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***The Coalition for Reconciliation in Uganda (CORU): Important Lessons for Proactive Civil Society Engagement in Catalyzing Transitional Justice Discourse***

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**Introduction**

From 1962 when Uganda got her independence, the country has witnessed violent conflicts and gross human rights violations and abuses with impunity.<sup>1</sup> In just 48 years, Uganda has had eight Presidents and regime changes, none democratically. Ugandans are still to witness a peaceful transfer of power after independence. Over 22 violent rebellions and insurgencies have rocked different parts of the country in the last 24 years; the longest being the Lord's Resistance Army (LRA) who have been fighting the government of Yoweri Museveni since coming to power in 1986.<sup>2</sup> The LRA have caused the deaths of over 65,000 people in northern Uganda, the displacement of more than 1.8 million people in internally displaced persons (IDP) camps, and the abduction of more than 22,000 children.<sup>3</sup> Its leadership has been indicted by the International Criminal Court (ICC) for war crimes and crimes against humanity. But since 2005, the LRA have eluded arrest, moved out of northern Uganda and are busy perpetuating atrocities against civilians in north-western Democratic Republic of Congo (DRC) and parts of the Central African Republic (CAR).<sup>4</sup>

This paper focuses on civil society's (CSOs) advocacy efforts in shaping the Transitional Justice (TJ) terrain in Uganda. It explores a coalition of civil society organizations-the Coalition for Reconciliation in Uganda (CORU); how it strategized, operated and succeeded in galvanizing support and championing the cause for peace, justice and reconciliation in Uganda. What makes CORU an example of proactive CSO coalitions? How did it better organize than other CSO coalitions to survive the NGO funding politics and bureaucracy? What challenges did CORU face and how did it respond? What came out of CORU and lessons learnt? By sharing CORU experiences, some of the above questions might be addressed but a whole range of other factors equally accounts for the current state of transitional justice as a discourse in Uganda.

**The State of Transitional Justice in Uganda**

Uganda today presents a unique challenge for Transitional Justice Practitioners-civil society and human rights groups and persons advocating that Uganda must implement a range of judicial and non-judicial measures in its attempt to come to terms with its legacy of large scale past abuses, gross human rights violations, and ensure accountability, serve justice and achieve sustainable peace and reconciliation. There has been no regime change in Uganda but a significant shift in a regimes policy: from repression and militancy towards democratization and peaceful resolution of conflicts. At the heart of Uganda's transitional justice dilemma is how to ensure that a regime consolidates its positive attributes in governance, shred impunity by holding itself accountable, and end ongoing conflicts without relapsing into further violence or abuse of power. It embodies the struggle to democratise and nurture good governance,

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<sup>1</sup> Ofcansky, Thomas P. (1996) *Uganda – Tarnished Pearl of Africa*, Boulder, 1996

<sup>2</sup> RLP (2004); Behind the Violence: Causes, Consequences and the Search for Solutions to the War in Northern Uganda. *Working Paper No. 11.2004*.

<sup>3</sup> Human Rights Watch, The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda, *Human Rights Watch/Africa Human Rights Watch Children's Rights Project*, New York, London, Brussels-pp. 34-5.

<sup>4</sup> See LRA: Uganda's Worst Export of the Century *Daily Monitor* August 4, 2010 at <http://www.monitor.co.ug/News/National/-/688334/968218/-/x2po48/-/index.html>.

as well as the need to end Uganda's longest and most brutal insurgency of the LRA; a rebel group that remains armed, dangerous and capable of destabilizing the entire great lakes region.<sup>5</sup> The ever growing number of victims of LRA atrocities yearns for immediate cessation of hostility above all other measure of justice<sup>6</sup> but negotiating a peace without 'punitive justice' against the LRA is today arguably impossible under international law. This is because there is a standing ICC indictment<sup>7</sup> and warrant of arrest for its commanders.<sup>8</sup> For this reason, Uganda can properly be described as a "transitional justice hotspot" just like Darfur and other contested contexts like Kenya, DRC and Zimbabwe. A whole range of accountability measures are being juggled to address its justice, peace and governance needs.<sup>9</sup> These include ICC trials, special war crimes tribunals, a truth and reconciliation commission, amnesty and local customary justice processes such as *Mato Oput*, *Kayo cuk*, *Ailuc* and *Tuno ki Cuka* etc.<sup>10</sup>

