



THE ROLE OF CIVIL SOCIETY IN ADVOCATING FOR TRANSITIONAL JUSTICE IN UGANDA

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‘It is the responsibility of civil society to drive action and change’
– Professor Sheila Meintjes, 29 October 2008, Cape Town¹

Introduction

Over the last decade the significance of civil society in Uganda has grown in the areas of human rights, peace building and democracy, which are all relevant to the field of transitional justice. The important role of civil society relates to its potential to influence leaders, form public opinion and to represent the views of the populace outside the political arena. Societies that have experienced political change from authoritarian rule have usually had a strong civil society based movement. South Africa is the most prominent case of such a democratic transition on the African continent. Mary Burton, one of the commissioners of the South African Truth and Reconciliation Commission, said that during the 1980s South Africa had built a strong civil society which made a democratic transition possible and this was a great resource to the new Government of National Unity in 1994.² South Africa’s civil society had considerable experience of organising at the local level, where grassroots organisations acted as agents of change.

While the context in which civil society operated in South Africa is different from Uganda, there are lessons Uganda can learn from the South African experience. It should be noted that although civil society has the potential to make significant contributions to peace building and transitional justice, the existence of a strong and vibrant civil society cannot be taken for granted and will be explored later in this essay.

This paper examines the role of civil society in addressing issues of transitional justice in a society like Uganda where there has been no democratic transition. When taking into account the theoretical conceptualisation of civil society, one has to consider the contemporary context in which civil society in Uganda operates. Ugandan civil society operates in a stifled environment, where the government is hostile to publications considered detrimental to national security. More specifically the paper provides some observations on the roles of the media, religious institutions, etc., which are illustrated with reference to the Beyond Juba Project.

Wanyande defines civil society as ‘the assemblage of associations outside of the state and government that would otherwise wish to influence the direction of public affairs including political discourse and action by using and expanding political space’ (1996:6). This description of civil society has been adopted as a working definition for the purposes of

1 Institute for Justice and Reconciliation Conference, ‘A National Priority? TRC Recommendations and the Need for Redress’, 28–30 October 2008.

2 Dialogue held at the Institute for Justice and Reconciliation on 23 October 2008.

this essay. The topic here concerns the ways in which civil society can increase the legitimacy of peace processes by involving grassroots communities.

Uganda provides an example of the role civil society has played in advocating for a peaceful resolution to the conflict and the monitoring of the peace process, more specifically in the Northern Region of the country. In particular this concerns the use of independent media as an advocacy tool for the peace message. In northern Uganda, a number of independent radio stations have been established which are dedicated to broadcasting issues of interest to the local populace. For example, Mega FM ran a radio talk show from 2003 to 2007 – *Dwog Paco* (Come Back Home) – that called on the rebel Lord's Resistance Army (LRA) to leave the rebellion and return home. Former LRA rebels were guests on this show and talked about their experience in the bush as well as their treatment after leaving the rebellion. However, this programme was suspended at the start of the Juba peace talks in mid-2006 when the LRA labelled it 'hostile propaganda'. The station also airs two programmes, *Kabake* and *Te-yat*, community shows that encourage discussions on issues relevant to people at grassroots level. Similarly, other radio stations around the country air talk shows like *Ekimeeza* and *Spectrum* on Radio One, *Capital Gang* on Capital radio, *Parliamenti Yamwe*, *Kiriza oba Gana* and *Mambo Bado* on the Central Broadcasting Service, *Simbawo Akati* and *Gasimbagane ne Banamawulire* on Radio Simba, and *Hard Talk* on Monitor KFM (Nassanga, 2008) to encourage public debate on topical issues.

Religion also played a critical role in the reconciliation process in northern Uganda, with the Acholi Religious Leaders Initiative (ARLI) advocating for peace in the region. More recently, the involvement in the reconciliation process of the Uganda Joint Christian Council (UJCC) has made participation through religion more national as their members include religious leaders from all over Uganda. However, the conditions under which Ugandan civil society operate cannot be considered ideal as the government has proved to be unaccommodating of those sections of civil society which publish documents considered threatening to national security.

