yet. The ICC Prosecutor publically reminded Uganda that, due to its ratification of the Rome Statute, giving amnesty to Kony would be a

violation of international law, and due to its referral of the situation to the ICC, it had an obligation to arrest Kony (The Nation, July 6, 2006).

Within a week of this very public inconsistency and contestation, the Juba peace talks began on July 11, 2006, with the LRA leaders granted limited amnesty (The East African, July 11, 2006). It's outside of the scope of this paper to discuss in detail what happened there, except to say that during peace negotiations various human rights organizations spoke out about how the ICC warrant was counterproductive to negotiations (The Monitor, July 31, 2006), and that Uganda publically declared the ICC's willingness to lift the indictments against the LRA leaders (The New Times, August 4, 2006). The ICC did not corroborate either of the previous two points, thus maintaining the marked inconsistency and contestation between itself and Uganda.

The peace talks sputtered in early September 2006, and the LRA leaders' limited amnesty expired completely (New Vision, September 25, 2006). The ICC wasted little time in demanding that Uganda submit a report on its efforts to arrest and prosecute LRA leaders (The Monitor, September 18, 2006). In December of that year, the peace talks utterly broke down (Human Rights Watch, April 25, 2007). Tellingly, as the negotiations broke down and as his temporary amnesty has expired, Kony invited a team of lawyers to meet with him so that he could educate himself about the ICC and the potential implications of his indictment (New Vision, November 11, 2006).

Peace talks between Uganda and the LRA resumed in the spring of 2007 (Human Rights Watch, April 25, 2007). In the interim, there are no reports of Ugandan efforts to search for or apprehend Kony, likely partially because Kony had moved his base to Southern Sudan, raising the political complications of arresting him there. These

negotiations lead to the Agreement on Accountability and Reconciliation, which the Ugandan government and the LRA signed at the end of June (Otim & Wierda, 2010, pp. 3). The agreement was to be implemented incrementally, with its full terms coming to force in November 2008 (Agreement on Accountability and Reconciliation, pp. 8).

The Agreement provided for the domestic prosecution of LRA leaders, thus keeping it in line with Uganda's Rome Statute commitments. However, observers expressed concerns about the leniency of these domestic prosecution mechanisms (Human Rights Watch, April 25, 2007). For instance, Article 5.3 of the treaty provided for "alternative justice mechanisms" such as "traditional justice mechanisms" and "alternative sentences," which are presumed to be more lenient procedures than those prescribed by the Rome Statute (Agreement on Accountability and Reconciliation, pp. 5). In any case, the Agreement was a strong signal that Uganda intended to use domestic justice mechanisms to prosecute the LRA, a move that the ICC supported. Indeed, the Ugandan government went about creating the domestic justice mechanisms necessary to execute the Agreement in accordance with the Rome Statute, including establishing a War Crimes division of its High Court in 2008 (Otim & Wierda, 2010, pp. 5).

However, the next year, the Ugandan government clarified that it was not complying with the ICC because the Rome Statute and the ICC's procedural strictures contradicted Uganda's constitution (New Vision, November 12, 2009). However, it is crucial to note that Uganda may have had other motivations. Uganda's rates of civilian casualties notably increased in 2008, with several high-profile incidents that drew outrage in northern Uganda and beyond (Human Rights Watch 2012). Local stakeholders started to call for ICC involvement in investigating those crimes, thus demonstrating a growing

awareness that the ICC was not simply a tool of the Ugandan state, and a growing sense of agency among Ugandans vis a vis prosecution. It is very possible that Uganda's distancing from and attempts to disempower the ICC were partially in response to a realization that they could be held just as accountable as the LRA under the Rome Statute. While it had long been apparent that the ICC was not merely a tool of Ugandan leverage against the LRA, but an actor in and of itself, in 2008 it became extremely clear that the ICC could not only act against Uganda's interests regarding the LRA, but that it could also act to call the legitimacy of Ugandan leaders' conduct into question.

LRA Civilian Targeting

The Ugandan government's switchbacks regarding the ICC came because they wanted to initiate peace negotiations with the LRA, and they felt that the terms of the Rome Statute were so constricting that Uganda could not entice the LRA to negotiate peace without flouting the terms prohibiting amnesty. Thus, the LRA declared a ceasefire and a cessation of hostilities (Williams, August 5, 2006). However, as the peace negotiations continued into the fall, Uganda resumed its hostilities against LRA troops, thus calling into question Uganda's whether Uganda prioritized creating equitable peace or eliminating the LRA (Reuters, October 5, 2006). During this period, there are no major reports of LRA atrocities.