The question in Uganda today is how best can these mechanisms be harmonized to achieve sustainable peace, justice and reconciliation? Are these mechanisms able to complement each other or are they inevitably contradicting? Is it about sequencing, if so what comes when, where, why and how? The transitional justice dilemma for Uganda is therefore practicality not academic.<sup>11</sup> Sometimes commentators tend to portray the peace and justice debate in Uganda as an opposition to the ICC. On many occasion it is coined as a peace versus justice debate. The fact of the matter is that the ICC represents just one justice approach in this equation.<sup>12</sup> While its intervention appears to be problematic and remains contentious, many people in Uganda including CSOs are divided on what role the ICC could positively play in shaping Uganda's transitional justice process.<sup>13</sup> For now the consensus seems to be that it's an obstacle to peace and that the chief prosecutor Moreno Ocampo is dinnning with the devil; given his close personal friendship with Museveni and his failure to investigate atrocities committed by state actors.<sup>14</sup> But the ICC intervention also pushed the transitional justice paradigm in Uganda: it catalysed the creation of a Special War Crimes Division (WCD) in the High Court of Uganda and the recent domestication of the Rome Statute means the ICC is part and partial of any TJ process in Uganda.

## A Legacy of Violent Conflicts and Impunity

<sup>5</sup> See Angelo Izama- From Garamba Jungle to the World's boardrooms: Why Kony defies fate-*Sunday Monitor*, March 29, 2009.

<sup>6</sup> CSOPNU (2006). Counting the Cost: Twenty years of War in Northern Uganda, March 2006 at [http://www.oxfam.org.uk/whatwedo/issues/conflict\\_disasters/downloads/csopnu\\_nuganda.pdf](http://www.oxfam.org.uk/whatwedo/issues/conflict_disasters/downloads/csopnu_nuganda.pdf).

<sup>7</sup> See Human Rights Watch (2007) Trading justice for peace; Benchmarks for Assessing possible alternatives to the ICC; Adequate Penalty Needed. *HRW Justice Memorandum*.

<sup>8</sup> Westbrook, D [2000]: "The Torment of Northern Uganda: A Legacy of Missed Opportunities" Online *Journal of Peace and Conflict Resolution*, Issue 3.2/June 2000, p. 5.

<sup>9</sup> The JLOS Technical Committee on Transitional Justice is comprised of four different committees on Prosecutions, Truth Telling, Traditional Justice Mechanisms and Integrated approaches.

<sup>10</sup> See *Agenda Item 3 of the Juba Peace Talks and the Agreement on Accountability and Reconciliation between the LRA/M and GoU* at [http://beyondjuba.org/peace\\_agreements.php](http://beyondjuba.org/peace_agreements.php).

<sup>11</sup> Stephen Oola (2008), *Conflicting Justice System and the search for peace, justice and reconciliation in northern Uganda*, Centre for Peace and Social Justice Publications, Southern Cross University, Australia, December 2008 at <http://www.scu.edu.au/research/cpsi/humanrights/>.

<sup>12</sup> Issaka K.S, (2008) Moving the Ugandan Peace process from the Dichotomy of Criminal Trials vs. Amnesty, *African Security Review Vol. 17 No. 2*.

<sup>13</sup> International Crisis Group, (2004-2008) *International Crisis Group Briefing Papers Series –Northern Uganda: Understanding and Solving the Conflict 2004; Peace in Northern Uganda 2005; Shock Therapy for Northern Uganda 2005; A Strategy for Ending Northern Uganda Crisis 2006; Building a Comprehensive Peace Strategy for Northern Uganda 2006; Peace in Northern Uganda 2006; Northern Uganda: Seizing the Opportunity for Peace 2007; Northern Uganda Peace Process: The Need to maintain Momentum 2007; Northern Uganda: The Road to Peace with or without Kony 2008* Crisis Group Africa Briefing Series, Kampala Brussels at <http://www.crisisgroup.org/home/index.cfm?id=2346&l=1>.

<sup>14</sup> Human Rights Watch Report (2005) *'Uprooted and Forgotten:-Impunity and Human Rights Abuses in Northern Uganda Vol. 17 No.12 (A)* at <http://www.hrw.org/reports/2005>.

Uganda's history as a state is therefore dotted with a pattern of atrocities and impunity by both state and non-state actors.<sup>15</sup> The reigning Museveni' government is partly responsible for a whole range of human rights violations that took place in the Luwero triangle before ascending to power, as well as atrocities in northern Uganda.<sup>16</sup> In spite of the visible change and development Uganda achieved under its leadership, the regime has since lost its popularity with the masses and is increasingly resorting to repression and election rigging to retain power.<sup>17</sup> The next general election scheduled for early 2011 is already marred by violence and is being organised by a highly discredited Election Commission. Although northern Uganda is relatively peaceful today and Uganda relatively prosperous, the LRA remains a threat, and civil society organizations (CSOs) and transitional justice practitioners continue to grapple with concerns related to human rights, good governance, democracy and sustainable peacebuilding in Uganda.

