

The Tanzanian-Ugandan War: Were the Just War Principles, Islamic Just War Tradition or the Catholic Social Ethics followed?

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Abstract:-The Tanzanian-Ugandan war is one of those rare phenomena in world history. It was the first time in Africa that an African government invaded another, overthrew its leadership and installed a friendly alternative. Although some countries condemned the Tanzanian invasion, with others even coming to fight on the side of the Ugandan government (Libya), the rest of the world, including the Organisation of African Unity and the United Nations, largely remained mute. The Tanzanian-Ugandan war also remains one of the few classical wars to have ever taken place in Africa. The war was also unique in that the principle protagonists, Nyerere and Amin, held opposite ideological and religious beliefs. On one hand, Nyerere was a professed socialist and a staunch Catholic; Amin on the other hand, claimed capitalism as his ideology and was a strong devotee of Islam. During his reign, Uganda joined the Organisation of Islamic States, and Friday became a non-working day. Thus, for these reasons, in a continent dominated by ethnic, inter-religious and other forms of civil strife, the inter-country war between Tanzania and Uganda, has attracted heated debate as to which principle of war was applied: was it the just war principle, the Islamic War Tradition or the Catholic Social Teaching?

Keywords:*Just War Principle, Islamic War Tradition, Catholic Social Teaching, Classical*

I. INTRODUCTION

Tanzania and Uganda share a long history. While the Berlin Conference 1884-1885 gave the colonialists rights over coastal land, the issue of the hinterland was not agreed upon by the colonial powers. However, the "Hinterland Theory" gradually received acceptance "in so far as the 'rights' of the European powers and their relations towards each other in the partition were concerned" [1]. This too was the subsequent source of confusion over Tanzanian-Ugandan borders as, according to the "Hinterland Theory," a "Power in possession of coast lands was entitled to claim exclusive rights to exercise political influence for an indefinite distance of land" [2]. This meant that the Germans who were in possession of Tanganyika's coastal land could claim the hinterland as far as Uganda, Sudan and Egypt. Lugard, a contemporary of the Berlin Conference remarked that, "obviously in a very irregular shaped continent no method could be more calculated to create difficulties, and the climax seemed to have been reached when France claimed to restrict the frontiers of Nigeria, on the ground that they formed the hinterland of Algeria on the Mediterranean" [2]. The "powers" did not think it necessary to mark out their possessions or to enter into formal treaties with the local chiefs. The "powers", "in their haste to declare the 'spheres of influence which they had claimed, had not in some cases, time to go through the formality of making treaties with the natives, and considered it sufficient to notify them that they claimed them as hinterland...they were vaguely demarcated by lines of longitude and latitude regardless of tribal limits, or by reference to physical features which later explorations sometimes proved to be scores of miles from their supposed position or even non-existent" [2]. This was the problem with Tanzanian-Uganda borders. In 1886, East Africa Germany (Tanganyika) and Britain signed a partition treaty "leaving undefined the western and eastern boundaries of their protectorate. Uganda's position was thus ambiguous [1]. In 1890, Germany and Britain signed the Heligoland treaty which "temporarily settled colonial disputes between Germany and Great Britain. It recognized Tanganyika as a German colony; in return, the Germans abstained from further encroaching into British East Africa including Uganda. The agreement ceded Heligoland, an island off the coast of Schleswig-Holstein in the North Sea, to Germany and because the treaty appeared to abandon German colonial claims to much of East Africa, it unleashed a storm of nationalist protest at home" [3]. The Germans interpreted the treaty as a sell-out by the German government in favour of the British. Thus, both Tanzania and Uganda were born with this problem. Ukerewe, Mutukula and Bukoba were given to German East Africa (Tanganyika) and yet the inhabitants were part of Buganda or the Kingdom of Tooro, both in Uganda. Any prospects for proper demarcation of the borders were dimmed by the outbreak of the First World War which pitted the British against the Germans in Tanganyika and the Italians in Somalia. After the Germans were defeated by the British in 1919, long after the war had ended in Europe, Tanganyika too became British mandated territory and therefore fell under its East African possessions of Uganda and Kenya. The need for any

proper demarcation thus disappeared with the coming of Tanganyika under the same administration. At independence, the British left Tanganyika and Uganda with an ill-defined border.