This lack of civilian casualties might be to do with the fact that, once again, the LRA took their conflict across international borders. The LRA had been largely rooted out of Uganda by the UPDF, and improved security measures in southern Sudan prompted them to move westward (BBC Monitoring Middle East, June 23, 2007).

In October 2008, the LRA launched attacks in the DRC so severe that thousands of Congolese refugees began fleeing to southern Sudan (UN News Service, October 7, 2008). By December, South Sudan decided that it could not handle the influx of refugees, and closed its border with the DRC (BBC Monitoring Africa, December 17, 2008). In the last days of 2008, possibly to assure the public of the security of the situation, leaders in Uganda and the Congo said that the LRA were on their last legs (BBC Monitoring Africa, December 23, 2008; New Vision, December 27, 2008). The LRA quickly followed up on these pronouncements with massive massacres on civilians, most conspicuously while they were attending church (McCrummen, December 30, 2008; Gettleman, December 30, 2008). December of 2008 was one of the bloodiest months of the whole conflict, with 918 civilians killed.

January 2009- July 2015: Uganda sends mixed signals

[Figure 7 here]

[Figure 8 here]

Ugandan Signaling

As seen in the previous section, the government of Uganda spent much of 2006-2010 distancing itself from the ICC. The years since then have been characterized by mixed, contradictory signaling regarding the ICC and the outstanding indictments and arrest warrants against LRA leaders. The ICC reacted to this by publically stating that the reason that LRA leaders had yet to be arrested was the Ugandan government's lack of cooperation (New Vision, January 27, 2010), and the prosecutor followed up these comments by visiting Uganda (BBC Monitoring Africa, January 26, 2010).

The first definitive thaw occurred on March 10, 2010, when the Ugandan Parliament ratified the ICC bill, which ensured that the Ugandan government would cooperate with and abide by the standards of the ICC in its domestic prosecutions of war criminals. In June, the ICC once again opened an office in Uganda to probe about war crimes—however, this time, they were probing the Ugandan army, in response to years of demands from international and Ugandan advocates (BBC Monitoring Africa, June 4, 2010). In May 2011, the Ugandan government began its first major prosecution of an LRA leader (The Monitor, May 24, 2011), which was in accordance with the Rome Statute.

However, the next several years were marked with various shows of hostility by the Ugandan government towards the ICC. Museveni publically criticized the ICC's issuing of an arrest warrant for Muammar al-Qaddafi (BBC Monitoring Africa, June 29, 2011), backed Kenya's bid to leave the ICC (New Vision, September 8, 2013), called the ICC "arrogant and shallow" at the UN (Sudan Tribune, September 25, 2013), and called on all African countries to reconsider their ICC memberships (The New Times, October 10, 2014).

LRA Civilian Targeting

On the heels of massive massacres in the Congo, Kony kicked off 2009 by asking for a ceasefire (BBC Monitoring Africa, January 1, 2009). At this point, all observers agreed that the LRA's forces numbered in the hundreds, and they did not have the capabilities to mount significant attacks. Once again, this ceasefire was most likely a bid to gain time to recuperate their forces, rather than a genuine attempt to end the conflict.

By the end of 2013, conclusive estimates said that the LRA had 165 fighters (LRA Crisis Tracker, 2015).

Starting in 2010, the LRA's attacks on civilians decreased each year.

Interestingly, after 2010, the LRA also reversed their trend of having their casualties outnumber their attacks. That is, in 2011-2014, the numbers of attacks mounted by the LRA are markedly higher than the people they killed. Also, the violence has been almost exclusively concentrated in the DRC and CAR. This dwindling in violence does not correspond with the Ugandan government's increasingly hostile stance on the ICC, and likely reflect the LRA's greatly reduced capacity much more than it reflects any other factor.

Conclusion

Of my three hypotheses, the one that is most supported by the evidence is *The Ugandan's government's signaling on international prosecution, domestic prosecution, or amnesty had no affect on the Lord's Revolution Army's targeting of civilians*. My case studies did not show that Ugandan support of international prosecution prompted the LRA to decrease its targeting of civilians, or that Ugandan support of domestic prosecution was accompanied by an increase in civilian targeting. Thus, based on my case studies, I cannot conclude that Uganda's signaling on the ICC and domestic justice mechanisms significantly impacted the LRA's decisions to target or not target civilians. Although there are definitive indications that the LRA was aware and responded to the threat of ICC prosecutions, there are no signs that this awareness translated into their choices regarding civilian targeting. Indeed, the variations in civilian targeting seem to be

due to a number of factors, most of which have more to do with the LRA's capability and the status of peace negotiations.

