

**AT THE OCCASION OF LAUNCHING THE  
“BEYOND JUBA” TRANSITIONAL JUSTICE PROJECT**

**Opening Speech**

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*Tuesday 4<sup>th</sup> December 2007, Parliament of the Republic of Uganda*

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The Honourable Speaker of Parliament, Deputy Speaker of Parliament, Rt. Hon Prime Minister, Hon. Leader of Opposition, Hon Ministers, Hon. Members of Parliament, development partners, representatives and members of the donor community, members of the diplomatic corps, civil society, faith leaders and the media, distinguished ladies and gentlemen.

On behalf of the Faculty of Law Makerere University, the Human Rights and Peace Centre and the Refugee Law Project, I warmly welcome you all to this launch of the “Beyond Juba” Transitional Justice Project.

The choice of the theme: *“Building Consensus on a Sustainable Peace Process for Uganda”* is timely. As the country looks forward to a successful conclusion of the on-going peace talks between the Government of Uganda and the Lords Resistance Army, it is important for stakeholders to build consensus around initiatives that recognize the fact that Juba is the beginning and not an end of a national peace process. This consensus should also build broader processes that address and provide closure on many past conflict legacies as well as reduce the potential of buried conflicts resurfacing.

The “Beyond Juba” Project is a joint initiative of the sister institutions: the Refugee Law Project (RLP), Human Rights and Peace Centre (HURIPEC), and the Faculty of Law at Makerere University. It builds on the long standing work by the participating organizations

on peace and conflict related issues in Uganda, and is a direct response to the Juba peace talks between the Government of Uganda and the Lords Resistance Army.

The seeds of the project were sown during a three-day stakeholders' dialogue hosted by the three collaborating partners in December 2006, in which many of you also participated. In that dialogue, participants agreed on the need to look "beyond the Juba peace talks" in order to ensure sustainable peace in Uganda as a whole. There was also a general consensus among the participants on the need for a national process to address tensions, divisions and conflicts which have affected Uganda in the past and the present.

It was realised during this dialogue that articulating issues of national concern and coming up with appropriate transitional justice mechanisms to the Ugandan context is not an easy task. The "Beyond Juba Project" therefore, undertakes to involve the general public in thinking about how to reduce the potential for future conflicts, to engage directly with key actors, particularly the government, members of parliament, civil society actors and the media on possible solutions, and to do the research on key issues of national concern which is necessary if our recommendations are to carry weight and if ordinary peoples' voices are to be heard.

Having this launch in Parliament is very symbolic in the sense that it is an indicator of Government's commitment to peace building and to national reconciliation. It is also a demonstration of respect to the law making institution and a call to Members of Parliament to be involved in conflict related issues and building a sustainable peace process for Uganda.

Ladies and gentlemen, you will recall that objective III of the National Objectives and Directive Principles of State Policy set out in the 1995 Constitution of Uganda, enjoins both the State and citizens to work towards sustainable peace and the resolution of conflicts through fair and peaceful means and the establishment of appropriate institutions.

As citizens, we recognize that we have yet to fully achieve these objectives, especially in light of the State's tendency to favour military approaches to resolving conflicts in Uganda. At the same time we regard the establishment of the Human Rights Commission in 1995, and the

Amnesty Law and Commission in 2000 as important steps by the State, as was the signing of a peace agreement with the UNRF II in 2002.

In many respects, the current Juba Peace talks with the Lord's Resistance Army (LRA) is one of the most significant of all these initiatives, particularly as it marks a departure from military solutions as the default option. We therefore warmly welcome all progress made so far in moving towards a durable resolution of Uganda's longest running conflict. We also applaud the inclusion of national reconciliation as a discussion point in the Juba process, and its incorporation into the recently launched Peace, Recovery and Development Programme.

We further applaud the addition of issues of marginalization in the agenda of the Juba negotiators and we urge all Ugandans to focus on the careful sequencing of further and wide-ranging activities which aim to ensure that whatever peace gains are made in Juba are consolidated.

Despite the commendable achievements I have just outlined, we should also stress that the conflict in northern Uganda is only one of a range of conflicts which have blighted our country in past decades. As you all know, more than half the country has been affected by violent conflict in recent years. Indeed, in the last twenty years there have been more than 20 identifiable internal conflicts in Uganda, not to speak of our international adventures in Kenya, Tanzania, DRC, Rwanda and Sudan. The widespread view that conflict is only a northern Uganda issue or an Acholi project, obviously does not hold.

Given this wide range of conflict situations in and around Uganda, we cannot and should not realistically expect either the Juba process or the Peace Recovery and Development Plan to adequately address the many issues of intolerance, victimization, impunity and exclusion that the country has experienced - and continues to suffer from. It is important to acknowledge and not shy away from looking at and addressing the legacies of a violent past. If we do not, they will inevitably continue to haunt us until we finally do.

It is also important to try and identify the ways in which current dynamics threaten to lead us to a violent future unless we take steps NOW to pre-empt such escalation of violence in our country.

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Many of you may be wondering what we mean by a “Transitional Justice” project: What, after all, is Transitional Justice? How does it relate to existing justice mechanisms? What, given all the discussion about mechanisms such as the Acholi *Mato Oput*, is the place of traditional Justice? What is the justice in “Transitional Justice”? While we are all aware of the South African Truth and Reconciliation Commission under the chairmanship of Archbishop Desmond Tutu, is this really the be-all and end-all of Transitional Justice?