Understanding civil society

The notion of civil society can be traced back to Adam Smith, Georg Wilhelm Friedrich Hegel and Karl Marx, among others. These theorists conceptualised the state and civil society as two separate and sometimes conflicting entities, with the latter independent of the state and based on economical interactions through mechanisms of the market (Baker, 2002; Wanyande, 1996). The Italian theoretician Antonio Gramsci characterised civil society as 'the realm of culture and ideology, or more concretely, as the associational realm (made up of the church, trade unions, etc.) through which the state under normal circumstances, perpetuates its hegemony or achieves consent' (quoted in Baker, 2002:6). Recent discourses on civil society now focus on non class-based forms of collective action linked to the legal, associational and public institutions of society (Cohen and Arato, 1992).

In Uganda civil society has played an active role especially in contexts where the government has been unable to deliver. In some cases such civil society interventions have been viewed suspiciously by government and this has frustrated the efforts of civil society actors (Orjuela, 2003; Wanyande, 1996; Toure, 2002). Early literature tended to laud civil society as homogenous and always working in the interest of the citizenry; some recent scholars argue that these assumptions are misleading and warn against 'romanticising' civil society's role (Wanyande, 1996). Civil society campaigns have been known to frustrate their own efforts; as a result coalitions have fallen apart before their impact could be realised. Moreover some civil society organisations are undemocratic and revolve around a single, charismatic leader (Orjuela, 2003; Wanyande 1996).

Contextual background

Since independence in 1962, Uganda has had various conflicts, deeply rooted in divisions between north and south, that have gone largely unacknowledged for over 40 years.³ Successive Ugandan regimes have instilled hatred, fear, injustice and prejudice in the population while falsifying the country's history.⁴ Central Uganda endured the brunt of the five-year civil war which saw the current government capture power in 1986. During the course of this conflict numerous atrocities were meted out on the people by both the ruling government and the rebel National Resistance Army (NRA). This conflict has never been resolved and remains a constant source of tension in Uganda to date. Eastern Uganda has not been spared the civil unrest either; there have been numerous armed rebellions, law and order problems, and the spill over of armed conflicts from other regions (for example, the constant armed raids from the Karamojong in 1987 and the LRA attacks in north eastern Uganda in 2003).

Western Uganda has experienced a long list of conflicts dating back to 1962. Different armed groups have operated in this region, leaving mass human rights abuses in their wake. The Karamoja region has been bedevilled with conflicts, lawlessness and marginalisation, and is rife with small arms and light weapons and successive governments have ignored security issues here. The numerous disarmament programmes aimed at the local populace have been unsuccessful. The region is isolated from the rest of Uganda and is feared to become the next battleground while the war in northern Uganda recedes. The west Nile region has suffered a number of rebellions and, being the home of former Ugandan dictator Idi Amin Dada, it has been treated with mistrust by ruling governments. The frustration caused by deliberate government marginalisation forced the populace here to take up arms. Despite peace agreements signed with the government, the region remains unstable, with the possibility of armed rebellions erupting in the future unless conditions of the peace agreements are met.

The most protracted of these conflicts has been in northern Uganda between the Ugandan government and LRA rebels. Spanning a period of twenty years, this conflict has left millions displaced, especially in the northern sub-region. Peace overtures were half-hearted until the commencement of the Juba peace talks in July 2006. Some headway was made in the peace process, with the signing of all five items on the agenda. However, the negotiation process hit a snag in April 2008. Joseph Kony, the LRA leader, said he needed time to study the signed documents before attaching his signature to a final peace agreement. Significantly, among the reasons for his withdrawal were the impending International Criminal Court (ICC) indictments and arrest warrants for him and five of his top commanders (three of whom are now dead). Kony is living in the Democratic Republic of Congo (DRC) and there have been repeated reports of LRA attacks both in eastern DRC and in southern Sudan. The breakdown in the peace process led to well-founded and widespread fears of the renewed use of military force in the ongoing conflict. These fears turned into a reality in September 2008 when the UN and the DRC announced their intention to embark on a joint military campaign against the LRA. In November 2008 President Joseph Kabila of the DRC promised to cease military actions against the LRA in the Congo in order to enable Kony to sign the final peace agreement. The Government of South Sudan (GOSS), tired of waiting for the signing of the final agreement, repeatedly demanded a deadline within which the LRA should sign the final peace accord.

Following the failure of LRA leader to sign the peace accord in the stipulated time, the joint forces of Uganda, the DRC and South Sudan launched a joint offensive on the LRA rebel hideouts in Garamba on 14 December 2008. The rebels retaliated by indiscriminately killing and abducting the local Congolese populace as they headed towards the Central African Republic. Numerous LRA rebels were killed and top commanders wounded while others surrendered to the Uganda People's Defence Force (UPDF). The offensive, dubbed Operation

3 *Behind the Violence: Causes, Consequences and Search for Solutions to the war in Northern Uganda*, Refugee Law Project Working Paper 11, 2004.