That Uganda's stance on the ICC does not seem to impact the LRA's choices to target civilian is indicative of the fact that, in the context of this conflict, the ICC was merely one tool among many in the Ugandan government's arsenal. The evidence shows that the LRA was responding, above all, to the totality of the Ugandan government's actions. Signaling on the ICC or domestic justice mechanisms made up just one part of many in the Ugandan government's overall strategy in prosecuting the conflict. To understand the LRA's actions in the conflict, we need to examine the Ugandan government's strategy as a whole. Viewing Uganda's strategy solely through the lens of signaling on justice mechanisms isn't sufficient to understand the LRA's targeting of civilians. In particular, Uganda's stance on international prosecution seemed to go hand-in-hand with the status of peace negotiations with the LRA. However, *much more work needs to be done to more specifically parse out the conditions under which a state's stance on international justice mechanisms can influence the actions of a militant group.* In particular, it is likely that government signaling on the ICC matters much differently in the context of peace negotiations than it would otherwise, and government signaling on the ICC should be juxtaposed with government signaling on amnesty and other accountability mechanisms.

In this paper, especially in the second and third cases studies, it emerged that Uganda's vacillations on the kinds of post-conflict justice the LRA could expect, as well as occasional divergences from the ICC position on post-conflict justice, played a major role in fomenting mistrust and a perception of Uganda's lack of commitment to peace

negotiations. This suggests that the ICC, and other international criminal tribunals, could have an enormous impact on the trajectory of peace negotiations, and thus the duration of civil conflict. During peace negotiations, when Ugandan signaling and ICC signaling on post-conflict justice differed, questions about Uganda's credibility and commitment arose for the LRA and for countless observers. This is for good reason—due to the powers of the ICC enumerated in the Rome Statute, when the ICC enters the equation of peace negotiations, the state may no longer be fully equipped to make promises about post-conflict justice. If the state is a signatory to the Rome Statute, and nevertheless violates it, the ICC can step in and promote action that contradicts the state's promises. In this case, once the ICC warrants for LRA leaders were out, Uganda could no longer credibly extend offers of amnesty to the LRA that included absolving leaders of their crimes, because it remained possible that the LRA leaders could be captured and turned over to the Court by a third party, especially when they fought outside of Uganda. Nonetheless, Uganda continued to both offer and rescind offers of amnesty, and none of its peace negotiations with the LRA were successful. All of this suggests that, in civil war peace negotiations more generally, the ICC has an important role to play in the conditions that can lead to a successful treaty or continued conflict, potentially by enhancing or seriously undermining the credibility of state promises about post-conflict justice.

In addition, several other Ugandan actions through the conflict raise serious questions about credibility and capacity. The four case study periods show such variability in Uganda's signaling on the ICC that it could be perceived by the LRA as waffling. Uganda's revocation of support for the ICC in 2006, following by its many switchbacks in 2009 and 2010, might have diminished the credibility of its signaling so

much in the LRA's eyes that Uganda's statements and actions on the ICC ceased to raise the specter of capture and arrest. Furthermore, Uganda's varying stances, as well as its commission of human rights abuses in the north, demonstrate that it viewed the ICC as a tool of leverage that it was willing to both wield when it would advantage, and attempt to discard when it would not. International and domestic demands for an ICC investigation into Uganda's action—and the subsequent initiation of such an investigation in 2010—demonstrated definitively that the ICC was not merely a tool of state leverage in this case, and that it could also be used to hold the state to account. This showed, as did the ICC's objections to offers of amnesty, that promises and threats that Uganda made regarding the ICC were not entirely Uganda's to make—the ICC and stakeholders surrounding it could play an important role—and thus cast the credibility of such promises and threats into doubt. There are also questions about Uganda's capacity that remain unexplored in this paper, and should be addressed in a further study.

Furthermore, it is difficult to be sure that all of the LRA's behavior in the conflict is completely to do with strategic intent. It is likely that the LRA struggles with principal-agent issues; that is, because of fragmentations in the leadership, and the preponderance of child soldiers, it's doubtful that the leaders always have complete control of their soldiers. Principal-agent problems can be particularly relevant when it comes to civilian targeting, as soldiers often have more incentive than their commanders to target civilians. Therefore, we need to look carefully at each instance of civilian targeting to ascertain whether commanders ordered it and conceived of as part of broader strategy. In my case studies, I discussed how this was unlikely in several cases. Therefore, in order to use the Ugandan conflict as a case for this question, and for many other questions involving

strategic intent, it is important that we gain a better understanding of the extent to which principal-agent issues influenced the LRA's actions. One way of doing this is by studying mass atrocities as distinct from instances where a few civilians were killed. The LRA perpetrated a few notable mass killings, and all of these killings were highly organized and orchestrated by commanders, so studying these instances might shed more light on LRA strategy.

