

**SECURITY IN TRANSITION:**  
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## **Working Paper**

# **‘All these Outsiders Shouted Louder Than Us’: Civil Society Engagement with Transitional Justice in Uganda**

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## **Abstract**

This paper examines civil society interactions with transitional justice in Uganda. It argues that the role of civil society in transitional justice is more complex, and often more circumscribed, than many commentators and practitioners expect. Because of pressures from the state, foreign donors and international civil society, Ugandan civil society has often struggled to maintain a coherent and effective voice on transitional justice matters. Furthermore, Ugandan civil society has become highly fragmented, as ideological differences and the scramble for resources have undermined efforts to forge broad-based agendas for change. In particular, important divisions have emerged between Kampala- and northern Uganda-based NGOs and, within the north, between those based in the urban centre of Gulu and those in more rural areas.

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## Introduction

Many commentators have expressed high hopes for the role that civil society can play in transitional justice. This includes the view that it can encourage states to hold perpetrators accountable and unearth the truth about past atrocities, while instigating unofficial transitional justice processes when states fail in these duties (eg. Crocker 1998). The case of Uganda is useful for examining such claims given the breadth and dynamism of domestic civil society, the country's wide array of international, national and community-based approaches to transitional justice and its role in generating some of the most important debates of the last decade over peace and justice and complex victim-perpetrator identities (eg. Ambos, Large and Wierda 2009; Oxford Transitional Justice Research 2010).

This paper draws on the author's more than 500 interviews with transitional justice actors in Uganda since 2006, including civil society representatives and perpetrators and victims of violence, and discussions at a Nairobi workshop with Ugandan, Kenyan and Balkan non-government actors in June 2014. The paper argues that the role of civil society in transitional justice is more complex, and often more circumscribed, than many commentators and practitioners expect. Because of pressures from the state, foreign donors and international civil society, Ugandan civil society has often struggled to maintain a coherent and effective voice on transitional justice matters. Furthermore, Ugandan civil society has become highly fragmented, as ideological differences and the scramble for resources have undermined efforts to forge broad-based agendas for change. In particular, important divisions have emerged between Kampala- and northern Uganda-based NGOs and, within the north, between those based in the urban centre of Gulu and those in more rural areas.

Adopting Rangelov's (2015) theoretical framework of three principal civil society roles – participation, contestation and mobilisation – this paper argues that, despite these challenges, Ugandan civil society has, in some key instances, played a major role in shaping the national transitional justice agenda. Such efforts, however, have often been blunted by state and international actors, especially foreign donors and international human rights organisations, which have pursued their own narrow agendas. At present, Ugandan civil society appears generally to have jettisoned strategies to alter the national transitional justice landscape in favour of pursuing more localised forms of transitional justice such as documentation and memorialisation. While these represent valuable responses to decades of violent conflict in northern Uganda, they leave largely unchallenged the state's attempts to use transitional justice to shield state actors from accountability for serious crimes.

The paper is structured as follows: Part I gives some brief background to the history of violent conflict in Uganda, focusing on large-scale human rights violations in northern Uganda since 1986. Part II explores the various ways in which Ugandan civil society organisations have engaged with six principal transitional justice mechanisms: the Amnesty Act; the International Criminal Court (ICC); the International Crimes Division (ICD) of the High Court; local cleansing, reintegration

and reconciliation rituals; reparations; and grassroots documentation and memorialisation processes. Part III concludes with some remarks on the wider ramifications of this analysis for theoretical considerations of civil society in the context of societal transition and for international engagement with domestic civil society actors.

## **Background to Northern Ugandan Conflict**

Since 1986, northern Uganda has experienced one of Africa's longest and most destructive civil wars between the Ugandan government and the Lord's Resistance Army (LRA). The civilian population has suffered widespread murder, rape, torture, abduction, looting and mass displacement into internally displaced persons (IDP) camps, resulting in immense social and cultural fragmentation among northern communities, especially in Acholi, Lango and Teso sub-regions. A government policy of forced displacement drove an estimated 1.7 million people, nearly 90% of the total northern Ugandan population, into 200 squalid IDP camps that have only recently been dismantled. A 2007 UN study of perceptions among northern Ugandans suggests that the majority of the affected population considers both the government and the LRA responsible for the immense harm it has suffered (OHCHR 2007).