4 *Ibid.*

Lightning Thunder, ended on 15 March 2009 when the UPDF started pulling out of the DRC following an agreement with the DRC on the duration of the military offensive. The LRA leader, Joseph Kony, is still on the run and is believed to be heading towards the Central African Republic with a small number of rebels.

Uganda has had one leader, President Museveni, since 1986, a period in which over twenty armed rebellions have been reported in different parts of Uganda.⁵ During that time the country was ruled under an autocratic, 'Movement' system of governance. The transition to multi-party politics started in 2000 with the unbanning of political parties, while the ruling National Resistance Movement renamed itself NRM-O. Elections, since the first one in 1996, have been marred by mass violence as well as vote rigging in favour of the ruling party. Opening up the political arena to multi-party politics has not made Ugandan politics free and fair. The government has repeatedly been chastised and sued for constant election rigging. In 2001, Dr Kiiza Besigye, one of the main contenders in that year's election, challenged the results in the Supreme Court. The ruling of the court upheld President Museveni's re-election by a vote of three to two. The judges agreed that although there had been substantial electoral malpractice, the intimidation, ballot stuffing and 'cheating in a significant number of polling stations' was insufficient to affect the results of the elections 'in a substantial manner' (Supreme Court of Uganda, quoted in Human Rights Watch, 2003).⁶

A crucial point of contention was the limiting of the state president's tenure to two terms as stated in the Ugandan Constitution of 1995. In 2005 a referendum was held on the proposed lifting of the two-term limit; the ruling party 'facilitated' a consultation of the NRM members of Parliament. Media reports were awash with this news but, despite public outcry, the two-term limit was waived enabling the incumbent to re-run for a third term in the 2006 presidential elections. These elections were also tainted by violence and mass vote rigging. In the pre-election period prominence was given to various rape and treason charges against Dr Kiiza Besigye and 22 other suspects. While the judiciary was praised for being independent in their judgements on Besigye, the government employed its security machinery to frustrate the judicial process. In November 2005 army operatives, popularly known as the 'Black Mamba', stormed the High Court and blocked the release of Besigye's co-accused. This siege was condemned by the chief judge, Justice James Ogoola, as a despicable act and a rape of the judiciary. However, in March 2007, at another hearing of Besigye's co-accused, armed security operatives stormed the High Court to re-arrest five men released on bail after having been in detention for 15 months (Human Rights Watch, 2007).

These examples reveal the restricted space in which civil society has to work in advocating for transitional justice. They beg the question: How can transitional justice be achieved in situations where there has been no transition to democracy, as in the case of Uganda? In recent months President Museveni has been further entrenching his stay in power, as was illustrated during celebrations on NRM Day on 26 January 2006, when an assortment of armoury was showcased. A press release by Human Rights Watch (2006a) expressed concerns over an increasing militarisation of public offices in Uganda after the 2006 presidential elections. For example, both the former and current inspector generals of police are army generals. Until his death in 2007, Colonel Noble Mayombo, former head of Criminal Military Intelligence, was the permanent secretary in the Ministry of Defence and chairman of the board of the state-owned *New Vision* newspaper. General Elly Tumwine (head of the General Court Martial) was appointed manager of the national soccer team (Human Rights Watch, 2006b). These appointments tell a story about diminishing freedom of expression, with consequences likely to impact negatively on civil society, and especially on the independent media.

Previously the liberalisation of Uganda's media had seen the growth of many newspapers, as well as independent radio stations, advancing a culture of public debate, commonly

5 Press release, To Look Forward, We must First Look Back, 2006, Refugee Law Project, Human Rights and Peace Centre, and Faculty of Law Makerere University

6 *Dr Kiiza Besigye Vs Yoweri Museveni and Electoral Commission*, Petition No. 1 2001, Supreme Court of Uganda, April 21, quoted in HRW <http://www.hrw.org/backgrounder/africa/uganda0206/3.htm>

known as *ekimeeza*. These public debates are open-air discussions where the general public can debate current issues. They are usually uncensored, with the result that some members of the public have made statements which have offended top government officials. As early as 2002 the government has threatened to ban these public debates, claiming that during 'these public debates, people were not observing ethical standards and that the broadcast licences were being misused' (Nassanga, 2008).