Finally, this case traces the interactions of the ICC, a powerful and checkered state, a rogue non-state rebel group, and various domestic and international stakeholders from the gestation of the ICC through to the present day. As such, it is a clear example of different actors learning to contextualize the role of the ICC in ongoing conflict. In this instance, at its inception, the ICC was clearly conceived to be a tool of state leverage in an ongoing conflict. However, the responses of not only the Ugandan government, but the LRA, Ugandan activists, and the international humanitarian community showed how each actor observed the ICC and came to conceive of how it could be useful to them. Therefore, this instance begins as a case of a state attempting to use the ICC for its strategic ends, and evolves to include other actors realizing they could do the same. These processes of learning surrounding the role of the ICC, especially in the context of an authoritarian state in long-standing conflict, should be further parsed out in new research.

Appendix

Figure 1. Civilians killed by the LRA from December 1995-December 2003

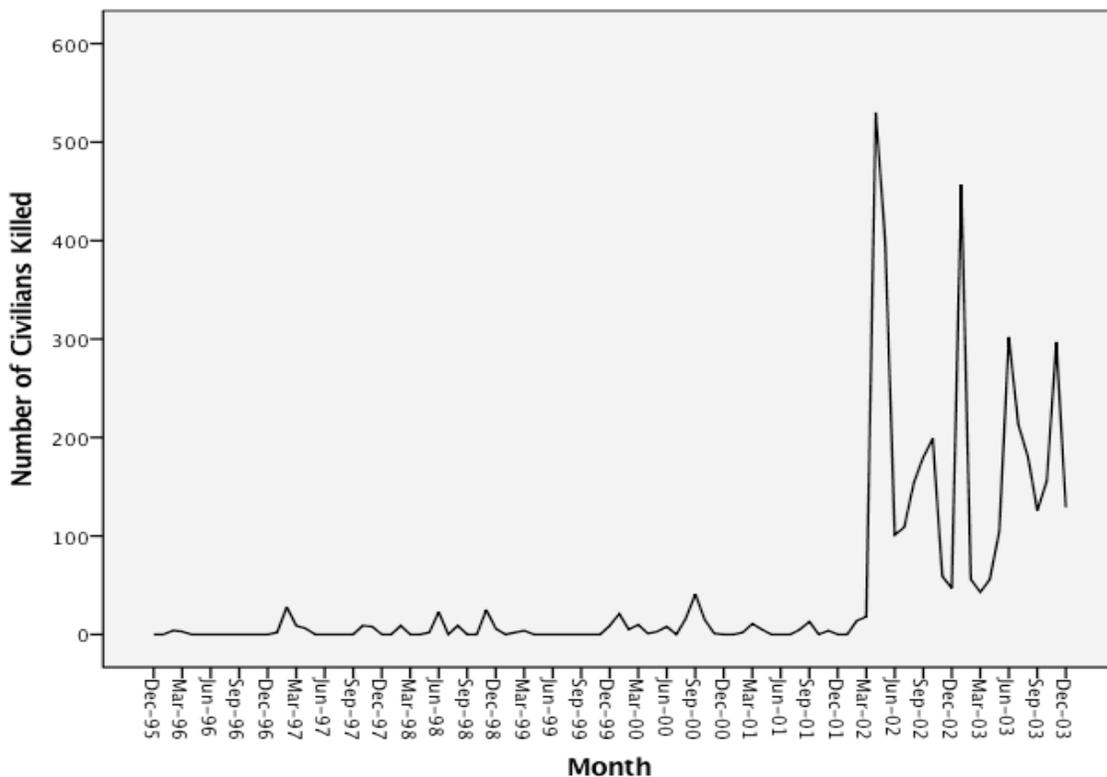