The concept, “Transitional Justice” is more complex than it appears. The United Nations defines “Transitional Justice” as:

“The full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof (The Rule of Law and Transitional Justice in conflict and post-conflict societies, S/2004/616, 24 August 2004)

This is a very broad definition but with a clear focus on dealing with the legacy of a traumatic past. But we must recognize that although the Nuremberg trials at the end of World War II in many respects mark the starting point of what is now known as transitional justice, the emergence of transitional justice as an area of study and intervention is a relatively new development in response to major political transitions in Latin America and Europe in the late 1980s and early 1990s.

A cursory google search of the term brings up definitions such as:

- ❑ *Societal responses to severe repression, societal violence, and systematic human rights violations that seek to establish the truth about the past, determine accountability, and offer some form of redress.*
- ❑ *How societies “transitioning” from repressive rule or armed conflict deal with past atrocities, how they overcome social divisions or seek “reconciliation,” and how they create justice systems so as to prevent future human rights atrocities.*

- ❑ *A range of approaches that can heal wounds and contribute to reconciliation and democratic renewal.*
- ❑ *The range of approaches that societies use to contribute to a holistic sense of justice for all citizens, to establish or renew civic trust, to reconcile people and communities, and to prevent future abuses.*

It is thus a field that in many respects is still in its infancy and still finding its feet, notably in Africa. It is a field which at a conceptual level has been overly dominated by western academics and institutions who like to use Africa as a test-bed for their theories of so-called ‘international justice’, without taking due cognizance of the need to incorporate a range of perspectives on justice for it to truly be worthy of the name ‘international’. We are all aware, I am sure, of the problems which this has caused for a number of transitional justice initiatives, not least the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), and, closer to home, the International Criminal Court (ICC) in northern Uganda. ‘International justice’, as it is currently understood, cannot on its own offer comprehensive solutions to the multiple legacies of violence.

As a new field, the boundaries of what can be considered Transitional Justice have not yet been fixed. Should it only relate to situations where there is a clear political transition from one government to another? Or can it also relate to measures taken to reduce the need for such a political transition? Or indeed to measures taken long after political transition has already occurred?

We think both the latter hold true here in Uganda. There is definitely a need to address the legacy of past violence; but there is also a need to identify certain dynamics which should be addressed now if future violence is to be avoided. For example:

- How does administrative decentralization relate to political unity? Does it reduce tensions at a local level or aggravate them?
- Could the codification of a wide range of traditional justice practices into national law serve both as an acknowledgement and celebration of different cultural traditions

to be found in Uganda, and at the same time contribute to a sense of belonging with a national entity?

- Can Uganda accommodate both pastoralism and sedentarism in a way which does not lead to future conflicts?
- What are we doing about respecting diversity? Policy makers who are currently proposing boarding schools in Karamoja in an attempt to assimilate Karimojong into mainstream Uganda, for example, may not be aware of just how damaging such policies can be. Do they know that if they go ahead, Uganda in fifty years time may find itself embroiled in a massive transitional justice exercise in the form of reparations? Are they aware that even Canada, with its well-respected democratic credentials, is now having to put in place reparations for the many thousands of indigenous people who were forced into boarding schools and subjected to decades of abuse and violence - all with an unstated agenda of cultural genocide?

Since we commenced on the project another major flash point of tension and antagonism has developed over the issue of land. And already the war drums are being sounded and nobody should doubt the potential of the issue becoming a major site of conflict and thus the need to focus on the question of truth telling, of reconciliation and of sustainable peace.

There is much that can be learned from such experiences in other parts of the world, not least that transitional justice is of broad relevance in a whole range of contexts.

To demonstrate that the Government does not view the peace talks in a narrow and over-conclusive way and that Juba is the beginning rather than the end of a national peace process, there is need for a broader process that addresses and provides closure on the many legacies of past conflicts and reduces the potential of buried conflicts to resurface and new conflicts to emerge. For example, neither the LRA's nor the UPDF's well-known abuses and violations will be quickly forgotten. As such they will need to be addressed as part of a wider pattern of human rights abuses and as part of a more comprehensive process.

In this context, the Government of Uganda Amnesty Act of 2000, which is open to all, and which enabled members of several other rebel groups to come out of the bush long before it began to have successfully draw LRA combatants home, provides a model from which we can develop a comprehensive and sustainable framework. This is simultaneously an exciting and a daunting task, but if we do not use this opportunity to first look back into our collective history, it may be difficult to create the climate of social justice that is necessary for us to move forward to a unified future.

In support of the efforts of other actors working on these issues, we urge Government, Civil Society Actors, Religious Bodies and political parties, to fully investigate and explore the multiple options for establishing a national reconciliation process. In particular we call upon the Government of Uganda to state its commitment to the elaboration of National Reconciliation Act. We envisage legislation which not only provides for the establishment of a national reconciliation body charged with overseeing national reconciliation and complementary to the existing Amnesty and Human Rights Commissions, but a law which also promotes the active involvement of civil society, the codification of traditional justice into national law, the simultaneous prioritization of national unity and respect for diversity. We believe that such a law will form the bedrock upon which sustainable peace can be founded.

Mr. Speaker, Honorable members of parliament and fellow participants, permit me to end by thanking the Directorate of Planning at the National Parliament for agreeing to host this event; our development partners; SIDA and the Norwegian embassy for funding the project as well as taking a keen interest in peace initiatives in Uganda more broadly. Our special thanks also go to the AMANI Forum and civil society partners from all parts of the country, notably members of the Coalition for Reconciliation in Uganda, for their active participation in peace and national reconciliation issues. Not least I would like to thank all of you who have come here today and the resounding signal which this sends regarding our shared commitment to a process for national reconciliation.