



To Look Forward We Must First Look Back

In the run up to Constitution Day, we take this opportunity to remind Ugandans that Objective III of the National Objectives and Directive Principles of State Policy set out in the 1995 Constitution of Uganda, enjoins both the State and citizens to work towards sustainable peace and the resolution of conflicts through fair and peaceful means and the establishment of appropriate institutions.

In this regard the establishment of the Amnesty Law and Commission in 2000 was an important step forward, as was the signing of a peace agreement with the UNRF II in 2002. The more recent attempts to engage with the Lord's Resistance Army (LRA) through the Juba talks are perhaps the most significant of all these initiatives, and we warmly welcome all progress made thus far in moving towards a resolution of Uganda's longest running conflict. We further applaud the inclusion of the issue of national reconciliation as a discussion point in the Juba process, the Joint Monitoring Committee and the draft Peace, Recovery and Development Programme.

The Truth and Reconciliation Deficit

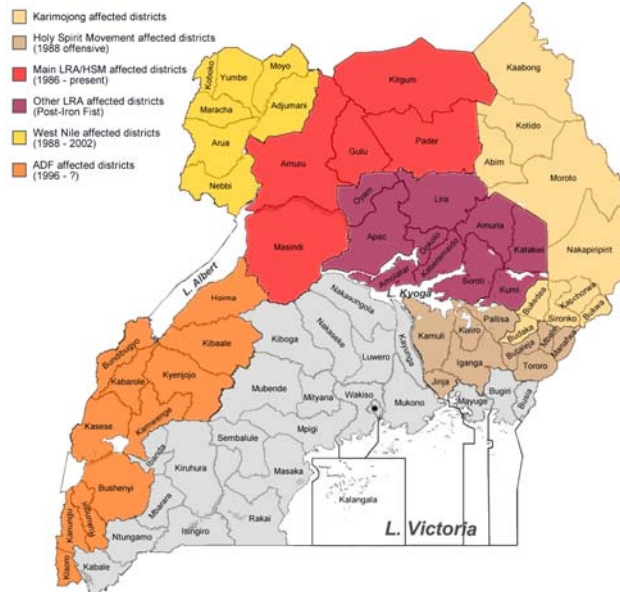
Despite these commendable achievements, we also note that the conflict in northern Uganda is only one of a range of conflicts which have blighted our country in past decades. As the map shows, more than half the country has been affected by violent conflict in recent years.

All in all, there have been 22 armed rebellions over the last twenty years (e.g. Allied Democratic Forces, ARP, CAMP, FOB, FUNA, HSM, LRA, NULU, NFA, Ninth October Movement, PRA, UDA, UFDF, UFM, UPDA 1988, and UNRF II 2002).

Even though some have ended through peace settlements, and others have been militarily pacified but not necessarily resolved, the spread of conflict over such a significant portion of the country

seriously challenges Uganda's image as an unmitigated success story.

The widespread view that conflict is only a northern issue or an Acholi project obviously does not hold – and neither the Juba process nor the Peace Recovery and Development Plan adequately address the many issues of intolerance, victimization,



impunity and exclusion that we have experienced as a country. We note with dismay that the proposed budget allocated to reconciliation activities in the draft PRDP is barely 2% of a total proposed budget of US \$336,882,687, nowhere near sufficient to fund some of the proposed initiatives, let alone to set up a national process.

In short, the two major pillars of the Government's approach to conflict in Uganda cannot address the truth and reconciliation deficit which exists in the country as a whole. Much in our history has not been discussed or addressed, and thus remains hidden: bones of contention which contain the potential to unleash further conflict if left untouched and if not put in perspective. Among them we can recall the Luwero triangle, the Mukura train massacres, the disappearances of eminent personalities, and the forcible displacement into IDP camps, to name a few.

The greatest risk inherent in the Juba talks is that any positive outcome will be portrayed by the Government and understood by a large number of Ugandans as a "victors' peace." This would provide at best a shaky foundation for lasting peace. For cycles of impunity and root causes of conflict cannot be fully addressed solely through bi-lateral negotiations between conflicting parties, as they necessarily involve only a limited range of actors and virtually none of the victims. To demonstrate that the Government does not view the peace talks in a narrow and conclusive way, and that Juba is the beginning rather than the end of a national peace process, there is need for a broader process that addresses and provides closure on the many legacies of past conflict and reduces the potential of buried conflicts resurfacing. In this regard we applaud the inclusion of issues of marginalisation in the agenda of the Juba negotiators, and we urge all Ugandans to look beyond the peace talks towards the careful sequencing of further and more wide-ranging activities which aim

to ensure that whatever peace gains are made in Juba are consolidated.

In this larger picture of abuse and violations, LRA's well-known atrocities will not be forgotten. Rather, they will need to be addressed as part of a wider pattern of human rights abuses and in a more comprehensive process. In this context, the GoU Amnesty Act, which is open to all, rather than specific to the LRA, provides a model from which we can develop a comprehensive and sustainable framework. This is simultaneously an exciting and a daunting task, but if we do not use this opportunity to first look back into our collective history, it may be difficult to create the climate of social justice that is necessary for us to move forward to a unified future.

It is now possible, necessary and legitimate to turn our attention to a closer scrutiny of what needs to change in the country as a whole if the prospects of further conflict in Uganda are to be reduced and if the peace is to be consolidated.

Recommendations

We believe that local reconciliation mechanisms such as the Acholi *Mato Oput*, are important at a local level and should be validated, supported and strengthened.

We also believe that the truth-telling elements embedded in *Mato Oput* and many other Ugandan cultural reconciliation mechanisms should be emulated and adapted into a wider process.

However, we recognise and stress that the current emphasis on local mechanisms cannot address the needs of the country as a whole, whether it be the north-south divide, or tensions between east and west. Equally we recognise that international justice mechanisms—such as the ICC—are structurally incapable of handling anything

more than the most visible perpetrators of abuses; while they address a particular dimension of impunity, they are not suited to dealing with the wider psychosocial and political consequences of decades of conflict. Specifically, they give voice to only a minority of those who have borne the heaviest impacts of conflict.

We consider the following as some of the key discussion points in thinking about what comes after the Juba peace process:

- What period, issues and events should be covered by a Truth and Reconciliation Process (TRP), and how long should such a process last?
- How should perpetrators, bystanders, collaborators and victims be defined?
- How useful are the models from other countries, e.g. South Africa, Peru, East Timor, and Mozambique?
- What should be the relationships between truth-telling, compensation, reparations, amnesty, accountability and impunity?
- As people return to their homes in northern Uganda and other conflict affected areas, do we have a comprehensive reparations programme?
- Should there be a statute of limitation on suits that may be brought in the course of reconciliation?
- What is the role of different actors, viz., Governmental, civil society, religious and academic in ensuring that the TRP is an unmitigated success? Who should be leading the process?

In support of the efforts of other actors working on these issues, we therefore urge Government, Civil Society Actors, Religious Bodies and political parties, to fully investigate the multiple options for establishing a *national* truth and reconciliation process. In particular we call upon the GoU to state its commitment to the establishment of mechanisms necessary for

a Truth and Reconciliation Process to begin in earnest. We propose to convene a dialogue with key stakeholders on the questions raised above, and invite interested parties to contact us.

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