Both Tanzania and Uganda were founding members of the Organization of African Unity and therefore had to adhere to the OAU “principle which called for the respect of borders existing at independence. The principle was enshrined in the Charter of the Organization of African Unity (OAU), Resolution AHG/Res.16 (I) on Border Disputes between African States and was adopted in Cairo in July 1964” [4]. Ironically the position of the African Charter was incorporated into the United Nations’ Vienna Convention on Treaties of 1969. The Convention emphasizes respect for colonial boundaries as a matter of maintaining stability among former colonial states. “The new African states such as Tanzania and Uganda could therefore not have invoked the attainment of independence as a fundamental change in circumstances entitling them to call into question boundaries settled through international (colonial) agreement” [5].

Again, insofar as both Obote and Nyerere were the leaders of Uganda and Tanzania respectively, there were bound to be no disputes between the two countries as both were committed to the founding principles of the OAU, and the East African Community Treaty which had some conflict settlement mechanisms concerning borders and other related matters, though not properly coordinated [6]. Both Obote and Nyerere also shared the socialist ideology and were close friends [7]. However, with the coming of Iddi Amin everything changed. Amin claimed that the Kagera salient belonged to Uganda. In 1972 he sent an army to ‘reclaim, the Kagera salient from Tanzania. This action led to the mediated OAU Mogadishu Agreement in which it was agreed that both parties ought to observe the independence boundaries and that each side was to move its forces to a distance of ten kilometres from the common border [8].

1.1. Could Both Tanzania and Uganda Claim Just War Principles as Stipulated by Michael Walzer in the War in the Just War Principal?

Although both Uganda and Tanzania tried to comply with the Mogadishu agreement, a complication arose almost immediately; here was no established mechanism to enforce compliance with the agreement. The agreement assumed that both parties would abide by it. In the absence of any monitoring mechanism, the parties (Amin in particular) continued to amass forces at the Ugandan-Tanzanian border. The frequent incursions into Uganda by Ugandan rebels based in Tanzania under the leadership of overthrown Ugandan leader Milton Obote, complicated the matter further, or as Reeder put it: “the roots of this war were planted by the 1971 military coup that ousted Ugandan leader Milton Obote. As Idi Amin took power in Uganda, Obote joined the several thousand refugees who fled to Tanzania as Amin began to wipe out the opposition in the country. Ugandan exiles based in Tanzania launched a series of attacks against Amin over the next few years, which further strained the relationship between the two countries. The situation escalated in 1978 when Ugandan troops mutinied in response to a suspicious incident that injured a popular general. Amin responded by targeting the mutineers, who retreated across the border into Tanzania. Amin ordered his troops to follow and, amidst claims by Amin that Tanzania was arming and supporting rebel forces, eventually declared war against Tanzania” [9]. Amin’s army thought that the Ugandans who had fled into Tanzania would link up with Obote’s forces based in Tanzania and attack him. On this ground alone Amin could claim a just cause. He had to pre-empt the attack which he thought was imminent. Amin had signed the Mogadishu agreement believing that it would bring peace and yet the Ugandan rebels continued with their attacks from Tanzania soil. Amin could therefore argue that the Tanzanian based Ugandan rebels’ action constituted “a military act that violates (or threatens to violate) a state’s sovereignty” [10], which would constitute a just cause.

On the other hand, Tanzania too would have reason for a just cause. Amin had invaded, looted, raped, captured and abducted some civilians from Kagera. Amin even appointed an administrator over Kagera. Amin’s military actions and the illegal occupation of land” could constitute a just cause [10]. Nyerere’s statement claimed as much: “we have reason, we have determination, and we have capability to defeat Dictator Idi Amin of Uganda, the bastard who has invaded our country” [11].