### **Past Transitional Justice Initiatives in Uganda**

Previous attempts to address Uganda's legacy of violence and foster national reconciliation have had little impact. In many cases such initiatives lacked credibility and were devised by political regimes to purge their guilt but not confront truths, ensure accountability and achieve closure, catharsis healing and a process of national reconciliation.

### **Uganda's Commission of Inquiry into Gross Human Rights Violations, 1974 and 1986**

In 1974, Idi Amin set up a Commission to investigate disappearances for which he was himself primarily responsible, and when the findings implicated him, he further terrorized some of the commissioners, causing the rest to flee. The Commission barely finished its work and its Report was meaningless. In 1986, Museveni instituted another Commission to inquire into human rights violations that had taken place in Uganda from the period of independence up to 26<sup>th</sup> January 1986 when he assumed power.

The Commission, one of the first of its kind in Africa was applauded internationally but generated very little enthusiasm domestically.<sup>18</sup> Apart from the chairman Justice Arthur Oder (Oder Commission), the commission was perceivably staffed by Museveni friends and National Resistance Movement (NRM-Museveni' party) loyalists whose impartiality and credibility Ugandans doubted. Eventually all the commissioners were appointed to cabinet and senior government positions which vindicated Ugandans fear.<sup>19</sup>

The Commission, crippled by financial constraints and insecurity in many parts of the country, took longer than the three years mandated period and by the time it finished its work, people had lost interest in its findings. The Commission conducted hearings in all regions of the country. It received thousands of complaints of gross human violations but heard only a few of these cases. Complaints submitted to the commission were categorized into samples and cases were pre-selected for hearing before the commission. There were also serious concerns over witness protection as many of the culprits were amnestied, integrated and now serving the new government.<sup>20</sup>

Over 400 alleged victims testified before the Commission-mainly local people but no one came out to testify as a perpetrator before the Commission. CSOs and Uganda elites shunned the inquiry process they considered impartial and with a very restricted mandate. Although Commissions' report made some

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<sup>15</sup> Huripec, (2003), *The Hidden War, The Forgotten People, War in Acholiland and its Ramification for Peace and Security in Uganda 2003* at [http://www.up.ligi.ubc.ca/\\_assets/031106uganda\\_full reports 1 -164](http://www.up.ligi.ubc.ca/_assets/031106uganda_full%20reports%201-164.pdf).

<sup>16</sup> Huripec, *Listen to the People! Towards an Inclusive Approach to the Peace Process in Northern Uganda*, Huripec Working Paper No 3 2006 at [www.beyondjuba.org/working\\_papers/HURIPEC.WP3.pdf](http://www.beyondjuba.org/working_papers/HURIPEC.WP3.pdf)

<sup>17</sup> See Bob Robert Katende (2010): Rights Group indicts government for election violence and impunity, *The Independent* Tuesday 12, January 2010 at <http://www.independent.co.ug/index.php/reports/special-report/71-special-report/2361-rights-group-indicts-government-for-election-violence-and-impunity> accessed January 31, 2010.

<sup>18</sup> Neil J Kritz (1995) *Transitional Justice: How emerging democracies reckon with former regimes Volume II Country Studies* 1995 USIP pg 511-531.

<sup>19</sup> Ibid

<sup>20</sup> Ibid

very important recommendations, including the creation of a national human rights commission, many recommendations were not implemented.<sup>21</sup> Only a handful of perpetrators were prosecuted despite several culprits recommended for prosecutions. The call for the creation of a special tribunal made by commissioners John Nagenda was out rightly rejected because it risked destabilizing the new regimes consolidation of power.<sup>22</sup>

The final report was kept secret and the Ugandan public knew very little if anything about its findings. Also the Commission did not investigate atrocities being committed by Museveni own forces-the National Resistance Army (NRA now UPDF) at the time in northern Uganda- the truth and scale of which is still a subject of speculation and a highly contentious political matter.

### **Local Council Courts**

When the NRM came to power, its executive organ instituted the Resistance Council (RCs) as a quasi judicial organ responsible for accountability, peace, justice, and democratization at the grassroots and local government levels. Initially those elected to the RC executives were respected societal elders. Its proceedings were attended by the masses and ruling was based on majority consensus. This made the RC courts very popular and indispensable in the administration of justice and local governance in Uganda. Increasingly however, the RCs renamed Local Councillors (LCs), became politicized and formalized with executive and judicial powers. Today they are paid allowances by the central government and charge fees to complainants. This made even the LCs, like other formal courts largely inaccessible to many poor victims.