A key feature of this conflict, tens of thousands of everyday Ugandan civilians have perpetrated violence against other civilians, who are often their own neighbours and family members. The LRA's violence against civilians has involved the abduction of thousands of children from the Acholi and other groups who have been trained to commit atrocities back in their home communities. The dual victim-perpetrator identities – as well as the very young age – of many of these abductees are central issues in Uganda's transitional justice realm.

There is much debate over Joseph Kony's and the LRA's precise political and military objectives (Branch 2005: 4-9). Some commentators dismiss the LRA as a collection of spiritual cranks or mercenaries with no coherent political agenda (eg. BBC 2003). At the heart of many of Kony's and other LRA leaders' public pronouncements, however, is a consistent political message regarding the need to recognise long-standing Acholi grievances, greater integration of Acholi into Ugandan national life, the dismantling of the IDP camps, as well as more spiritual claims concerning the need for cleansing and purification of northern Uganda (Finnstrom 2001: 247-248). Complicating interpretations of the LRA's objectives is that, in seeking the greater involvement of Acholi in national affairs, the LRA has used violence against the Acholi population as a military tactic, thus weakening its ability to win popular support, while also pursuing the objectives of its regional backers, principally the Government of Sudan.

The 29-year civil war arguably is still not over, which means that transitional justice occurs in a context of ongoing conflict and instability (Waddell and Clark 2008). While the severely depleted LRA has ceased military operations in northern Uganda and peace has generally returned to this part of the country (notwithstanding new land disputes resulting from the return of IDPs to their ancestral lands), the rebels

continue similar patterns of violence elsewhere in the region from bases in the Democratic Republic of Congo and Central African Republic. In interviews, many northern Ugandans express a fear that, as long as the LRA exists anywhere in the region, violence could return to their communities, as historically most LRA atrocities were committed by small groups of fighters crossing from neighbouring countries.<sup>1</sup>

## **Ugandan Civil Society Interactions with Transitional Justice**

The transitional justice landscape in Uganda is highly varied, with a wide range of mechanisms employed to address mass atrocities (with the LRA conflict the most destructive of several rebellions against Yoweri Museveni's government). Ugandan civil society, itself a diverse category of actors, has engaged with transitional justice in various ways, including participating in, contesting and mobilising transitional justice initiatives. As this section argues, civil society has increasingly assumed a role of participating in state-run transitional justice processes and mobilising grassroots initiatives that partially fill the gaps left by the government. Direct contestation of official transitional justice policies is rare, due to civil society fatigue after decades of fighting seemingly losing battles against the government but also the state's increasingly draconian policies toward civil society. At the time of writing, the Ugandan parliament is debating a bill that would limit the activities of domestic and international NGOs. One of the bill's clauses gives the state the power to inspect and shut down any NGOs deemed to act 'contrary to the dignity of the people of Uganda' (Ugandan NGO Bill: Article 2.3). Heated controversy over Uganda's Anti-Homosexuality Bill in 2013 led to police raids on various NGOs promoting gay rights, including one prominent organisation, the Refugee Law Project (RLP), which also engages in high profile transitional justice research and advocacy (Erasing 76 Crimes 2013). In 2014, the Ugandan government suspended RLP's activities for ten months, accusing it of promoting homosexual behaviour (Erasing 76 Crimes 2014). These developments highlight the hostile environment in which many Ugandan civil society organisations operate and which inevitably shape their engagement with transitional justice issues.

### *Amnesty Act*

The principal example of transitional justice mobilisation by Ugandan civil society has been its role in creating the Amnesty Act, the longest-standing mechanism designed to address the LRA and other rebellions. The ongoing Ugandan amnesty process began with lobbying by an umbrella civil society group, the Acholi Religious Leaders' Peace Initiative (ARLPI), during peace talks between the government and the LRA in 1999. Following President Museveni's statement in July 1998 that he would accept a ceasefire with the LRA, the ARLPI – along with the Acholi Parliamentary Group and Acholi in the diaspora – campaigned for an amnesty for all rebels in northern Uganda to permanently halt the violence. The ARLPI conducted widespread consultations with northern victims' groups and concluded that there was a strong desire among

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<sup>1</sup> Author's interviews, Community members, Gulu, Pader, Lira, 2008-2015.

the population for amnesty as a means to personal and collective healing and reconciliation with the rebels (Khadiagala 2001: 4-6).