1.2. Were the Actions of the Two Protagonists Proportional?

Uganda used AK-47 guns, mortars, Cessna planes and later on Soviet Mig jets. On the ground it used Armour Personnel Carriers (APCs), Soviet made tanks and other vehicles. Tanzania too responded proportionally:

“Colonel Singano ordered the biggest weapons he had, 120-mm mortars, brought up, and on October 14, 1978, they began firing at Ugandan positions across the border” [11]. As far as the attacks and the counter attacks were concerned, it could be said that they were both proportional, “it must be a proportionate response to the suffered wrong” [10]. Regan [12] adds that proportionality must include: “(i) a value judgment about the worth of the cause that purports to justify recourse to war;(ii) factual judgments about the war’s likely casualties and costs; and (iii) a value judgment about the proportional worth of the war or the war’s cause in relation to its likely casualties and costs.”

We can only assume that both Nyerere and Amin had to deal with all the three points. Amin thought that Tanzanian-based rebels were attacking his territory and Nyerere on the other hand, thought that he had to reclaim Tanzania's territory back. The use of weapons too was proportionate to what was at stake. According to Henderson [13], the Tanzanians used a prolonged artillery barrage to scare off Amin's soldiers before moving in the foot soldiers. This tactic avoided loss of life on both sides. Thus both sides in the war could claim proportionality.

1.3. Which One Among the Two Had a Reasonable Chance of Success?

This principle is designed to prevent states from fighting or going to war "at all odds" [10]. Amin would argue that he had to stop the rebel attack from Tanzania for him to survive peacefully in Uganda. As Kagera salient offered a natural barrier, it was reasonable to capture the salient and use it as a barrier against his enemies. Nyerere on the other hand argued that Kagera salient was an inalienable part of Tanzania – a position supported by the OAU, the East African Treaty and the Mogadishu Agreement. According to a Tanzanian observer "on the morning of October 30, 1978, thousands of Ugandan troops crossed into Tanzania on four axes at Kukunga, Masanya, Mutukula and Minziro. They said that the only resistance they encountered was rifle fire from a few dozen civilian members of the Tanzania People's Militia (*mgambo*) who bravely but vainly tried to stand up to Amin's tanks and Armour Personnel Carriers. Those who tried to fight were quickly killed. Firing machine guns at an enemy that didn't shoot back, the Ugandans rolled slowly southward through the Kagera Salient. It was evening before they covered the 30 kilometres to the Kagera River, and the bridge to the southern bank and Kyaka" [14]. This was a clear case of an army which thought that success was on its side.

Tanzania too thought that there was reasonable chance of success on her side. After all, the Tanzanian People's Defence Force (TPDF) officers "were the best trained in Africa" [14]. According to Avirgan and Honey [14], the Tanzanians had followed an independent and unconventional course in defence. "Unlike most other Third World countries, which structured their armies and modelled their tactics on those of their main arms suppliers, whether they were the Americans, British, Russians or the Chinese, the Tanzanians mimicked no-one" [13]. It was not atypical for a TPDF officer to learn guerrilla warfare in China and counter-guerrilla warfare in Sandhurst; in fact most officers had received training in at least one communist country and one capitalist country [14]. Thus Nyerere had a firm belief that the Tanzanian forces would succeed despite getting advice to the contrary [13]. Both sides therefore could claim reasonable chance of success.