A further complication is the current focus on regional reconciliation in addressing Uganda's conflict history, which displaces the need for national reconciliation. This concept is of much concern given the emphasis being put on northern Uganda by the government and many advocacy groups in the quest for alternative justice and/or transitional justice mechanisms. Whereas the region of northern Uganda has been conflict ridden for the past 22 years, the peace agreements, especially, Agenda Item No. 3 on Accountability and Reconciliation of the Juba peace talks, should rather be seen as an entry point for discussing national reconciliation. The peace talks between the Ugandan government and the LRA were initiated in 2006 by Riek Machar, the vice president of GOSS. The peace talks comprised five agenda items: Cessation of Hostilities; Comprehensive Solutions to Economic and Social Development; Accountability and Reconciliation; and Ceasefire and Demobilisation. Of interest is Agenda Item No. 3 on Accountability and Reconciliation. This agreement was based on broad principles and had a clause calling for the parties to negotiate and adopt an annexure to the agreement that would set out elaborate principles. The agreement acknowledges the atrocities committed by both parties in the conflict and 'commits the parties to prevent impunity and to promote redress in accordance with the constitution as well as international obligations. They have also recognised the need for adopting appropriate justice mechanisms, including customary processes of accountability' (Beyond Juba Project, 2007).⁷ This agenda item calls for the application of traditional justice mechanisms like *Mato Oput* in an attempt to achieve lasting peace in northern Uganda.

Uganda has a chequered history of armed conflict whose causes need to be addressed in order to prevent a renewed outbreak elsewhere in the country. For some civil society organisations, like the Beyond Juba Project, Agenda Item No. 3 of the peace talks is seen as an opportunity to set the pace for the discussion around national reconciliation and the need for a truth-telling commission as a remedy to address the past wrongs of certain previous regimes.

The role of civil society

Civil society in Uganda today is weak and fragmented, event oriented and donor driven rather than focused on issues. This is reflected in the fact that many civil society organisations have moved away from their original objectives and increasingly tend to focus on issues that are the concerns of donors. Civil society in Uganda needs to be strengthened through coalition building, partnerships, etc. Civil society organisations need to continue lobbying both government and donors, and to sustain their outputs aimed at public awareness and policy change through reports, conferences, demonstrations, etc., but on the conflicts in the country more generally and not only in relation to the ongoing conflict in northern Uganda. The Beyond Juba Project provides a relevant case of how this might be undertaken.

Domestic civil society has a big role to play in including transitional justice on the agenda of the Ugandan government alongside the conflict in northern Uganda. Crocker says, 'A nation's civil society is often well suited to decide on and prioritise the ends of transitional justice as well as to design, implement, monitor, and improve various means. In particular, without a vigorous domestic civil society, backed on occasion by certain types of international civil society, new democracies are unlikely to establish effective truth commissions'(2000:16).

⁷ http://www.beyondjuba.org/transitional_justice.php

Domestic civil society in Uganda therefore needs to take the lead in this role of prioritising the ends of transitional justice in the particular context of Uganda.

Advocacy with one voice

Different civil society organisations need to get together and form one strong voice advocating for transitional justice relevant to the whole of Uganda. A strong civil society would achieve much more – sustainable peace in Uganda – with a single, coherent voice rather than with many disparate voices clamouring for the same goal. In South Africa, ‘groups in its civil society through conferences and public hearings helped forge the idea of a truth commission’ (Crocker, 2000:18). Uganda’s civil society can learn from the South African example of advocating for these issues with one strong voice.

There are, however, challenges to be overcome in working under an umbrella civil society organisation, as has been witnessed in Uganda to date. A number of civil society organisations dedicated to peace building in Uganda formed the Coalition of Organisations for Reconciliation in Uganda (CORU) in 2006. Several meetings were held, followed in February 2007 by a conference to discuss the way forward. However, in the longer run the coalition proved unsustainable. Still, a positive outcome of this attempt by civil society to have one voice on peace was the working draft of the National Reconciliation Bill that was first tabled during the active tenure of CORU.