Following the ARLPI's public consultations, the government began its own public surveys and debated the best transitional justice options, leading to the passing of the Amnesty Act in January 2000. Rare among amnesty legislation around the world, it was explicitly conceived as an expression of the broader population's, and especially victims', concerns. The preamble to the Amnesty Act claims that the legislation reflects 'the expressed desire of the people of Uganda to end armed hostilities, reconcile with those who have caused suffering and rebuild their communities' (Amnesty Act 2000: Preamble).

The Amnesty Act is both broader and more limited than that proposed by the ARLPI. Whereas the ARLPI's lobbying for an amnesty concerned only rebels in northern Uganda, the Act relates to combatants nationwide. Meanwhile, the Amnesty Act does not afford the sort of blanket amnesty which the ARLPI proposed but rather an individualised amnesty in which each rebel wanting to benefit from the provision must voluntarily return from the bush, register with a designated government official (usually an army or police officer or a local magistrate), sign a declaration renouncing conflict and surrender any weapons in his or her possession. The former combatant seeking amnesty does not have to admit to committing any particular crime, only to 'renounce or abandon involvement in the war or rebellion' (Ibid: Article 4.1.c).

The government amended the Amnesty Act in May 2006 – at the beginning of the Juba peace talks with the LRA – to exclude the LRA commanders indicted by the ICC. To date, between 17,000 and 20,000 rebels have come in from the bush under the amnesty provision, although fewer than half of these have received promised resettlement packages. Around half of the returnees are LRA combatants – including senior LRA commanders such as Brig. Kenneth Banya and Brig. Sam Kolo – most of whom have resettled in Gulu and Kitgum districts.

Over time, some elements of the northern Ugandan population and Ugandan civil society have expressed discontent with aspects of the amnesty process.<sup>2</sup> A 2007 study by OHCHR showed that much of the population today views the Amnesty Act as lacking in two key respects: an inability to convince returnees to tell the truth about their crimes and a lack of compensation for victims of violence (OHCHR 2007). Nevertheless, many civil society actors have lobbied for the preservation of the Amnesty Act (which the government allowed to lapse in 2012 but, mainly because of civil society pressure, reinstated in 2013) and have argued that issues of truth-telling and compensation can be addressed through other mechanisms, as discussed below. In interviews with NGO representatives, those who expressed these criticisms still argued that the amnesty process should be maintained.

The example of the Amnesty Act shows that, when united, Ugandan civil society has been able to mobilise important national transitional justice processes and also to contest government policy, as it did regarding the 2013 reinstatement of the Act. As

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<sup>2</sup> Author's Interviews, various popular and civil society actors, Gulu, Lira, Pader, 2009-2015.

one NGO leader in Gulu said, 'The amnesty is one of the few things everyone [in Ugandan civil society] agrees on. The amnesty has worked in the past. It brought thousands of combatants home, including our children. It was a civil society idea and we guard it fiercely.'<sup>3</sup> As we will see, however, Ugandan civil society has rarely been as focused and united as it was when the Amnesty Act was passed in 2000, which limits its ability to influence government policy.

### *International Criminal Court*

In contrast to the Amnesty Act, Uganda's engagement with the ICC highlights critical divisions within Ugandan civil society and the pressures exerted by the state, foreign donors and international human rights organisations. The ICC received its first ever state referral when President Museveni referred the situation in Uganda to the Prosecutor in December 2003 (ICC 2004). In its communication, the Ugandan government underscored crimes committed by the LRA, but the Prosecutor notified President Museveni that the ICC would interpret the referral as concerning all crimes under the Rome Statute committed in northern Uganda, leaving open the possibility of investigating atrocities by government forces (which the ICC has failed to do for fear of jeopardising cooperation with the government) (Clark 2009).

In October 2005, the ICC issued arrest warrants for five LRA commanders: Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen. The indictments against the five commanders comprised a range of alleged war crimes and crimes against humanity during LRA attacks between July 2002 and July 2004. The warrant for Kony's arrest accused him of 33 separate counts (12 for crimes against humanity and 21 for war crimes) deriving from six separate attacks, during which he is alleged to have been responsible for murder, rape, enslavement, sexual enslavement and the forced enlistment of children.

