



Refugee Law Project

*School of Law, Makerere University
A Centre for Justice and Forced Migrants*



Managing Solutions, Not Just Problems: The Role of Civil Society Organisations in Transitional Justice

Regional Consultation, Soroti, Uganda



Acknowledgments

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Acronyms

CSO – Civil Society Organisation

JLOS – Justice, Law and Order Sector

LRA – Lord’s Resistance Army

RLP – Refugee Law Project

TJ - Transitional Justice

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1.0 Background

The Refugee Law Project (RLP), School of Law, Makerere University, under its Beyond Juba Project II, recently met with civil society organizations and key stakeholders in Kasese district to discuss transitional justice (TJ) and national reconciliation in Uganda. The discussions are part of an on-going nationwide effort to discuss Uganda's past history of conflict, in order to better understand the most efficient way to peacefully and sustainably move the country forward. The guns have fallen silent, but until the country as a whole has come to terms with its past, they might not stay quiet.

Simply put, TJ in Uganda involves the following pillars: Truth telling, accountability, reparations, traditional justice, reconciliation, amnesty, institutional re-visioning and reform. If these pillars are realized, the potential for national reconciliation and sustainable peace is more viable. With that in mind - and through a lens of TJ and reconciliation starting at an individual level before spreading to encompass a community, regional and national reality – RLP sought to establish working connections between the various CSOs in Kasese and Rwenzori sub-region under the theme “envisioning a comprehensive transitional justice in Uganda: the role of civil society”.

1.1 Envisioning a Comprehensive TJ Process in Uganda

The current transitional justice process in Uganda has become top-down process, led by government institutions under JLOS and a few civil society actors mainly working in Kampala. Throughout 2011, RLP undertook a national reconciliation and transitional justice audit, as the current TJ process concerned risks failing to address the whole gamut of violations and TJ concerns of the local citizens who have borne the brunt of cycles of violence and armed conflicts. The NRTJ Audit identified a number of civil society actors doing TJ-related work in different parts of the country. The regional consultation aimed at localizing the TJ discourse and catalysing the establishment of a civil society platform for TJ. With that in mind, RLP sought to engage stakeholders and create a space for CSOs to come together and discuss their challenges, successes, and ways forward together as we promote a national civil society platform for transitional justice. Stakeholders were given time to speak and ask questions, with the broad theme for the day falling under the title “*Workshop Resolutions and Policy Recommendations on Amnesty, the National Reconciliation Bill, and Transitional Justice Policy and Processes in Uganda.*”

1.2 Objectives

The main objective of the meeting and dialogue session was to bring together CSOs from Soroti and surrounding area so that, in the future, they could identify and work with each other on a defined and specific level, with equal objectives toward achieving sustainable peace not only on a local level, but toward a national experience. Other objectives included:

1. Create a list highlighting needs and suggestions for moving TJ forward as a way toward national reconciliation.
2. Create relationships with CSOs that RLP was previously unaware of, or had not worked with in the past.
3. Better understand TJ issues on a local and regional level, in able to better form recommendations to JLOS for framing national TJ policy framework and contribute to national reconciliation.

1.3 Expected Results

The following results were expected at the conclusion of the meeting and dialogue:

1. TJ discourse would be localized and would provided updates to local actors
2. Information would be shared openly, and new connections between CSOs would be established in order to create a more streamlined environment.
3. A clear framework for moving forward on TJ and national reconciliation, on local, regional and a national level would be created.
4. A network of CSOs interested in the CSO Platform for TJ would be established.
5. A draft national reconciliation bill would be disseminated.
6. Updates and consultation on the lapse of amnesty would be conducted.

1.4 Mode of Delivery

The meeting was very interactive, with regional updates provided by local civil society actors on ongoing local TJ initiatives. Presenters relied on Power Point presentations throughout the session, and question and answer sessions allowed for, and encouraged, dialogue between presenters and stakeholders, as well conversation between the stakeholders themselves, facilitated by RLP presenters.

1.5 Targeted Group

The dialogue was intended to benefit the CSOs and their respective constituents of Soroti Municipality Teso sub-region. While the CSOs present were the main beneficiaries of the meeting and dialogue session, the information they gathered would be disseminated to those within the community whom they served.

