

**BRIEFING** | MARCH 2024

# Transitional justice in Uganda Ensuring people's voices are heard

**Uganda's efforts to deal with its past are framed in a series of transitional justice initiatives culminating in the 2022 Transitional Justice Bill. We spoke to people across four regions to hear how these mechanisms are being used in disputes over land and natural resource management, refugee and host community conflict, and the effects of climate change and environmental degradation. They highlighted challenges with the current system and made recommendations for improved transitional justice mechanisms making better use of traditional dispute resolution and community-based peacebuilding.**

## What is transitional justice?

Transitional justice refers to how societies respond to the legacies of massive and serious human rights violations. It asks some of the most difficult questions in law, politics, and the social sciences and grapples with innumerable dilemmas. Above all, transitional justice is about victims.

*The International Center for Transitional Justice<sup>1</sup>*

From 1962 to 1986, Uganda experienced persistent armed conflicts, human rights violations and government instability. The National Resistance Movement/Army brought some stability in 1986, but the new government soon found itself embroiled in conflicts with groups like the Holy Spirit Movement and the Lord's Resistance Army (LRA). Today, Uganda grapples with conflicts over land, minerals and oil, all of which are worsened by the effects of climate change.

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# Transitional justice processes in Uganda

Uganda's transitional justice journey started with the 2007 Juba peace agreement, as a response to the country's complex conflict history and human rights challenges. Transitional justice in Uganda aims to achieve redress for victims while promoting peace, democracy and reconciliation through criminal, restorative and social justice measures. Government initiatives supporting the process include the Transitional Justice Working Group (TJWG), the International Crimes Division of the High Court, the Amnesty Act 2000, the 2019 Transitional Justice Policy and the draft Transitional Justice Bill of 2022.

These efforts, conducted through formal and informal structures, including courts at different levels, often focus more on armed conflicts, particularly those in Northern Uganda with the LRA and the Uganda People's Defence Force (UPDF). Conflicts related to land and resources, such as those in Western Uganda and Karamoja, have

received less attention. For example, the discovery of oil and issues like the Kaiso-Tonya oil refinery project have led to major human rights concerns, with people from 13 villages displaced by the project.<sup>2</sup>

The complexity of conflict issues in Uganda demonstrates the need to have a more nuanced transitional justice approach, shaped by communities at the forefront of conflicts.

The Transitional Justice Bill 2022 and the National Transitional Justice Policy (NTJP), approved in 2019, are significant steps forward in at least recognising the centrality of victims. The NTJP offers a framework for addressing post-conflict needs, and the pending Transitional Justice Bill 2022 will provide legal backing for this policy.

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## Consultations and community dialogues

As part of the 'Addressing the Drivers of Conflict in Uganda' project,<sup>3</sup> Saferworld held consultations in four regions – Northern Uganda, Western Uganda, West Nile and Karamoja. Engaging community elders, youth groups, women's groups, refugee welfare committees, survivors of conflict, and both formal and informal institutions (including cultural and religious leaders, local councils, and the Ministries of Justice and Gender), as well as CSOs active in peace, justice and conflict resolution, these discussions assessed the effectiveness of transitional justice in promoting justice, reconciliation and conflict prevention. Participants had a lot to say about natural resources, rising numbers of refugees and governance – issues very relevant to the question of transitional justice.

The regional consultations highlighted that Uganda's transitional justice mechanisms need to better address all types of conflicts, and not just those from armed violence. People raised the fact that, since 2006, disputes over land and resources have increased, particularly with oil discoveries in Western Uganda and minerals in Karamoja, alongside conflicts arising from large agricultural projects with foreign investors. These discussions showed a strong need for transitional justice efforts to also tackle non-armed conflicts, like those over land, resources and the impacts of climate change. The community members consulted (who represented a diversity of voices, including those of elders, young people and women) called for transitional justice policies to broaden their scope, and prioritise a more inclusive framework.

Here's what people in each of the districts raised. These represent the views of those who participated in interviews and focus group discussions, and do not necessarily reflect the views of Saferworld or our partners.