Since the issuance of the arrest warrants, Lukwiya, Otti and Odhiambo have died, Kony has remained at large, while Ongwen was arrested and transferred to the ICC in January 2015. During and after the Juba peace negotiations, the LRA repeatedly stated that it would neither sign the remaining sections of the peace agreement nor countenance laying down its arms and demobilising its forces until the ICC indictments are withdrawn (Daily Monitor 2006).

Ugandan civil society has been fractious on the question of how best to engage with the ICC. While some civil society organisations have actively supported the ICC through providing evidence, identifying witnesses and facilitating outreach programmes<sup>4</sup>, others have opposed the Court's intervention either on the grounds that it jeopardised the peace negotiations in Juba, undermined domestic accountability and reconciliation efforts, contradicted the Amnesty Act or targeted only the LRA and not state actors accused of crimes.<sup>5</sup> Furthermore, the complex confluence of the Invisible Children 'Kony 2012' online campaign, continued calls by

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<sup>3</sup> Author's interview, NGO representative, Gulu, 10 April 2015.

<sup>4</sup> Author's interviews, NGO representatives, Gulu, Lira, Pader, 2009-2015.

<sup>5</sup> Ibid.

the ICC for the capture and prosecution of the LRA leaders and joint US-Ugandan government military operations against the LRA – with each of these sets of actors self-justifying by reference to the others – generated a substantial backlash among many Ugandan civil society actors who perceived in these responses a renewed and dangerous militarism.<sup>6</sup>

Substantial advocacy by international human rights organisations and foreign donor support for the Court – and pressure on domestic civil society to do likewise – has also heavily influenced the domestic agenda. During the Juba talks, Human Rights Watch and Amnesty International issued numerous press releases emphasising Uganda's obligations to facilitate the ICC prosecution of the named LRA leaders and opposing the LRA's proposal that their leaders receive amnesties or undergo 'alternative accountability mechanisms' such as localised rituals (eg. HRW 2007; AI 2008). The ICC Office of the Prosecutor issued similar statements, arguing that anything short of prosecution by the Court would be illegal (eg. ICC 2006). Many Ugandan NGO representatives, especially in the north, criticise these international interventions in domestic debates and the lack of local ownership of transitional justice policies. One NGO leader in Gulu said,

At Juba, our situation got hijacked by all these foreign groups like Amnesty [International] and ICTJ [International Center for Transitional Justice], using our case to support the ICC and say that there should always be international trials. But what about the voices of local people? We went to Juba but couldn't get our voices heard because all these outsiders shouted louder than us. Then they turned to us and said, don't you know about your international obligations? Do you want Kony to walk free?<sup>7</sup>

Uganda's engagement with the ICC has highlighted several key features of civil society involvement in transitional justice. First, at the broadest possible level, it underscores that there is no homogeneous Ugandan civil society perspective on transitional justice. While there was widespread consensus on the Amnesty Act, no such unity has been achieved regarding the ICC.

Second, many northern Ugandan NGOs that opposed the ICC during and for several years after the Juba peace talks now appear resigned to its presence and favour working with the ICC Registry and Victims Trust Fund, especially to secure reparations for victim communities. Many civil society actors express weariness after years of advocating homegrown transitional justice mechanisms in the face of government support for the ICC's prosecution of LRA suspects. As one NGO leader in Kampala said, 'You can only fight for so long before you realise you're getting nowhere. The government uses the ICC to fight its enemies and protect its own [from prosecution]. But you have no more energy to fight and you have other battles to win, so you have to shift focus.'<sup>8</sup>

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<sup>6</sup> Author's interviews, NGO representatives, Gulu, Lira, Pader, 2012-2015.

<sup>7</sup> Author's interview, NGO representative, Gulu, 10 April 2015.

<sup>8</sup> Author's interview, NGO representative, Kampala, 8 April 2015.