Figure 2. Total fatalities from January 1997- December 2003

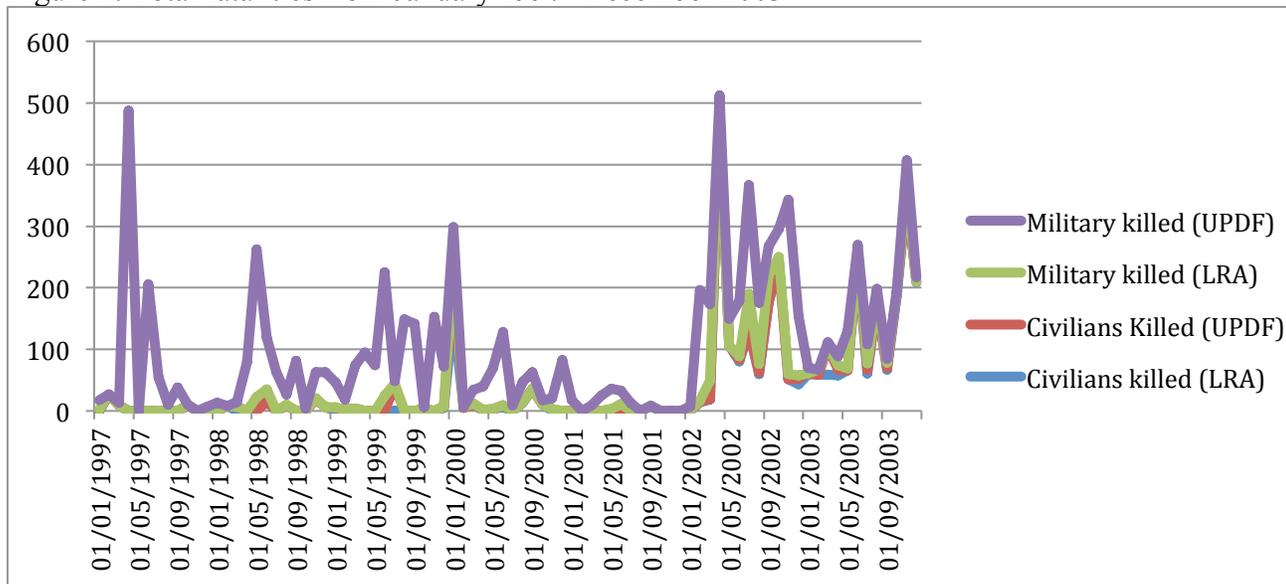


Figure 3. December 2003- May 2006 Civilians Killed by LRA

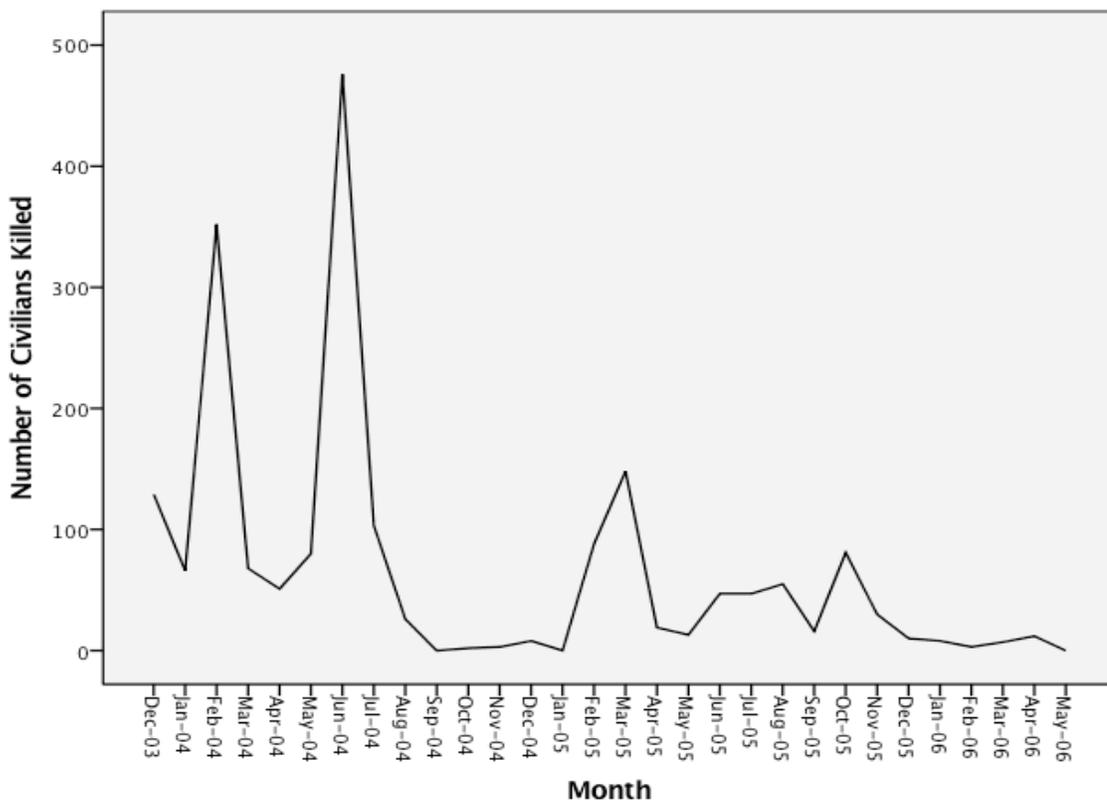


Figure 4. Total fatalities from December 2003 to May 2006

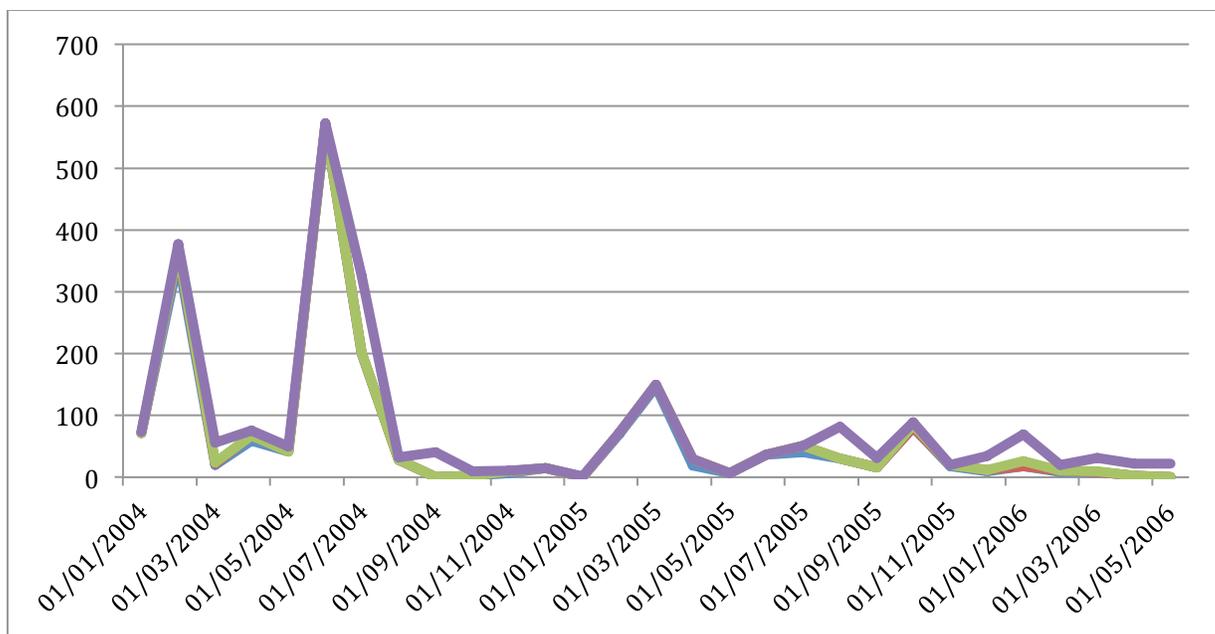


Figure 5. May 2006- December 2008 Number of Civilians Killed by the LRA