## Kasese

- **Cultural institutions as drivers of conflict:** Many conflicts in the region are seen to stem from cultural institutions – the term given to tribal organisations and kingdoms dating back to precolonial times – with groups like the Bamba, Bakonzo and Banyabwindi seeking recognition and autonomy.<sup>4</sup>
- **Land conflicts:** Population growth and demand for land have caused conflicts, which are seen to have been further fuelled by corrupt officials who manipulate land titles to push out entire communities from their land. One person told us, “the corrupt political leaders from village chairmen to [Resident District Commissioners] and courts of law make it difficult for the locals to win land dispute cases even when they report to police or courts of law, because the rich people who come and forcefully take their land pay off these leaders and institutions”.<sup>5</sup>
- **Community-level conflicts:** In a focus group discussion, community members noted that conflicts between Basongora cattle keepers and Bakonzo farmers, ostensibly driven by tensions over how to use the land, have been complicated by political dynamics.<sup>6</sup>
- **Wildlife conflicts:** Encounters with wildlife, particularly elephants straying from reserves, have led to crop destruction and loss of life. One interviewee described how crops destroyed and lives lost are never compensated for and, as such, “it has forced locals to kill or injure elephants, resulting in back-and-forth conflicts with the Uganda Wildlife Authority”.

## Buliisa

- **Oil-related land disputes:** The discovery of oil has caused significant disruption to the community, with many residents feeling sidelined. They feel that powerful and well-connected individuals profit from the oil deals, with no thought to how communities might be affected. The deep mistrust felt by communities towards the government and foreign companies is exacerbated by increased land grabbing, disputes and displacement. “Even the casual jobs are hardly accessible to the local population,”<sup>7</sup> said one interviewee, highlighting the exclusion and neglect felt by many.

## Moroto

- **Land and resource conflicts:** The commercialisation of previously communal lands has led to displacement. “Whatever the proceeds from the mines, we have not benefited from these at all,”<sup>8</sup> said one interviewee in a focus group discussion. They emphasised the feeling of betrayal within the community, describing how centralised control over mining activities has alienated local communities, and how the law favours investors over community members.

## Nakapiripirit

- **Community marginalisation:** Similar to Moroto, Nakapiripirit faces challenges with land encroachment and marginalisation in mining activities. Communities expressed feelings of being overlooked in the economic benefits of natural resource extraction within their region.

## Amuru

- **Land disputes with private investors:** Conflict rages between the Acholi Group and Madhvani group over a 100-acre lease on a piece of land for sugarcane cultivation. Communities claim that they were not consulted on the grant of the lease, and armed themselves to protect their land.<sup>9</sup>

## Lamwo

- **Land conflicts between refugees and host populations:** The influx of refugees has strained available land resources, leading to disputes. As one community member put it: “The host community gives land, and then ... the host community now feels bad.”<sup>10</sup> This highlights tension between initial hospitality and subsequent resource competition.

## Madi Okollo

- **Unmet government promises:** Landlords provided land for refugee settlements, backed up by promises from the government – when these promises were not met, some called for the refugees to leave.

## Yumbe

- **Government attempts to lease refugee settlement land:** An attempt by the local government to lease land given for refugee settlements without landlord consultation sparked outrage. The community saw it as the government wanting to take away their customary ownership of land.

## What's getting in the way?

The effectiveness of transitional justice mechanisms in dealing with the conflicts above was seen to have been compromised by several factors:

- **Lack of accountability:** There's a focus on prosecuting people and groups not associated with state, while overlooking the state's role in human rights abuses. This selective accountability fosters a culture of impunity and undermines the justice system's credibility.
- **Challenges in nation building and reconciliation:** Efforts towards national reconciliation are hindered by unresolved issues, such as the increasing number of displaced people and silence over past atrocities.
- **Questions over amnesty:** While the Amnesty Act intended to facilitate peace, its implementation has raised questions about its role in achieving genuine

reintegration and addressing the root causes of conflict. The political nuances surrounding amnesty grants, particularly in high-profile cases, point to the complexities of balancing forgiveness with accountability. In such cases, the granting of amnesty has been seen as an attempt to solicit a confession to crimes not committed in exchange for a pardon, thereby sweeping the underlying issues under the carpet.

- **Lack of recognition and resources:** Although recognised for their accessibility, the formal and informal structures charged with implementing traditional justice mechanisms suffer from under-resourcing and are subject to political interference. There is also a lack of formal recognition for victims seeking redress. All of this limits the impact of transitional justice.