Third, Uganda's involvement with the ICC underlines the influence of foreign donors, the majority of which have strongly supported the ICC in Uganda as part of a wider prosecutorial and rule of law agenda, which includes funding the government's Justice, Law and Order Sector (JLOS) and the International Crimes Division (ICD) of the Ugandan High Court, discussed below. Several Ugandan civil society actors acknowledged the impact of donors and JLOS on broader NGO shifts towards supporting the 'legalist' tendency of current transitional justice policy in Uganda. One NGO representative in Lira said, 'These days it's all about trials. If you support trials, the government is with you and the donors are with you. You can get funding and the government will listen to you. If you oppose trials, no one listens.'<sup>9</sup> On this point, there is an apparent disjunct between some rural northern and other Ugandan civil society actors. A leader of a rural community-based organisation in Lango sub-region said,

It's left to us in the rural areas to say we don't have to prosecute, there are other ways of dealing with our conflicts. We think our rituals stand a better chance of bringing peace. We bring the perpetrators here, they confess to the victims, we bring all the people together and we resolve things ourselves. Trials just stir up trouble. Those big NGOs in Gulu now just do what the government tells them. They take the money and they say, fine, we support prosecutions now. They used to criticise the ICC all the time. Now they say, well, the ICC is already here, Ongwen is already there [in The Hague], so let's work with the ICC.<sup>10</sup>

In such views, some civil society organisations have been swayed by the immense resources available for the national rule of law agenda, thus minimising any challenge to the government's and external actors' insistence on prosecutorial responses to conflict in Uganda. In a general environment of civil society fatigue and state crackdown on NGOs, the perception is that some organisations have simply adopted the government's overall transitional justice approach.

#### *International Crimes Division of the High Court*

Moves toward domestic prosecutions in Uganda echo several of these developments concerning the ICC. While the Juba peace talks effectively collapsed in 2008 when the LRA refused to sign the final agreement, the agreements signed in Juba continue to shape the current transitional justice arena in Uganda. One key outcome of the 'accountability and reconciliation agreement' was the establishment in May 2008 of a War Crimes Division of the Ugandan High Court – renamed the International Crimes Division (ICD) in June 2011. The passing of the International Criminal Court Bill in May 2010 enabled the ICD to try cases of genocide, crimes against humanity and war crimes and, in accordance with the Juba agreements, to prosecute only the senior leaders of the LRA. The only cases to have come before the ICD so far are

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<sup>9</sup> Author's interview, NGO representative, Lira, 11 April 2015.

<sup>10</sup> Author's interview, NGO representative, Lira, 11 April 2015.

those of Thomas Kwoyelo, an LRA commander charged with twelve counts of kidnapping with intent to murder, and Caesar Acellam, another LRA commander who eventually received an amnesty in March 2015.

Similar to issues surrounding the ICC, civil society engagement with the ICD has been highly diverse. While some civil society actors have participated directly in the ICD by providing legal advice and assistance with witness identification and protection, others have directly opposed it either because of its apparent inconsistencies with the Amnesty Act, its singular focus on LRA (as opposed to state) suspects and failure to provide reparations and other tangible benefits to affected populations.<sup>11</sup>

Closely connected to the institution of the ICD, the Juba negotiations led to the creation of a Transitional Justice Working Group within JLOS, mandated to give effect to the accountability and reconciliation provisions signed in Juba. While the Working Group comprises five thematic sub-committees (war crimes prosecutions, truth and reconciliation, traditional justice, sustainable funding and integrated systems), some domestic civil society actors have criticised it for focusing too heavily on the ICD and issues of prosecutions and neglecting other transitional justice approaches, especially reparations and traditional justice.<sup>12</sup> This echoes earlier concerns about the growing legalism of the Ugandan transitional justice terrain, with numerous actors – the government, ICC, donors and international NGOs – supporting domestic and international prosecutions and sidelining local civil society actors that advocate non-prosecutorial approaches to transitional justice.

#### *Local Cleansing, Reintegration and Reconciliation Rituals*

Alongside debates about amnesty in northern Uganda, some sections of civil society have advocated the use of local rituals to cleanse and reintegrate former combatants into their communities. The increased interest in the use of the rituals to deal with aspects of the current conflict coincides with attempts to revitalise the traditional leadership in many northern sub-regions. While these debates have occurred in northern Uganda since the late 1990s, they gained new momentum following the issuance of ICC arrest warrants for the LRA leaders and the start of the Juba peace talks, in which the LRA and some civil society groups proposed ‘traditional’ justice as an alternative to ICC prosecutions.