### **Constitutional Reforms**

In 1995, a new constitution was promulgated with a good framework for the separation of powers and a presidential term limit, but this was subsequently amended and watered down in a move by Museveni to prolong his stay in power. In 2000 Uganda passed an amnesty law offering blanket amnesty to all insurgents fighting the government of Uganda from 1986. All those who renounced rebellion would be entitled to amnesty certificate and reintegration packages through the Amnesty Commission. This was followed by several peace deals and negotiated agreements with three major insurgent groups operating in eastern Uganda and West Nile-the Uganda Peoples Democratic Army (UPDA), the West Nile Bank Front (WNBF) and Uganda National Rescue Front (UNRF) II.

Initially enacted to last for two years, Parliament has been renewing the Amnesty Act since then. This year 2010, the amnesty Act was renewed for two more years. Over 25,000 combatants, including senior commanders and rebel collaborators have returned, renounced rebellion and been issued with amnesty certificates and others like Sam Kolo, former LRA spokesperson elected into leadership positions.<sup>23</sup> Seen as an important incentive to lure the insurgents out of rebellion, the amnesty law enjoys considerable support within Uganda and even amongst the victims of the conflicts<sup>24</sup> but many victims continues to demand accountability and reparations to complement the amnesty.<sup>25</sup>

### **The Need for National Reconciliation in Uganda**

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<sup>21</sup> Ibid

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<sup>23</sup> See New Vision (2010) *Former rebel Kolo Wins NRM Seat- New Vision* August 3, 2010 <http://www.newvision.co.ug/D/8/12/727784>.

<sup>24</sup> UN Office of the High Commissioner for Human Rights, *Making Peace Our Own: Victims' Perceptions of Accountability, Reconciliation and Transitional Justice in Northern Uganda*, August 2007, available at: <http://www.unhcr.org/refworld/docid/46cc4a690.html> [accessed 4 August 2010].

<sup>25</sup> ICTJ and Human Rights Centre (2005) "Forgotten Voices: A Population Based Survey on Attitudes about Peace and Justice in Northern Uganda" July 2005 available at <http://www.ictj.org/images/content/1/2/127.pdf> accessed August 3, 2010. Also see Matsanga should not have been given Amnesty, Stephen Oola New Vision Thursday June 11, 2010.

The need for a national reconciliation framework in Uganda was first publicly articulated in 2006 during a three-day National Stakeholders Dialogue convened by the Refugee Law Project (RLP), Faculty of Law and Human Rights and Peace Centre, at Hotel Africana, in which participants recognized the need to move beyond the Juba talks to build a sustainable peace and national reconciliation process in Uganda. The Juba talks initially focused primarily on addressing the northern Uganda LRA conflict. Participants agreed that a committee be formed to organize a national conference for all civil society actors engaged in reconciliation and peace building activities within Uganda. It was at this conference that a coalition of NGOs and CSOs came together to form CORU with the aim of building consensus on a national reconciliation process in Uganda.

### **The Coalition for Reconciliation in Uganda (CORU)**

CORU was to be the umbrella network comprising all CSOs, NGOs, academic institutions, religious organizations, peacebuilding organizations, research institutions and networks and individuals working for peace, justice, development or reconciliation in Uganda. CORU's core mission was to widen the transitional justice agenda in Uganda by pushing for a truth-telling and national reconciliation process to be included in any peace agreement and transitional justice initiative for the country. Unlike other CSO coalitions, CORU operated as a loose umbrella coalition without any formal agreement stipulating its legal or other statuses including membership and control. The core members who initiated its agenda and held its rotational chair and secretariat were Makerere Peace and Conflicts Studies Programme, Refugee Law Project (RLP), Jamii Ya Kupatinisha (JYAK) Care-Uganda and Civil Society Organization for Peace in Northern Uganda (CSOPNU). CORU had no need to seek funding to conduct its activities. CORU members used their peace and other related funding to push for a national reconciliation agenda as a central pillar in any sustainable peacebuilding. A National Conference on Reconciliation in Uganda was organised under CORU umbrella in December 2006.

During the conference, participants were tasked with sketching their ideas of what a national reconciliation framework for Uganda should look like. The outcome became the first draft of a proposed national reconciliation (NR) bill for Uganda. Individuals were tasked with researching previous transitional justice initiatives within the country and other processes elsewhere: with a view of identifying their strengths, weaknesses and lessons learnt. The coalition held several discussions on the draft bill and revisions were made to resonate with on-going developments in Juba, especially with the signing of Agenda Item III of the Juba Peace Talks. In December 2007, the bill was presented and copies given to members of the LRA and Government Peace delegation consulting on the Juba Peace Process at Hotel Africana. Subsequent discussions on the bill were held with chairman of the Amnesty Commission: Justice P.K Onega and some development partners including the Swedish and Norwegian embassy.