1.6 Duration

The meeting lasted for eight hours. Time was allowed for three RLP presenters, CSO members and stakeholders, and questions and answer periods after each session. Breaks were also provided for tea and lunch.

1.7 Members Present

Name	District	Designation
Alomu Delux Emmy	Soroti	Vision Group
Makumbi Stephen	Soroti	Program Coordinator
Cory Kuklick	Kampala	RLP
Ayumo Damaris	Kampala	Secretary
Odongo Andrew	Soroti	Speaker
Matt Kamali	Soroti	SODANN
Hon Ewayu David	Amuria	District Councilor
Angiro Betty	Katakwi	Coordinator
Olinga Charles	Katakwi	Speaker
Asio Alice Grace	Amuria	Program Officer
Odongo Sam	Kumi	Continental Radio
Omoding John	Soroti	Ventas
Esebu Edward	Soroti	SOCO
Ben Etomu	Soroti	
Etowu Bilwulo	Katakwi	RDC
Julius	Amuria	District Chairperson
Alomu Delux Emmy	Soroti	Vision Group
Kakooza Isma	Soroti	RDC
Eewe O. Benson	Soroti	PAC
Odeke Kudat George	Katakwi	D / Minister ICO
Acp Alison Agaba	Soroti	RPC

Amagoro Susan	Soroti	Human Rights Officer
Malinga Soyce	Soroti	FAM
Oola Stephen	Kampala	PM – RLP
David Pulkol	Kampala	AFLI
Odit Daniel	Kampala	
Asekenye Joyce	Kumi	Tekwip
D/SSP Aboku Patrick	Soroti	RCIO NK
Adiama Robert	Amuria	Manager (ARIDA)
Omiat Moses	Soroti	Coordinator
Apino Jane	Katakwi	Program Officer
Odongo John	Soroti	RISO
Emoruoit Silver	Katakwi	C/P
Komakech Lyandro	Kampala	Senior Researcher
Ouko Eunice Wambui	Kampala	RLP
Fr. Peter Oelu	Kumi	Coordinator JPC
Okwaput G.W	Soroti	Program Manager
Apilo Monica	Soroti	Program Assistant
Okalang Christine	Soroti	Coordinator
Okwaput George. W	Soroti	
Ewayu David	Soroti	

2.0 Presentations

2.1 Lyandro Komakech, Research and Advocacy, Refugee Law Project

Mr. Komakech opened up the meeting by introducing TJ, and asking the audience what their role as representatives of various CSOs were in bringing sustainable peace to Uganda, starting on the local level. He noted that CSOs mainly manage problems by pointing them out, but he insisted that it was time for those in the audience to not only point out problems, but also to provide viable solutions to those problems.

“How do we bring about individual, community, and national healing?” he asked. “We have to look at the individual first.”

Mr. Komakech ended his presentation by setting the tone for the rest of the day, insisting that the outcome of the meeting was key to ensuring lasting and sustainable peace for Uganda.

2.2 Stephan Oola, Research and Advocacy, Refugee Law Project

“We want Uganda to be able to judge itself,” Mr. Oola said as he began his presentation. “Who are we, where do we come from? What happened along the way?”

Mr. Oola discussed what TJ consisted of, who was involved, and what the end goal is. He mentioned that TJ in post-conflict settings are different depending on the county’s context and the history they come from, and continued by laying out the mechanisms that will help sustain TJ in Uganda:

- Truth Commissions
- Amnesty and Prosecution
- Traditional/Formal Trials
- Reparations and Institutional Reforms (the police, the army, the different institutions who are the wrong elements)
- Human rights/TJ-how do we restore the rule of law
- Principles/Politics (TJ is politics to enhance social harmony and rule of law)
- Change in governance

Mr. Oola went on to describe the pillars, or formula, of TJ in Uganda: Truth Telling + Accountability + Reparations + Institutional Reform = National Reconciliation and potential sustainable peace. He continued by mentioning that many CSOs working within the TJ framework are actually unaware they are working toward sustainable peace on a nationwide level. Because of the violent history of post-Independence Uganda, with over 28 armed rebellions identified within the last 20 years alone, Mr. Oola also emphasized the importance of truth telling within the country as means to reconciliation, and the necessity that CSOs play in bringing that truth out.