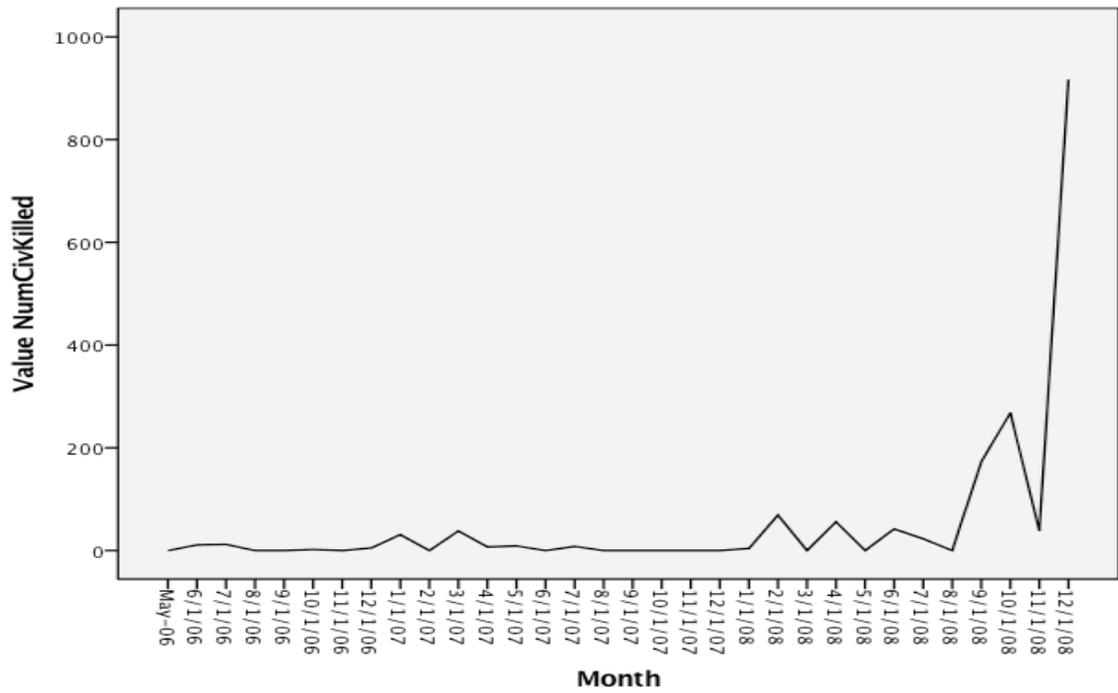


Figure 6. Total Casualties June 2006- December 2008

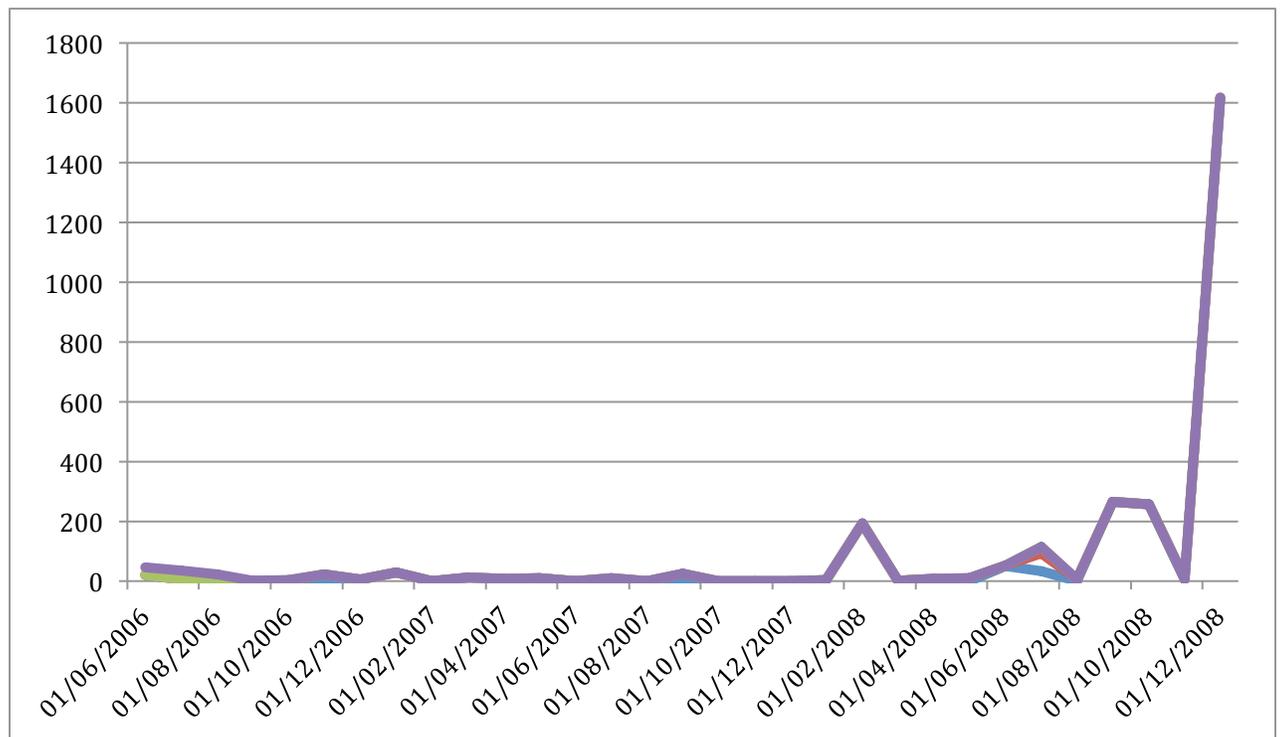


Figure 7. January 2009- July 2015 Civilians Killed by LRA

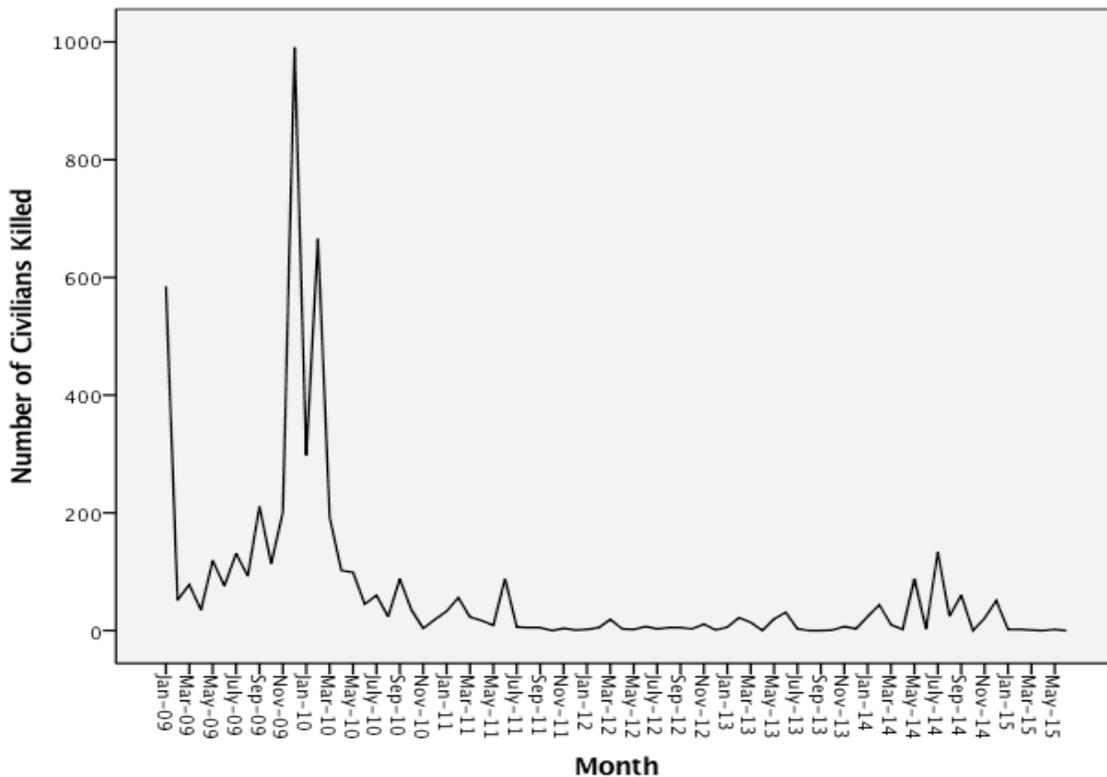
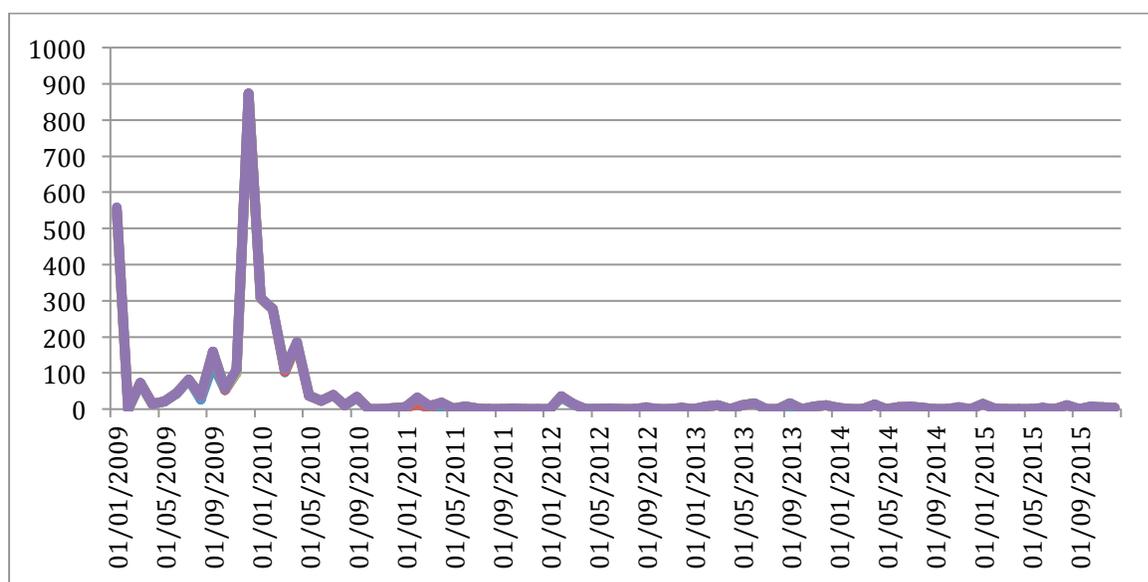


Figure 8. Total Casualties January 2009—December 2015



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