1.4. Was the Principle of Legitimate Authority Fulfilled in this War?

Frowe [10] says that the question of legitimate authority is philosophical and debatable. While some favour some sort of a democratic decision such as parliament, others believe that a head of state could fulfil this requirement. Frowe further says that "war on terror" or a non-state actor requires further definition of this principle. However, in the case of the Tanzanian-Ugandan war, there is little debate about this principle as both Amin and Nyerere constituted "a person or group who had the authority to speak for the state and who represents the state on the international stage" [10]. Both Amin and Nyerere had all these attributes insofar as their two nations were concerned. Amin and Nyerere represented their respective countries at the Mogadishu Agreement. Walzer [15] brings in the question of obedience. To Walzer "a government that receives economic and technical aid, military supplies, strategic and tactical advice, and is still unable to reduce its subjects to obedience, is clearly an illegitimate government" [15]. Although Walzer meant Vietnam, the same test could also be applied in the case of the Tanzanian-Ugandan war. Both Tanzania and Uganda had forces and subjects that obeyed their governments. But there are those who argue that Amin did not have legitimate authority since Amin's army was composed of Sudanese mercenaries and not Ugandans [16]. This would be stretching the principle rather too far. Amin, as the head of state, had the power to recruit anyone from anywhere to his army. According to Coates, although the principle of legitimate authority has been watered down due to terrorism, it was once at the heart of the just war theory as "it was the key to the whole process of peace-making" [17]. The principle ordained the task of making war to the monarch [17]. In our case, both Amin and Nyerere played the role of the monarch. There was therefore a legitimate authority on both sides of the war.

1.5. Was the Principle of Right Intention Fulfilled?

Amin's proclaimed his intention of going to war with Tanzania was to prevent guerrilla infiltration into Uganda from Tanzania. The 7th October, 1972 Mogadishu Agreement called for the cessation of all military hostilities against one another and the withdrawal of all military forces to a distance of sixteen kilometres from each other's borders, a halting of all hostile propaganda against each other, and refraining from allowing subversive forces to operate from each other's territory against the other. But Tanzania did not observe this. Although Tanzania removed its forces from the border, it did not stop hostile broadcasts and other forms of propaganda against Iddi Amin. It also did not stop Obote's forces from operating from Tanzania's soil [16]. On

this account alone, Amin had 'right intention' if his going to war was to bring this to a stop. There are further points which can be raised in support of Amin. Tanzania refused to recognize or give diplomatic recognition to Amin and his regime, and campaigned against the hosting of the OAU Summit in Uganda in 1975, which was boycotted by Nyerere [16]. On the other hand Nyerere at first stated as his intention for going to war, the recovery of Tanzania's Kagera salient only. He stated that Tanzania "did not desire an inch of Ugandan territory" [13], but still went ahead to order his troops to march all the way to the Ugandan capital and beyond. Nyerere defended his 'right intention' by comparing his invasion of Uganda with that of the Allied Forces against Hitler. He said that Hitler started by attacking Czechoslovakia and then other countries, but when the Allies mobilized and counter attacked they did not stop at the German borders, they entered Germany and got rid of Hitler; "you cannot let an invading savage get away with it without punishment" [16]. It can therefore be averred that both sides could successfully claim 'right intention'.

1.6. Was War the Last Resort?

As pointed above many negotiations such as the Mogadishu Agreement were carried out to prevent the outbreak of hostility between Tanzania and Uganda. Although Amin invaded Tanzania in 1972, matters appeared to have been sorted out through the Mogadishu Agreement. In 1975, the OAU also called for restraint, but both sides continued with provocations such as propaganda radio broadcasts. The attack and occupation of the Kagera Salient by Amin's forces was the trigger. Although Amin publicly stated that he would not advance beyond the Kagera River, few believed him. He was soon dropping bombs on Bukoba. On the other hand, although Obote and his group had a right to claim asylum in Tanzania, were they contained and restricted to the camps, tensions would have been reduced. It can therefore be concluded that Amin's attack on Kagera was a last resort. He had to protect his territory from the Tanzanian-based guerrilla forces [16]. Before attacking Uganda, Nyerere gave Amin an ultimatum to withdraw his forces and make reparations for the lives and property lost in the Kagera region. This was never heeded to [13]. Instead, and according to the Standard Newspaper of 1st November, 1978 Amin's forces carried out an "orgy of looting, raping and killing. A total of about fifteen hundred Tanzanian civilians were killed and their bodies left to rot in the African sun. The officials of Tanzania's CCM party were hunted down and decapitated [16]. Regan [12] on the other hand states that "in the case of direct military attack...the nation attacked has no short-term choice other than to resist or capitulate". Thus Tanzania had no other choice other than war.