How far back must we go in Uganda to have a clear understanding of TJ needs?” he asked. “What historical events shaped our present realities? What past realities haunt us, and have Uganda attempted to close the books? How successful were these attempts?”

2.3 David Pulkol, Director, African Leadership Institute

Following the group discussions (mentioned below in section 3.0) and a health break, the honorable David Pulkol, director of the *African Leadership Institute*, gave a lecture entitled **“Challenges and Opportunities for Sustainable Peace and Transitional Justice in Post Conflict Uganda: The Case for a Comprehensive National Reconciliation Bill”**. Pulkol broke his lecture into the following topics: Tasks as TJ activists; challenges of history; who is a Ugandan; power dynamics in Uganda; and current tensions.



David Pulkol during his presentation in Soroti

Pulkol went over Uganda’s Balkanized past and still-fractionalized present as a potential roadblock toward sustainable peace. In continuing with the theme of the day, and with the broader theme of RLP’s regional TJ discussions, Pulkol noted that a united Uganda must begin with the individual before spreading and encompassing the entire country. He went through Uganda’s history on a regional basis, showing how the individuality of conflict, through the lens of different actors affecting different parts of the country, divided Uganda and made room for shared experiences and unified solutions nearly impossible.

“Ending the LRA conflict without addressing the past will not create sustainable peace,” he said. “We must look beyond Juba to understand our past and reconcile. As TJ activists, we ask for a restoration of positive relationships between communities, and to achieve a common consensus of our traditions.”

Pulkol was keen to point out a lack of trust within government institutions, arguing that the people of Uganda have lost faith in their leaders following years of broken promises and stagnated progress toward sustainable peace. He noted a lack of reparations for victims of conflict, high levels of corruption, and a high portion of the population being placated into acceptance of a *status quo* that is, in the eyes of many CSOs, unacceptable. Without the Government looking at the National Reconciliation Bill in a holistic manner, in which all of the country is encompassed instead of individual conflicts alone, peace will not be possible on a national level.

“Peace can arrive with an emergence of a common national narrative that emphasizes peace and reconciliation,” he said in closing. “Are we a problem, or are we a people with a problem?”

3.0 Questions, Answers, and Concerns

Following each presentation, space was given for questions to be asked and concerns to be raised. Additionally, following Mr. Oola’s presentation, members of the CSOs present, as well as stakeholders from the region, were given time to discuss their work, progress that had recently been made, and plans for the future. The text below highlights some of these points.



A CSO representative gives his presentation in Soroti

3.1 Ben Etomu: RDC Soroti

Mr. Etomu began by discussing his work in Uganda, beginning in the pre-independence era. He contrasted this time period and political climate with those of Kenya and Tanzania during the mid-20th Century, and noted that Uganda was lucky to be considered a protectorate. He also mentioned, however, that Ugandans don’t rally behind their government like others in the East African community, which helps contribute to the feeling of a divided country.

“We are well known for criticizing the government,” he said. “I don’t criticize the government, because we are the ones who elected them. People even go to the radio to only criticize. I have not seen anyone come to my office with a problem to be addressed by the President, but I just hear them on radios accusing the President and our members of Parliament.”

He continued by stating his frustration with the direction the country is headed, with tribal differences and political arguments tearing the country apart.

“We should put Uganda above everything else because we are talking about serving our country,” he said. If somebody is elected a president let’s just support him, let’s generate ideas of how things can be improved so that we have peace permanent peace.”

3.2 Alison Agaba: RPC Soroti

Ms. Agaba focused on the necessity of truth in her talk, noting the ambiguities of conflict, from its start to its end. She offered the following anecdotes on the past, and how to move forward in the future:

We should have objective and subjective interpretation of the origin of conflict. There are delays in justice processes and police are tired of custody (this causes disharmony). There are quite a number of issues that affect us from national level to individual level. I was here when the war began and it was an individual who started it; it was cattle rustling. Then there was the targeting of individuals but when the war began there was one thing that was left out: Who was to present that thing to the authority? They were complaining as to why they were fighting but who was to present the right report to the government on people’s views on the war and its cause? Nobody gave the actual report to the government as to who should be blamed for the war, that’s why I keep questioning ‘Where is the truth?’ Unless we have a body to stand firm and say ‘This is the true picture of Teso,’ then we will not be able to get the truth. Every tribe in Uganda is suspicious of the other. We need to interpret where we came from, where we are, and where we are going.