## What needs to be done?

Based on the consultations held across the regions, here are steps that leaders should take:

- **Enhancing local dispute resolution:** Empowering local leaders and traditional mechanisms to settle disputes, especially land conflicts, could offer a more accessible form of justice for many communities.
- **Addressing the needs of refugees and host populations:** Policies should ensure equitable resource distribution and conflict mediation between refugees and host communities.

- **Supporting reparations and reintegration:** Comprehensive reparations and targeted support for reintegration efforts are crucial in addressing the long-term impacts of conflict on individuals and communities.
- **Promoting traditional and community-based peacebuilding:** Making full use of traditional structures and community dialogues can play a vital role in fostering peace and reconciliation, provided there is genuine government support and political will.

### Notes

1 Website of the International Center for Transitional Justice: <https://www.ictj.org>  
 2 Yusuf S and Eria S (2022), *Before the first drop: Oil capitalists and the wretched of Western Uganda* (Kampala: Editor House Facility), p 3.  
 3 Saferworld implemented the 'Addressing Drivers of Conflict' project, funded by the Swedish Embassy in Uganda, to explore peacebuilding and conflict resolution mechanisms for four main conflict drivers: competition over natural resources, refugee influx conflicts, inadequate transitional justice processes, and unstable electoral procedures. The project engaged with types of actors: communities, formal and informal institutions, and civil society organisations. It also emphasised raising awareness of the Transitional Justice Policy and gathering community input for its implementation.

4 Saferworld interview with a cultural leader, Kasese, July 2023.

5 Saferworld interview, Kasese, July 2023.

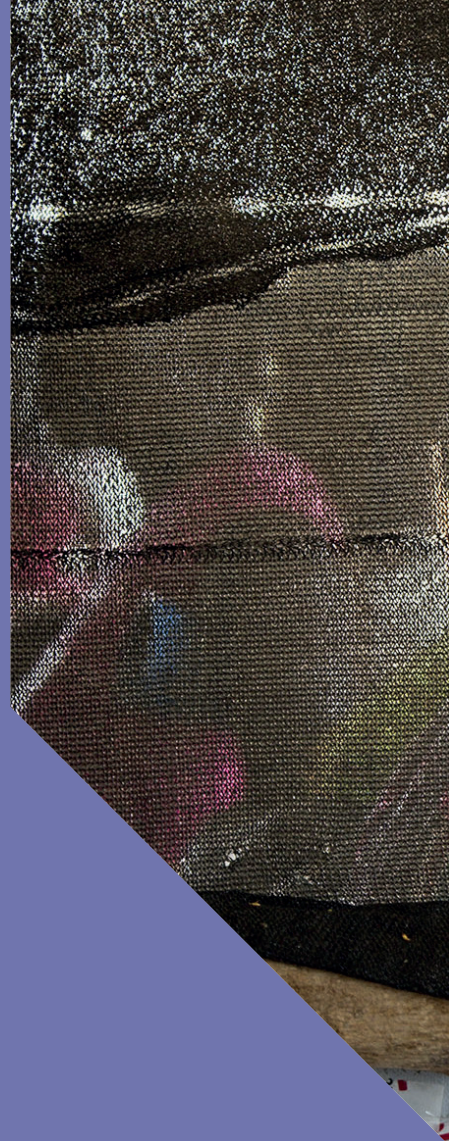
6 Community meeting, Maliba Sub County, Kasese, July 2023.

7 Saferworld interview, Buliisa, July 2023.

8 Focus group discussion, Katiketile, Moroto District, July 2023.

9 Saferworld (2017), 'Promoting conflict-sensitive approaches in Amuru District, Northern Uganda' (<https://www.saferworld.org.uk/en-stories-of-change/promoting-conflict-sensitive-approaches-in-amuru-district-northern-uganda>)

10 Saferworld interview, Madi Okollo, July 2023.



## About Saferworld

Saferworld is an independent, not-for-profit international organisation working to prevent violent conflict and build safer lives in countries and territories across Africa, Asia and the Middle East. We work in solidarity with people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe in a world where everyone can lead peaceful, fulfilling lives, free from fear and insecurity.

Cover photo: Imvepi Refugee Settlement in Arua District, Northern Uganda.

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