### **Delegating CORU Mission**

By mid-2008, RLP as CORU secretariat was charged with responsibility of further consulting and developing the bill and moving it forward.<sup>26</sup> RLP used its funding for the BJ-Transitional Justice Project to push the adoption of this Bill in CORUs' name. Following the national consultation on Agenda Item 3 of the Juba peace process and successful negotiation on its Implementation Protocol, also known as the Annexure, there was a clear mandate agreed upon by the government of Uganda to establish a truth-telling process. The draft bill was further developed and discussed with Members of Parliament (MPs) under the Great Lakes Parliamentary Forum for Peace (AMANI forum) at Imperial Botanical Beach Hotel in Entebbe. The MPs were trained on the content of the bill and transitional justice imperatives during this workshop co-sponsored by the South African Institute for Justice and Reconciliation (IJR). The proposed draft bill drew valuable additions from reviews and comments from different national and international organizations working on justice and reconciliation issues like United Nations Office of the High Commissioner on Human Rights (UNOHCHR) and the International Centre for Transitional Justice (ICTJ).

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<sup>26</sup> See Jackie Budesta Batanda (2009) *The Role of Civil Society In Advocating for Transitional Justice in Uganda* published by The Institute for Justice and Reconciliation 2009

The bill was subsequently discussed with members for the government appointed Justice Law and Order Sector (JLOS) Technical Committee on Transitional Justice in two separate workshops co-organized by RLP and its international Partners like Centre for Study of Violence and Reconciliation (CSV) at Kabira Country Inn in January 2009. This was followed by a RLP sponsored trip for judges appointed to the proposed Uganda war crimes division and JLOS members to a study tour to South Africa for a comparative study on the bill and to learn from the South African experience. The bill was presented to members of civil society actors working on reconciliation within northern Uganda, including Teso and West Nile sub-region in Gulu during a two day workshop at Gusco Peace Centre.

In February 2009, a joint discussion on the ICC bill and the NR bill was held at the Imperial Royale Hotel with JLOS members co-hosted by RLP and Public Internal Law and Policy Group (PILPG). This was followed by yet another discussion on the bill with Chairman of the JLOS working group, Hon. Justice James Ogoola and a delegation from RLP in which arrangement was made for a final discussion with JLOS members and formal handover to the JLOS Technical Committee on Truth Telling. In March, 2008, the bill was reviewed, discussed, amended together with members of the JLOS technical committee for two days at the Grand Imperial Hotel Kampala and handed over to the Committee on Truth Telling to be forwarded to the First Parliamentary Counsel for a final drafting. The final draft has since been approved by the Law Reform Commission of Uganda and JLOS is looking for funding to conduct a nationwide consultation with victims of the conflict before it can be tabled before Parliament.

### **Advocating Transitional Justice in Uganda**

CSOs under the CORU umbrella therefore made tremendous impact on Uganda's transitional justice discourse given their joint call for a comprehensive and inclusive process for truth telling, national reconciliation and accountability. The prevailing context in Uganda required a concerted lobby for accountability and reconciliation to make transitional justice an issue today considered by the regime in power. There have been over 22 violent conflicts against Museveni government in 24 years. Incidentally, the regime had crashed militarily or at least neutralized through peace deals and amnesty offer all the other insurgencies except the LRA. Museveni takes pride in his military success and believe that all Uganda's problems require a military solution.

To Museveni, the LRA conflict was a tribal affair or a bunch of bandits that did not merit national attention. Because the rebellion was led by Joseph Kony, an Acholi by tribe, and fought mainly on Acholi land, with Acholi largely its victims, Museveni adopted a largely containment strategy just to avoid the conflict from spreading to other parts of Uganda. He used the LRA conflict in the north to consolidate his power base in the South. Northern Uganda was deliberately isolated and many Ugandans did not know what was going on in northern Uganda. Many of them still cannot appreciate the untold suffering borne during this conflict. Criticism to Museveni military policies and his failure to promote peace, ensure accountability and democratize governance was branded unpatriotic and a call to return to the past- a past clouded in mystery and characterised by falsification of Uganda's history.