The Refugee Law Project, one of the components of the now defunct CORU, decided to follow up on the draft National Reconciliation Bill. The document was considered important and one that should not be left to gather dust. A last meeting to discuss the draft bill was called during which it was decided that the work of the bill would continue to be spearheaded by the Beyond Juba Project. A transitional justice project of the Refugee Law Project, the Faculty of Law at Makerere University and the Human Rights and Peace Centre, the Beyond Juba Project aims to generate support for a national reconciliation process in Uganda. It aims to do this by demonstrating the extent to which conflicts and their legacies are national problems. It will also assist in the development of transitional justice mechanisms. The Project’s objectives include: persuading legislative, judicial and executive branches of the Ugandan government of the benefits of a national reconciliation process; generating widespread public awareness of the potential contribution to sustainable peace which national reconciliation could play and engaging the public in the nation-building process; creating a more informed debate among development partners about the need for national reconciliation in Uganda; ensuring that transitional justice mechanisms are supported by civil society actors; and helping to give direction and leadership to groups seeking to promote the national reconciliation process by developing specific proposals for context-appropriate transitional justice mechanisms.

The draft National Reconciliation Bill was presented to a working group of members of Parliament for discussion during training on transitional justice organised by the Beyond Juba Project in July 2008. The bill was also presented to members of the Justice Law and Order Sector (JLOS) in January 2009 at a roundtable discussion in Kampala in an effort to bring that group on board.

Pushing for a national truth forum

So far efforts by civil society to come together with one voice have resulted in mixed outcomes. With respect to advocating for the use of traditional justice mechanisms such as *Mato Oput* to mediate in the northern Ugandan conflict, there has been a degree of success. This can be attributed to the ground breaking Agenda Item No. 3 of the Juba peace talks, which calls for the use of traditional justice mechanisms alongside formal justice procedures. When it comes to conceptualising work from a transitional justice perspective, however, the record is more chequered. Nevertheless, out of this initial attempt to form one voice, a potentially powerful instrument emerged: the draft National Reconciliation Bill.⁸ Amongst other things

⁸ The bill is a work in progress and is not available to the public for discussion as yet.

the bill provides for the creation of a Truth Forum. Effectively this amounts to a proposal for a national truth process albeit without using the terminology of a truth commission. Recognising that Uganda's history with commissions has been problematic, the term 'Forum' has been chosen for several reasons: 1) to accommodate the institutional arrangements embedded in Agenda Item No. 3 of the Juba Peace Talks and 2) to depart from the idea of commissions as a solution to all of Africa's contemporary woes. The history of commissions in Uganda has been tainted: there have been so many commissions of inquiry held in Uganda that the public has lost faith in them. Commissions are commonly perceived as another waste of tax payers' money with no results. The reconciliation bill provides for a Truth Forum, as an Amnesty Commission and Human Rights Commission are already in existence. These two commissions are permanent institutions and operate in ordinary circumstances while truth commissions are extraordinary measures put in place to deal with extra-ordinary crimes and political atrocities. It is envisaged that the function of the Truth Forum would be to play a supplementary role to these already existing commissions. However, when the proposal for the draft bill was presented to members of Parliament, it was realised that a lot more work and consultation needed to be done before it could be submitted for public debate.

Moreover, indications are that the process of enacting the draft National Reconciliation Bill will not be plain sailing since the ruling party refuses to allow for the bill to be passed during its tenure. Among the contentious provisions of the bill is that of the investigation dates for the Truth Forum from 1962 to the present. This implies that the ruling party would be liable for gross human rights violations based on its activities as a rebel group before taking over power in 1986. Currently, NRM members of Parliament out-number the opposition parties, and if the ruling party does not agree, the vote in Parliament will most likely go against passing of the bill.

Consultations on this draft bill thus need to proceed carefully. Winning over the NRM Caucus, the decision-making group of the NRM party, would most likely see the passing of the bill when tabled in Parliament. Otherwise, a repeat of the events of 2005 – when members of Parliament were given money to facilitate the passing of the referendum to lift the presidential term limits – could be possible. Most importantly, the bill will need the continued input, voice and support of a strong alliance of civil society organisations.

Investigating and rewriting Uganda's history

Accounts of history in Uganda especially after 1986 have been one sided and pro-government. There was a great deal of media censorship during the war in northern Uganda. The government argued that this was done in the interest of national security and journalists who crossed the line were arrested or questioned at the Criminal Investigations Department offices.