In this context, traditional leaders, most notably then-Acholi Paramount Chief Elect Rwot David Acana II, began advocating the use of local rituals, particularly *mato oput* and *gomo tong*, to hold Kony and other LRA commanders accountable for their crimes and to help reconcile them with affected communities.<sup>13</sup> Members of the ARLPI also strongly supported the use of local rituals, emphasising the importance of their embedded notions of forgiveness, atonement and mercy.

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<sup>11</sup> Author’s interviews, NGO representatives, Kampala, Gulu, Lira, 2008-2015.

<sup>12</sup> Author’s interviews, NGO representatives, Kampala, Gulu, 2014-2015.

<sup>13</sup> Author’s interview, Rwot David Acana II, Acholi Paramount Chief, Gulu, 27 February 2007.

The concurrent emergence of organised traditional and religious leadership in northern Uganda and support for this process from some foreign governments, principally the US, and international NGOs such as the Liu Institute for Global Issues are crucial to any consideration of the legitimate and effective use of local rituals. A crucial international dimension impinges on considerations of local rituals in the Ugandan conflict. Several foreign NGOs, particularly the Northern Ugandan Peace Initiative (NUPI), an inter-agency US government initiative, actively supported the reinvigoration of local rituals in Gulu district and elsewhere. This led some observers to claim that an ‘industry’ has emerged, in which the rituals carry more meaning for their foreign proponents and donor agencies than for the local communities from which they supposedly derive<sup>14</sup> - a claim contested by many northern Ugandans who continue to use a range of rituals far outside the remit of these external actors.<sup>15</sup>

Local civil society in northern Uganda has broadly supported and helped facilitate the use of local rituals as transitional justice mechanisms. However, there has recently been some civil society opposition to the role of the Paramount Chief, on the grounds that the Acholi have historically never had a Paramount Chief and his office is broadly viewed as a creation of a national government that wants to co-opt customary leadership. International organisations such as NUPI have also garnered substantial criticism for attempting to formalise rituals that otherwise occur spontaneously within and between clans. These criticisms highlight yet again critical issues of ownership of transitional justice processes and wariness of external influence. These issues are acute given the northern Ugandan population’s experience of internationally run IDP camps which are widely perceived as having entrenched patterns of dependence and aided the government’s agenda of subjugating northern Uganda.

### *Reparations*

A vital area of direct civil society participation and mobilisation in transitional justice has been reparations, often because of perceived shortcomings with the Amnesty Act, ICC and ICD, which have generally avoided this issue. Various civil society organisations such as the Justice and Reconciliation Project, RLP, Uganda Fund and the Amuria District Development Agency have conducted research and advocacy campaigns around the material and psychosocial needs of conflict-affected communities, with calls for substantive and symbolic reparations a central feature of this work. While the Ugandan government has typically expressed reluctance to institute a systematic approach to post-conflict reparations, President Museveni raised the possibility of such a scheme in 2012, which led to a further round of civil society campaigning to maintain pressure on the government.

In September 2014, the JLOS Transitional Justice Working Group published a draft national transitional justice policy designed to ‘enhance legal and political accountability, promote reconciliation, foster social reintegration and contribute to peace and security’ (JLOS: 22). The draft policy proposes the creation of an

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<sup>14</sup> Author’s interviews, UN Official, Kampala, 3 March 2006; International Humanitarian Worker, Gulu, 13 March 2006.

<sup>15</sup> Author’s interviews, Community members, Gulu, Pader, Lira, 2009-2015.

independent transitional justice commission responsible for implementing an eventual Transitional Justice Act. Central to the draft policy is a national reparations fund for victims of violent conflict in northern Uganda since 1986. So far, however, the Ugandan parliament has not considered the policy, and political momentum on the JLOS draft – including on reparations – has stalled. Frustrated by the state's inaction, many civil society actors have turned to more direct reparations activities, either advocating clan-to-clan compensation through local rituals or seeking international funding for symbolic forms of reparations such as monuments and memorials. This shows the ability of Ugandan civil society to mobilise limited transitional justice processes in the face of government intransigence, although it is unclear how effective these localised attempts at reparations have been.