The CSOs under CORU agreed that the LRA conflict in northern Uganda is not an isolated incident but part of an ongoing legacy of violence and impunity. Its causes and reason for continuity were indistinguishable from the other 22 or more armed conflicts that had to be suppressed. It was also clear to CSOs operating in northern Uganda that both the LRA and the government forces committed war crimes and possible crimes against humanity in the region. To deny the LRA sanctuary and weaken its resistance the government had implemented a policy of forcing all civilians in LRA affected districts from their villages into "protected villages" and what became internally displaced persons (IDP) camps.<sup>27</sup> Over 2 million civilians were displaced and evidence overwhelmingly suggests that more civilian deaths and victimization

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<sup>27</sup> Sverker Finnstrom (2003) *Living with Bad Surroundings: War and Existential Uncertainty in Acholiland, Northern Uganda*, Uppsala University 2003.

occurred as the result of government strategy to remove civilians from their villages into IDP camps than from war-related casualties.<sup>28</sup>

### **The International Criminal Court (ICC) and Transitional Justice in Uganda**

When in 2003, the government referred the situation in northern Uganda to the ICC for investigation; CSOs woke up to the danger of the government manipulating yet again, the much-needed transitional justice process for the country.<sup>29</sup> The controversial ICC referral was not helped by the subsequent investigations and conclusions. In what is largely considered a biased finding, the ICC indicted five top LRA commanders and none from the government side. To CSOs this would not simply constitute a miscarriage of justice but there was an added risk of the indictment frustrating their efforts towards a comprehensive peace process and transitional justice.<sup>30</sup> In 2005 the ICC unsealed an international arrest warrant for the LRA commanders at the dawn of an historic peace talk between the LRA and the government of Uganda in Juba mediated by the government of Southern Sudan. While the ICC indictment could be credited for pushing both parties to negotiate in the first place, the unsealing of this arrest warrant risked jeopardizing the whole process.<sup>31</sup> The senior LRA commander refused to participate in any direct negotiations until the indictments was dropped and the warrants lifted.<sup>32</sup>

Furthermore, following the ICC intervention, punitive justice took centre stage in Uganda's transitional justice dilemma like never before: this triggered the whole peace versus justice debate. CORU and other actors had to operate in a context where justice was increasingly being defined narrowly as trials and punishment.<sup>33</sup> Other imperatives like truth-telling, reparations, cessation of hostility, return and resettlement of IDPs, disarmament, repatriation and reintegration of abducted child combatants and reconciliation which resonated more with local peoples' sense of justice were relegated to the realm of impunity.

It was clear to many CSOs at this stage that formal trials would not address the full extent of impunity in Uganda. They called for both sides to listen to voices of the victims and emphasized the need to address not just the LRA conflict, but the root causes of all conflicts bedeviling Uganda.<sup>34</sup> CORU made strong calls for both parties to be held accountable and stressed the need to end the violence and engage the whole country in a process of national reconciliation to heal historical divisions and tensions that continue to vex the nation.

### **CORU Advocacy Strategies**

As a coalition, CSOs under CORU set out to map the transitional justice issues in Uganda to demonstrate how past injustices and impunity accounts for the cycle of violence occurring in different parts of the country. Regular meetings were held hosted by different member organization to share emerging issues.

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<sup>28</sup> Chris Dolan 2009, *Social Torture, the Case of Northern Uganda 1986 – 2009*, and Human Rights in Context 4<sup>th</sup> edition.

<sup>29</sup> Moses Chrispus Okello (2007) "The False Polarization of Peace and Justice in Uganda" International Conference: Building a Future on Peace and Justice. Nuremberg, Germany, June 25 – 27, 2007.

<sup>30</sup> See CSOPNU (2005) The International Criminal Court Investigation in Northern Uganda: A CSOPNU Briefing Paper February 2005.

<sup>31</sup> Clottery (2007), *Uganda's LRA Rebels say ICC Arrest Warrants Obstacle to Peace*, at <http://www.voanews.com/english/archive/2007-11-13-voa2.cfm?moddate=2007-11-13> accessed on 20-07-09.

<sup>32</sup> The Juba talks had all the Agenda items (Cessations of Hostilities / CoH, Comprehensive Solutions to the Conflict /CSC, Accountability and Reconciliation / AAR, Permanent Cease Fire / PCF and Disarmament, Demobilisation and Reintegration / DDR) signed, ushered in over three years of relative peace, but a Final Peace Agreement (FPA) has not been reached.

<sup>33</sup> See Chris Dolan (2007) "What Happened to Comprehensive Justice" Peace News Letter, published by Makerere University MA Peace & Conflict Studies and ICTJ Vol.6 Issue No. 5 June 2007.