Civil society is well placed to carry out research and obtain the truth about past atrocities. Organisations such as the Uganda Historical Memory and Reconciliation Council are carrying out research in this regard, to obtain people's views of contested historical events. They are seen as having better connections with the local communities. Crocker (2000) gives examples of how civil society in Chile, Uruguay and Guatemala collected information on the atrocities committed in these countries, information that proved important to their truth commissions. Producing an alternative history, importantly, would give voice to the untold stories that have been part of the living memory of the country. A case in point is that of Karamoja in north western Uganda. The attitude of successive national governments has been to ignore the region and to impose sanctions it would not impose in other parts of the country. Through its research, the Beyond Juba Project endeavours to contribute to this memory rewriting project.

Engaging in public debate

In order to reach out to the majority of Ugandans so they are able to understand transitional justice, civil society needs to constantly engage in public debate. This debate should not be limited to the elitist discussions held at conferences, workshops and seminars, but rather debates

that can reach the masses. The majority of Uganda's population has access to radio but not many can read or understand the complex discussions that take place in the halls of academia or in the donor and NGO world. Since the liberalisation of the media in Uganda in 1993, more than 150 radio stations and eleven TV stations have sprung up across the country, reaching previously inaccessible audiences and operating alongside the government-owned media (Nassanga, 2008). There are now radio stations catering for different Ugandan tribal affiliations.

The independent media in Uganda has offered a different view from the state-owned media, effectively functioning as a source of alternative information dissemination. However, the government has not been welcoming of this process, especially in cases where it deemed the information a threat to national security. Despite government claims of creating a free press, there have been instances when media institutions have been shut down or active journalists arrested and arraigned in court. Cases in point are when the government shut down the *Monitor* newspaper in 2002 and in 2005 when the KFM radio station was again shut down by the government over a talk show on which the death of John Garang⁹ was discussed (Monitor, 2002; BBC online, 2005). In response to the closure of KFM, President Museveni was quoted on the BBC as stating that 'any newspaper that plays around with regional security, I will not tolerate it. I will just simply close it, finish, and the end'.¹⁰ The government has charged journalists who have reported on issues considered to be threats to national security with sedition. This has led to self-censoring by some journalists, a detrimental development for advocacy around transitional justice issues.

The commercialisation of the media has greatly influenced the course of journalism in Uganda. In the past developmental issues were broadcast freely; today an organisation needs to buy airtime on radio to discuss these issues. The commercialisation of airwaves has also been adopted by the state-owned broadcasters, UBC TV and Radio, which ought to be offering airtime free of charge. Over the years there has been an increase in the number of civil society organisations in different areas paying for radio programmes as an advocacy tool for their social programmes. Therefore in as much as issues like transitional justice and sustainable peace are important issues, they would not get free airplay. In a bid to encourage public awareness in northern Uganda around the peace process, the Beyond Juba Project entered into an agreement with Mega FM, a private broadcaster in northern Uganda, to provide a platform for public debate. Between May and October 2008, the Project hosted discussions on different topical issues including the failure of LRA leader Joseph Kony to sign the Comprehensive Peace Agreement; the amnesty provided to Dr Alfred James Obita, the former LRA peace team leader; and the return of the internally displaced person (IDPs) to their home villages, etc. Callers to the show expressed their concerns with regards to Obita's amnesty and the idea of a truth telling forum in the future.

I thank the Beyond Juba Project for their programme. But by discussing and critiquing the amnesty to Obita, won't it jeopardise the amnesty process and discourage other LRA as they may fear that we will be required to tell the truth? Why don't we wait until they are out before we change the amnesty to entail truth telling? We know amnesty is important and it has just been renewed but even in Juba parties recognised the current amnesty is not good for sustainable peace and reconciliation and so we need some element of truth telling. (Caller from Amuru on a radio talk show¹¹)

These broadcasts have been an effort to raise awareness of the peace process among the populace in northern Uganda and to prepare the way for discussions around transitional

9 Dr John Garang, president of the Government of South Sudan perished in a helicopter crash after a state visit to Uganda. An inquiry was made into the cause of the crash. His death threatened regional security.

10 <http://news.bbc.co.uk/2/low/africa/4144502.stm>

11 'The implication of the grant of amnesty to Dr James Obita (former LRA peace team leader) for the Juba peace process and the Agreement on Accountability and Reconciliation (Agenda Item No. 3)', transcripts of the Beyond Juba Project talk show on Mega FM, 9 August 2008 by Stephen Oola, project researcher on transitional justice.

justice mechanisms such as amnesties, the ICC, etc. Feedback from the callers is important in ascertaining their understanding of the topical issues and what they mean for them. Comments such as the one above can enable civil society to gauge the thoughts of the local people on the issues under discussion and whether the message is timely. This is also an avenue for local people to air their thoughts on the issues that affect them, like the war, displacement and the return of refugees.