### *Grassroots Documentation and Memorialisation*

Finally, as with reparations, the sustained push for community-level documentation and memorialisation of the northern Ugandan conflict has come mainly from civil society actors such as the organisations mentioned in the previous section. Recognising that few of the processes discussed earlier involve systematic fact-finding and truth-telling about large-scale violations (including the lack of a truth-telling requirement for former combatants to receive amnesty), numerous local organisations have conducted grassroots narrative-gathering exercises. Grassroots documentation and memorialisation have led to various forms of dissemination (workshops, reports, films, websites, photographic exhibitions and museums), with both domestic and international audiences in mind. One civil society leader in Gulu said,

After nearly 30 years, people still don't know the truth of what happened in their communities. People don't know who is responsible for these terrible crimes. And our people haven't had a chance to tell their stories. We want to tell the world what we lived through and how we continue living today. We can't wait for the government to help us because Museveni wishes we would disappear. So we have to gather our own stories, so that our children will know what we lived through.<sup>16</sup>

This direct civil society mobilisation of documentation and memorialisation efforts is commonly described as a substitute for state and international investigations of massive violations, which to date have not taken place. These processes also reflect concerns over the danger of government and international actors dominating discussions about the conflict, amnesia about state perpetration of atrocities and the potential loss of memory in highly mobile and fragmented post-conflict communities. As the same civil society leader just quoted said, 'Our stories are even more precious when we have suffered so much and our communities have been torn apart. When we were in the [IDP] camps, our families got all mixed up. Now we've come home, we've found each other again and it's time to talk about what happened to us.'<sup>17</sup>

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<sup>16</sup> Author's interview, NGO representative, Gulu, 12 April 2015.

<sup>17</sup> Ibid.

## Concluding Remarks

A central feature of the transitional justice terrain in Uganda is the extraordinary breadth of international, national and community-level processes and mechanisms used to address violent conflicts since the late 1980s. In response, civil society engagement with transitional justice has been highly diverse. Some issues, however, have persisted across these engagements, in particular the suitability of amnesty for perpetrators of serious violations, effective responses to intimate violence (including when perpetrated by young former abductees), the challenges of designing transitional justice approaches in the midst of ongoing conflict and delicate peace negotiations, and navigating the intervention of international justice processes, foreign donors and international human rights organisations. This paper concludes with some brief remarks on the relevance of the analysis here for broader considerations of the role of civil society during periods of transition and international interactions with domestic civil society actors.

First, the Uganda case highlights the importance of broad-based civil society agendas and the risk that fragmentation of the civil society realm greatly undermines its effectiveness. Civil society cohesion depends on sufficient resources, a willingness to cooperate and the capacity to withstand external pressures that can warp organisations' objectives and methods. While the state is often perceived as the greatest threat to civil society – and the Ugandan state has undoubtedly created an aggressive environment that severely dulls the effectiveness of domestic NGOs – it is also hampered by other factors, including competition among NGOs and co-option by government and external actors.

In Uganda, divisions between Kampala- and northern-based NGOs and, within the north, between urban and rural organisations have weakened civil society as a whole. Broad-based civil society movements must include grassroots NGOs which are often closer to affected populations but often lack the resources and influence of larger urban organisations. In environments of fierce contestation over funding such as Uganda's, there is a tendency to further marginalise rural civil society actors, despite the fact that such groups often have the deepest engagement with local people and a more in tune with their needs and objectives. The challenge for larger urban NGOs is to maintain consistent constituencies, stay in touch with their concerns and not be overly swayed by government and international agendas.

Second, the Uganda case underlines the capacity for foreign donors and international civil society actors to erode, rather than catalyse, domestic civil society by hewing to an overly narrow, legalistic conception of transitional justice. The singular focus of most external actors on prosecutorial responses to the northern Ugandan conflict has silenced many local civil society groups that advance different remedies, while inadvertently insulating the Ugandan government from accountability (given that the current prosecutorial approaches through the ICC and ICD focus so far focus exclusively on non-state suspects). This includes widespread external opposition to the Amnesty Act, despite its genesis in civil society consultation and mobilisation and

continued support among the population. The net result of these external interventions is a weakened civil society and emboldened government that continues to suppress its citizens – a situation that requires a significant reconsideration by foreign actors.

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