3.3 FR. Peter Oelu

Like Ms. Agaba, Mr. Oelu also focused on truth telling in his message, indicating that justice will never be achieved if the truth isn’t told. The courts are overwhelmed, and he expressed his beliefs that many cases currently waiting to be tried could be resolved outside the formal justice system if community stakeholders were involved, and the truth was told.

“So where is the truth?” he asked. “The truth is in our hearts.”

In order for TJ to be pushed forward in the country, Mr. Oelu said that the issue of child abductions, whether in the LRA conflict or through child sacrifice, must be seriously addressed by the Government. He also expressed the necessity for TJ to move outside the realm of elites and into the grassroots

community level, where there is little to no understanding of what TJ is, what it can achieve, and how to use it toward a goal of national reconciliation.

3.4 Mr. Charles Olinga : District Speaker, Katakwe

Mr. Charles Olinga focused on the clan system in his presentation, urging a return to local and community level resolutions to issues that need to be addressed, or could flare up in the future. He had the following to say:

When we talk of TJ it tickles in my mind around three questions; where we are from, where we are now, and where we are heading. if we want to promote peace, justice and reconciliation we should strengthen the clan system then we will be having little work with courts of laws and police clans have died out and yet if we talk of reconciliation that starts from individual and community then we will be looking at strengthening the clan system so that when ex-combatants comes back home he is welcomed in that clan and family and is able to fit into the community.

3.5 Joyce Asekenye: Coordinator, Women Initiatives for Peace, Kumi sub-county

Ms. Joyce Asekenye responded to Mr. Charles Olinga and the notion of clan leadership. She agreed that local development toward justice must occur, but she argued that this was currently underway. She had the following to say:

Many times people blame the judiciary and police. When I was a girl, meetings were chaired by clan leaders under trees, but today we have left the clans and churches out and gone to blame the police. Let us go down and sensitize our people and get programmes that will go to the grassroots people. We should make use of our media, and the media should support the correct thing. The clan leaders aren't dead, they are only sleeping. We have worked with seven sub-counties which have 30 clan leaders whom we educate them in matters of justice, reconciliation and governance, and they help their communities in these areas. These clan leaders are working towards improvement of the clan institutions.

4.0 Ways Forward and Conclusion

Following Mr. Pulkol's lecture, the floor was again open to all CSOs in attendance in order to raise points for steps forward. An emphasis was placed on forming a broad coalition in order to strengthen efforts on TJ and the National Reconciliation Bill, starting at the local community level.

The following suggestions were put forward by the CSOs in attendance:

- Need a council of imminent persons for wider and more effective community engagement
- Justice Law and Order Sector needs to provide a national process, which can be based on the NR Bill

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- Amnesty in its current form is defective and must be more inclusive
 - Reintegration policy for militia members of Arrow Boys – government has no plans for the 144 who died.
 - Platform for civil society as a conveyor built to engage government. Need to focus on memorization to remember sacrifices made. Continue engagement, understanding, and demands to/from the government.
 - Need to implement laws enacted.
 - Issues of reparation of survivors should be fulfilled
 - Develop and put in place witness protection.
 - Reconciliation and interparty relationship and code of conduct.
 - Address the equation/plight of victims, government should come with a holistic approach.
 - The process of TJ should involve young people and women (gender sensitive)

“This meeting brought together key stakeholders and ways to do things differently,” said Mr. Oola. “We cannot talk on grand ideas without looking at the individual. CSOs are going to recommend that drafts [on national reconciliation] must be victim-centered, and the scale is national. The processes must address this.”

It was determined by the CSOs in attendance that they must continue working together on issues of TJ and national reconciliation, and many representatives noted the opportunity to network with other organizations working on the same themes. Many of the CSOs committed to working together in the future and acknowledged the power of numbers in regards to regional and national dialogue toward peace sustainability.