Another way in which the Beyond Juba Project is engaging in public debate is through film festivals. Visuals are more easily understood and can have a longer-lasting impact on viewers than written text. At the inaugural Peace Film Festival,¹² the theme of which was 'Images of Conflict: Imaginings of Peace', the Beyond Juba Project showcased screenings and held discussions on subjects of conflict, peace and reconciliation with films from Uganda and South Africa. This was the Project's first attempt to reach out to the general Ugandan public as opposed to their previous discussions held with academia, NGO workers and donors. Discussions were held around the issues portrayed in the documentaries and the films screened at the festival. This festival set the pace for informative and purposeful film screening with the intention of engaging the public on human rights issues. The Project envisages running rotating film festivals of this nature around the country in order to take the debate on transitional justice to people at grassroots. The first of these tours took place at the end of November 2008 when films and documentaries screened in Kampala were also shown in Gulu.

Events the Project has been hesitant to use are the afore-mentioned open-air *Ekimeeza* debates (or round table discussions). This hesitation can be attributed to the political environment within which the Beyond Juba Project operates. As noted earlier, the government has come down hard on these talk shows, alleging that members of the public misuse the forum to insult the government. In a dramatic spate of cracking down, the government arrested three Buganda Kingdom officials on 18 July 2008 and charged them with inciting violence, promoting war, sectarianism and terrorism. The three officials, all of whom had been vocal in their opposition to the proposed Land (Amendment) Bill, were said to have angered the president by their utterances on CBS radio, a Buganda Kingdom owned radio station (Nnyago, 2008). Following an angry address by the president in Wakiso on 12 July 2008, where he said the time had come for the police to deal with the three officials, they were arrested at different locations in Kampala and held incommunicado for over 48 hours. Since negotiating their release, CBS radio (which had previously been highly critical of the government) has changed its aggressive tone for fear of being shut down. Furthermore, Dolan reported on government intimidation to CSOPNU, an umbrella NGO: 'In April 2006 after CSOPNU released its report, *Counting the Cost: Twenty Years of War in northern Uganda*, many of its members were amongst the NGOs called to a meeting at the president's country residence and warned that they risked overstepping their limits' (2007). Therefore these examples demonstrate how the public space is slowly closing in, and it is likely that civil society will be more likely to censor itself in discussions around sensitive issues.

Engaging in peace education

A comprehensive civil society strategy for peace education needs to include appropriate initiatives aimed at the youth. With the publication of *PeaceTalk*, the Beyond Juba Project began the process of peace education at secondary school level. The newsletter has a print run of over 47 000 copies and sets out to engage Ugandan teenagers on issues around peace and justice. The newsletter encourages students to form peace clubs within their schools and encourages existing peace clubs to continue spreading the peace message. This novel initiative in reaching out to the youth has been conceived as one way of ensuring sustainable peace in the future. Already it has occasioned a ripple effect in getting the peace message out: *The New Vision*, a state newspaper, came up with a similar peace education pull-out

12 The peace film festival was held at the National Theatre in Kampala from 30–31 October 2008.

called *Jazz Peace*, targeting secondary school students. Despite lasting for six weeks only, the programme showed how peace issues could be addressed in Ugandan schools through state-led newspapers. More generally it may be seen as preparing the way for a peace-sensitive curriculum to be introduced in Uganda's schools. Other civil society organisations involved in working with young people have also invited *PeaceTalk* to participate in activities with them, for example, an ICT (information communication technology) for Peace camp organised by three organisations, namely, War Child Holland, I-Network Uganda and Conflict Resolution by Youth (CRY)-Uganda.

The wider civil society movement, with support from some members of Parliament, has been pushing for peace education to be included in the education curriculum. These advocacy efforts are yet to be acknowledged and followed up on by the ministry of education and sports. A similar initiative is being carried out in South Africa, where the Institute for Justice and Reconciliation (IJR) produced a documentary on the South African Truth and Reconciliation Commission along with a teaching guide for schools. The documentary and teacher's guide have not been adopted yet by the South African department of education on the grounds that the time is not yet right for these issues to be taught in schools.¹³ This begs the question as to when the time will be right to teach justice and reconciliation in schools.