<sup>34</sup> See "Making peace our own: Victims perception of accountability, reconciliation and transitional justice in northern Uganda" at <http://www.reliefweb.int/rw/rwb.nsf/db900sid/AMMF-763G7T?OpenDocument&Click>



Information was shared across different organizations working on peace and conflict related issues, including human rights and development in Uganda. RLP for example plotted out the various atrocities and abuses on a psycho-judicial matrix identifying gaps in cultural practices, psycho-social therapy or legal redresses.

The Beyond Juba Project of the Refugee Law Project set out to demonstrate the linkages between Uganda's conflicts and governance questions that continue to haunt the country across space and time. Its proactive engagements with key stakeholders' holders across all levels and ground breaking work on the connection between issues of forced migration, human rights, gender, sexuality, decentralization, and transitional justice in Uganda has made RLP a reference point for the government as well as other transitional justice actors.

### **The National Reconciliation Conference**

Although CORU was formally adopted during this conference, the conference itself was organized in CORU's name. The conference was a big success and inspired even reluctant participants to identify with CORU. While several organizations collaborated to organize the conference, doing so under the CORU umbrella gave the new coalition a big name and platform to launch its manifesto. The media perceived and portrayed CORU from the beginning as a big coalition of several CSOs determined to move Uganda towards a path of national reconciliation. The stated purpose of the conference was to provide space for local peace builders, human rights activists, academics and government actors to discuss what a national reconciliation process in Uganda might look like. Participants in this conference included all key stakeholders and representatives of victims groups. The two-day conference raised several important issues for good governance, accountability and national reconciliation in Uganda. Opinions were divergent on many issues including the ICC and other justice approaches.

However all participants agreed on the need for a national reconciliation process and encouraged the coalition to push for a comprehensive transitional justice process for the whole country. At this conference, the first draft framework for a national reconciliation bill was presented for considerations, and participants encouraged CORU to develop this further before its adoption in a later conference to be organized. Although the second conference did not take place, work on the proposed national reconciliation bill continued.

### **Drafting the National Reconciliation Bill**

Instead of lobbying the government to enact a national reconciliation bill, civil society and CORU members decided it was important to outline to the government what such a process should look like. Because of the nature of the state in Uganda, advocating for such a bill, which was clearly not in the interest of the regime in power, would be next to impossible. The alternative was for civil society members to draft a bill themselves and sell it to the government. Aware of all political and financial implications involved in the passage of a bill, CORU members concluded it was important to draft a bill that not only facilitates a comprehensive transitional justice initiative and kick start a process of national truth seeking, but also one that could be adopted by the government.

Therefore, from the early stages of the drafting of this bill, CORU started engaging key government officials deemed responsive to the need for national reconciliation and transitional justice initiatives. Individual organizations used their existing contacts within government and in Parliament to drum up support for the bill. Increasingly, MPs and some cabinet members began talking the language of transitional justice and calling for the initiation of a process of national reconciliation. The peace process accelerated the demand for this bill, and when the draft bill was presented to the peace delegates; both the government delegation and that of the LRA agreed that truth-seeking and reconciliation shall form a central part of any accountability and reconciliation mechanism.

### **Broad Consultation and Inclusive Participation**



By late 2007, when the government and LRA peace delegations embarked on a nationwide consultation on how to implement the principal agreement under Agenda Item 3, a more polished draft of the bill was presented to both delegations. CORU organized a meeting with both peace delegations at Hotel Africana during which presentations were made on the bill and the importance of a national reconciliation process in Uganda. When the peace delegates resumed negotiations, the text and language of the Annexure or Implementation Protocol to Agenda Item 3 on accountability and reconciliation largely reflected the language of the draft CORU bill. The Annexure demonstrated that the parties had become conscious of the serious crimes, human rights violations, and adverse socio-economic and political impacts of the conflict. Both sides committed themselves to preventing impunity and to promoting redress in accordance with the Constitution as well as international obligations. They also recognized the need for adopting appropriate justice mechanisms, including customary processes of accountability.

In particular, clause 5.1 in Agenda Item No. 3 enjoined the parties to the conflict to “*promote national legal arrangements, consisting of formal and non formal institutions and measures for ensuring justice and reconciliation with respect to the conflict... [and] recognizes the need for the parties to make modifications in the national legal system to ensure more effective and integrated justice and accountability responses.*” On truth telling specifically, the Annexure stipulated that; “*the government of Uganda also recognized that a comprehensive, independent and impartial analysis of the history and manifestations of the conflict, including the human rights violations, abuses, and crimes committed during its course, is an essential ingredient for attaining reconciliation at all levels.*”