1.7. Public Declaration of War

According to Henderson [13] and Acheson-Brown [16] both sides declared war on each other. Reeder [9] on the other hand is emphatic that Amin declared war on Tanzania. Ogutu, writing for the Daily Monitor of Uganda wrote that: "Tanzanian President Julius Nyerere's first reaction was to seek a diplomatic solution to the conflict through the Organization of the African Union (OAU) now African Union. When the OAU failed to act, President Nyerere on November 2, 1978 declared war on Uganda calling on the Tanzania People's Defence Forces or TPDF to defend the national sovereignty and integrity" [18]. According to Ogutu, Nyerere declared that "the world must understand our reason for wanting to hit Amin hard. Sababuzakumpiga Amin tunazo, niatunayo, nauwezotunao" meaning "We have the reasons to hit Amin, we have the ability to hit him and we have the determination to hit him," said Nyerere at the Diamond Jubilee Hall in Dar es Salaam as he formally declared war on Uganda" [18]. This aspect of the Just War tradition was therefore fulfilled by both sides.

1.8. Just In Bellum

According to Frowe [10], just in bellum has four distinct traits and these are:

1. Conditions that qualify a person as a combatant – This one follows the Geneva Convention of 1949 which laid down the conditions for one to qualify as a combatant as:
 - a. Be part of a hierarchical group, such that there is a recognizable chain of command – Both the Tanzanian and the Ugandan armies met this condition. Both had a recognizable command from a soldier up to the chiefs of general staff who were answerable to their respective commander-in-chief (or the respective presidents).
 - b. Wear a distinctive emblem that is visible from a distance – The two armies had distinctive uniforms as well as distinct military ranks. Their vehicles and planes too had distinctive marks and colours.
 - c. Bear arms openly – Both armies carried various types of arms and other articles of armaments such as combat tanks and planes openly.
 - d. Obey the rules of jus in bellum as laid out in the Convention – Although both sides declared that they were following this principle, there were also many violations such as torturing, starving and killing of captured or surrendered soldiers.
2. Legitimate targets or non-combatant discrimination.

There should be a distinction between combatants and non-combatants who should not be armed such as civilians, children, schools, hospitals, etc., but as stated above Ugandan forces killed many civilians including

looting of factories and hospitals and the Tanzanians retaliated by levelling Mutukula town and killing everyone in sight [13].

3. Military necessity [10]

Military necessity requires that armed enemies must be destroyed or captured; all enemy communications and vehicles too must be destroyed or captured. This too happened in the Tanzanian-Ugandan war. Both sides killed or captured any armed personnel who came within their sights. Tanks, armour personnel carriers (APCs), and jet fighters were captured, destroyed or shot down. Military camps, ammunition dumps, etc., were either captured or destroyed. The Tanzanians took with them back home a lot of captured army equipment such as tanks and other vehicles.

4. Proportionality – According to Frowe [10], “the harm that one inflicts must be proportionate to the good that is protected, and must be the least harmful means available of achieving the good.” Dower [19] brings this under consequentialist reasoning and the rules of war which according to him is debatable. But for the Tanzanian-Ugandan war, as far as weapons were concerned, this was largely observed. There was no use of banned weapons such as napalm, cluster bombs or any other banned chemical or biological weapons.

5. Prisoners of war – While Tanzanians detained prisoners of war, Amin appeared to have killed all of them. Amin’s action was due to two reasons: his soldiers were fleeing and therefore there were no facilities for detaining or keeping them. The alternative would have been for Amin to flee with the captured Tanzanian soldiers to Sudan or Zaire (Democratic Republic of Congo). This was impractical for a fleeing army. The second reason was that the command structures of Amin’s army were crumbling fast. There was little discipline within Amin’s soldiers.