Media training and media monitoring of transitional justice issues

The tracking and documenting of human rights abuses – and other issues of governance or conflict pertinent to transitional justice – is an on-going programme of the Beyond Juba Project. The aim is to have a record of what the media reports on these issues. This media content monitoring will also inform the project's thinking on how to approach the proposed media review workshops for journalists practising in Uganda. In a recent dialogue, South African Law Professor Lovell Fernandez¹⁴ recommended the need for civil society, in a dedicated database, to have a 'unit concerned with direct research in tracing the history of human rights violations' as reported in the newspapers. An inventory like this would be crucial for future investigations if, say, a truth commission or forum were instituted in the country. With the Beyond Juba Project taking the lead in preparing the draft of the National Reconciliation Bill, maintaining this database could provide an essential resource for this process.

For such an inventory to succeed there is a need to train practising journalists in transitional justice and how to report on human rights issues, conflict, justice, peace and reconciliation. Neu criticises the government, military and independent news channels alike for unprofessional coverage of the conflict in northern Uganda. She cites a news story in the *New Vision* as an example of insensitive journalism:

Reading the *New Vision* last year with counts of the number of the LRA killed or defected, one would have had to conclude that 'with only 50 LRA left', the LRA went into a minus category. There has been either ignorance or a lack of empathy for the people of the north by the press in displaying bodies of dead LRA on the front pages of the newspapers – these are often the bodies of abductees, not hardened criminals. Parents do not celebrate the death of their children, no matter what these children may have done. This kind of media attention further aggravates tensions between the north and south. (Neu, 2005)

In research carried out on the impact of the print media in northern Uganda, Acayo and Mnjama (2004) discovered that the *New Vision*, a state-owned paper, had reported a lot more

13 Dialogue at the IJR on 'Options for Community Healing Experiences and challenges from South Africa' by Valdi Van Reenen and Kenneth Nkwenkwe, 13 October 2008, Cape Town.

14 Dialogue at the IJR on 'Institutional Reform and the Challenge of Social Justice' by Prof. L. Fernandez, 4 November 2008, Cape Town.

on conflict escalations in northern Uganda, than the *Monitor* newspaper. The latter reported more on the suffering of the people as well as on human rights abuses that have occurred in this region, covering these issues on their front page. The *Monitor* was seen to take issues of conflict and conflict resolution more seriously than the *New Vision*. These examples are pertinent in showing the need to train media practitioners who have over the last two decades reported largely on the conflict in northern Uganda. There is a need to equip practising journalists with skills for creating a public debate about transitional justice mechanisms like the ICC, amnesties and alternative justice mechanisms such as *Mato Oput*.

In this regard the Beyond Juba Project can build on initiatives undertaken by international civil society organisations such as Internews, which trains journalists in northern Uganda, as well as the media training on transitional justice held by the International Center for Transitional Justice and the BBC. These interventions work to accomplish the same purpose: teaching the media to report on issues of transitional justice so these can be included in the public debate.

Engaging with capacity building

Capacity building is important, not only for the media but also for all other stakeholders. People will not discuss what they don't know or understand, so in order to encourage the debate around transitional justice, it is important to impart knowledge to relevant target audiences. As mentioned earlier the Beyond Juba Project has already held a first training workshop on transitional justice for members of Parliament. A roundtable discussion on transitional justice was held with members of the Justice, Law and Order Sector (JLOS) and the War Crimes Tribunal. Further training workshops are planned for other stakeholders such as government officials, the judiciary, academics and others. There is a consensus that many people do not really understand what transitional justice is, and therefore such training is key to ensuring the start of more informed debates.

Conclusion

As discussed, the Ugandan context is unique and complex in that civil society is advocating for change in a situation where there has not been a democratic transition. Working in a stifled space with increasing intimidation from the government leads to self-censorship. When the Beyond Juba Project was initiating a working relationship with the *Monitor* newspaper on printing and distributing of *PeaceTalk*, management's concern was whether the newsletter's content would be antagonistic to the government. In order to build a positive relationship, the Project had to undertake that the issues tackled would not be a threat to national security. However, with locally driven initiatives for transitional justice, there is a subdued hope that the groundwork being set up by initiatives such as the Beyond Juba Project will stimulate debate around transitional justice.

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