### **Funding Transitional Justice in Uganda**

The peace talks in Juba attracted international recognition and funding. Many funders chose to prioritize particular aspects of the peace agreements with many opting to fund prosecutorial initiatives. From the beginning, the success of the talks and the highly wrought contents of the agreements attracted pro- ICC funders to pour money into Uganda, seeing a potential case study for positive complementarity between the ICC and domestic peace processes. This was the case until the talks reached a stalemate and collapsed when it became clear to the indicted LRA leaders that the ICC arrest warrants and indictment would not be removed. By December 2008, the LRA was attacked by a joint military offensive of Congolese and Sudanese forces led by the Uganda Peoples Defence Forces (UPDF) effectively bringing the Juba peace talks to an end. This operation dubbed “thunder lightning” dented hopes of ending the LRA war peacefully and casted doubt over Uganda’s transitional justice process.

However, in preparation for the implementation of the peace agreements, the GoU had already established the JLOS Transitional Justice Working Group, to examine different ways of operationalising the agreements. Funding for JLOS activities comes largely from international donors. Even though talks had collapsed without a final peace deal, JLOS came under constant pressure to implement parts of the agreement irrespective of the final outcome of the peace talks. Because funds were available, the judiciary rushed to set up a special division within the high court of Uganda, purportedly to try those accused of having committed the most serious crimes. The principle judge Justice James Ogoola appointed three judges to staff this court, even though there was no corresponding legislation to govern the court. Also there was a long line of funders willing to fund JLOS to conduct a nationwide consultation over the War Crimes Division to fast track its establishment. It was evident at this stage that all transitional justice initiatives were geared at satisfying the complementarity test. Legal experts were flown in from New York to guide JLOS through the content of the ICC domesticating bill and to set up the special war crimes division. With Uganda slated to host the ICC review conference, the ICC bill was quickly enacted in to law. Today the Uganda War Crimes Division is all set: with three judges and a registrar but with no suspect to prosecute because state actors are potentially excluded from its jurisdiction.

### **Funding Truth-Seeking Initiatives**

The capacity of CSOs in Uganda promoting a comprehensive transitional justice approach adversely affected by funders’ preference for particular transitional justice mechanism, especially the prioritization of prosecutions over truth seeking and other measures. While JLOS was persuaded by donors and had to

choose whose money to accept to conduct consultation on the ICC bill, today it is still struggling to find a funder to fund consultation on the proposed NR bill. According to JLOS, the NR bill was scheduled to be tabled alongside the ICC bill before parliament but funders were more interested in the court rather than a truth commission. Some donors made it clear to JLOS that they will not give money if they plan a joint consultation on the NR bill alongside the ICC bill. As a result, the NR bill was shelved while discussion and consultation progressed on the war crimes bill. And yet, it's the NR bill which sought to harmonize the different mechanisms including traditional justice systems. Subsequently, when the ICC bill was passed and enacted into law and the review conference ended, donor interest faded away from Uganda because some international funder's looks at the Uganda War Crimes Division and conclude that justice shall be done.

## **Conclusion and Lessons Learnt**

The advantage of a loose coalition lies in the very fact that no one owns it, and yet everyone works under it. Everyone takes credit for its successes but no one takes blame for its failures. It gives credibility to smaller organizations but also allow bigger ones influence to shape emerging discourses. In the case of CORU, no single organization could claim ownership, but all were very proud to associate with it. Most organizations agitating for reconciliation in Uganda still introduce themselves as part of a bigger movement -CORU. Loose coalitions are open to a diverse range of membership with different background, capacity, knowledge, audience and networks and together their potential for transformation is enhanced. Transitional justice understanding were integrated in each organization's activities and shared broadly. The coalition had overarching goals for a national reconciliation which meant local actors at the grassroots equally takes credit for contributing to this goal. CORU maintained its status as a loose coalition to date. In fact, a perennial problem with coalitions is the urge for formality. The first time CORU tried to go formal by proposing a draft Memorandum of Understanding (MoU), some members stopped attending meetings. It was only after the Beyond Juba Project was formed that the Refugee Law Project revived CORU. Loose coalitions work best if it maintains its informal status. CSOs operating in post conflict or repressive regimes are curious of coalitions which might endanger their own survivals. Many are part of international organisations or funders with long lines of bureaucrats.

For CORU, every organization retained its autonomy and continued their activities but during lobbying, advocacy or briefing, each would enhance their credibility with the claim of belonging to a broader nationwide CSO movement aimed at achieving a national reconciliation process in Uganda. Within this kind of framework, even ambitious projects like the Beyond Juba Project of the Refugee Law Project, found it easier to convince Uganda legislature that now is the time for the country to embark on a national reconciliation process.