1.9. Just Post Bellum

There are two approaches to Just Post Bellum, the minimalist and the maximalist approaches [10]. An example of a minimalist approach would be activities such as recovering the loot and to punish the offenders. In a minimalist approach colonisation or prolonging the occupation through enslavement and raping are forbidden. On the other hand maximalist approach imposes the obligations on the victors rather than granting them permission to punish or to recover whatever the enemy had looted [10]. The maximalist worries that the victor may do too little in the conquered states thus leaving behind a dysfunctional or failing state such as it happened with the Western led forces in Libya, Afghanistan and Iraq. Tanzania followed the maximalist approach. They maintained law and order in Uganda after the conquest, established administration, organized Moshi Congress to elect Ugandan interim leaders to take over from Amin’s regime, and organised for a police force and an army. The Tanzanians only withdrew from Uganda after a new government was in place.

1.10. The Islamic Tradition of Just War and the Catholic Social Teaching

The Islamic tradition does not apply in the Tanzanian-Ugandan war as, in Sunni Islam, a just war is that “waged against unbelievers” [20] and to Shia Islam it is a war waged in “allegiance to the imam” [20]. Although Amin was a Moslem, there was neither proof that Amin’s purpose for attacking Tanzania was to fight unbelievers nor was Amin fighting in allegiance to an Imam’s dictum. Nyerere on the other hand was a staunch Catholic who was expected to abide by all the principles of the Catholic Social Teachings. He was expected to protect or offer protection for life and dignity of the human person. According to the Catholic Social Teaching, human life is sacred and the dignity of the human person is the foundation of a moral vision of society [21] which must be safeguarded at all cost. Nyerere could justify his intervention by claiming that his intention for intervention in Uganda was just for this purpose: to protect life which Amin was destroying at will, or to use Walzer’s word “to put out the fire which was burning in Uganda” [15]. But Nyerere’s forces initial action was contrary to this, as the Tanzanians retaliated at Amin’s attack on their country by levelling Mutukula town and killing everyone on sight [13]. This was contrary to Catholic Social Teaching Theme One. Nyerere’s other claim could be within The Catholic Social Teaching, Theme Six: his intervention was in solidarity with Ugandans who were suffering under Iddi Amin, after all we “are our brothers and sisters keepers, wherever they may be” [21]. But Nyerere’s determination to re-install his friend, Obote, back into power could negate this argument. Theme number seven: care for God’s creation could have also been relevant in supporting Nyerere’s position as the Libyan and the Sudanese mercenaries were engaged in wanton destruction of God’s creation such as indiscriminate harvesting of hardwood, and the killing of elephants and rhinos for their ivory and horns. Again, due to lack of rations, Amin’s army and the Libyans were also slaughtering wild animals for food. But Nyerere’s forces, in the name of reparation for Amin’s wrongs carried out the same destruction after the defeat of Amin.

II. CONCLUSION

In conclusion, the Just War Tradition was applicable in this war; the human and other cost of the war notwithstanding. The cost of the war, as already mentioned, was tremendous both in human and material terms. Tanzania spent 500 million dollars, and lost 373 Tanzanian People’s Defence soldiers. Uganda on the other

hand, lost 1000 soldiers, 600 Libyans fighting on the side of the Ugandans plus over 500 civilians. Amin also spent millions of dollars on the war. Uganda continues to pay reparation to Tanzania to date. "The war is also theorized to have increased the spread of HIV/AIDS, and to have increased the political, financial and social ills of Tanzania. Tanzania was not backed by any major aid donors in their war against Amin. Although the war was morally legitimate according to Michael Walzer's Just War Theory, it was an extremely expensive undertaking for a poor African state such as Tanzania" [16]; or poor African states when Uganda is included. All these calamities would have been avoided had alternative dispute settlement mechanisms such as mediation and arbitration been considered and taken seriously. Fry advises correctly that "humanity simply must replace the dangerous, costly, and often ineffective practice of warfare with new international resolution institutions such as regional and global courts" [22]. This is indeed what is required for Africa.

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