

Transitional justice and gender in Uganda: Making peace, failing women during the peace negotiation process

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Background to the conflict in Northern Uganda

Uganda's long history of militarism and extra-judicial killings has been marred by widespread impunity for the gross human rights violations committed in the country, particularly those committed against women. A range of transitional justice mechanisms has been discussed in the region but it is important to consider if and how these will confront the gender-based human rights violations that have been endemic to Uganda's history. The complexities of the conflict must also be considered: for instance, the large number of children as well as adults who were forced to commit atrocities such as killing family members or raping their female relatives. These situations have created questions over criminal responsibility and concerns over how best to achieve reconciliation.

Northern Uganda's rebellion by the Lord's Resistance Army (LRA) against the National Resistance Movement (NRM) government has witnessed multiple deaths as well as the abduction of at least 25 000 children to serve as soldiers, porters or sex slaves. Uganda's conflict has become notorious for the widespread

perpetration of sexual and gender-based violence in forms ranging from gang rape, sexual slavery and reproductive violence to less obvious gender-based crimes such as the exposure of women to anti-personnel mines during the execution of their daily economic roles. The long-term impact in the region has been the systematisation of sexual violence and the stigmatisation of abused women. Fear of repercussions from perpetrators has also undermined access to justice for women by breeding a culture of impunity.

Following a violent past of colonialism, the post-independence era has been replete with regimes acquiring power through aggressive means. Cycles of violence have been perpetrated by a series of military coups including the ousting of Milton Obote in 1971, Idi Amin Dada's overthrow in 1979, Milton Obote's second deposition in 1985 and Tito Okello's fall in 1986. Zachery Lomo and Lucy Hovil (2004:15) have detailed how the militarisation of Uganda's politics lies at the root of why the LRA's protracted conflict has been accepted as part of normal political business.

The peace process in Uganda

The formal peace negotiation process to address Northern Uganda's conflict began in 2006 after nearly twenty wasted years of armed rebellion. The process between the Government of Uganda and LRA took place in Juba, Southern Sudan with the support of the Government of South Sudan under the observation of the United Nations. Responding to the absence of women in the peace process, non-governmental and community-based organisations collaborated to form the Uganda Women's Coalition for Peace (UWCP) in late 2006. The coalition was created with the expressed purpose of engendering a process to ensure that women's needs, concerns and priorities were reflected in the peace agreement and subsequent budget process. The groups included the Uganda Women's Network (UWONET) who led the coalition activities, the Centre for Conflict Resolution (CECORE), the Federation of Women's Lawyers (FIDA) who provided legal analysis and perspective to the process and the Isis Women's International Cross Cultural Exchange (Isis-WICCE) who collected information on women's priorities for peace. Due to the existing networks of

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Isis-WICCE at the grassroots level, the organisation also took responsibility for mobilising women activists from the affected areas for consultation.

The UWCP undertook a wide range of activities to influence and engender the peace process that included:

Creating voice, space and resources for grassroots participation: Through Consultative meetings, with an average of 750 people at each gathering, the coalition consulted and solicited views of grassroots women on their experiences, needs and priorities. Each item on the agenda of the Juba peace talks was discussed at the same time as they were being tabled and debated at the more formal peace process. The coalition also informed rural communities of the progress of the peace negotiations and this provided the grassroots with critical information on what was taking place.

The Coalition also mobilised resources for the participation of selected women representatives to lobby and observe the peace talks in Juba, and to participate in events such as the women's peace caravan which was an advocacy tool to promote women's participation in all aspects of the peace process.

A permanent record of women's contribution to peace negotiations: The UWCP documented women's mobilisation, engagement and advocacy around topical issues of the peace process. This was critical in expanding the database of her story on women's initiatives in peace building processes in Africa, challenges met and lessons learnt. Video clips and documentaries on women's concerns and the Juba peace process and booklets were produced and disseminated at the negotiations and other strategic fora.

Mobilising Ugandans to rally behind the peaceful resolution of the conflict: With the support of UNIFEM, the coalition created a peace caravan and peace torch which were both strategic tools to mobilise Ugandans to be involved and interested in the peace process in November 2006. The caravan started in the Democratic Republic of the Congo (DRC), travelled to Kenya and finally into Uganda as a gesture of women's support for the peace process. In Uganda, the peace torch traversed through the districts of Kampala, Luwero, Masindi (Bweyale), Lira, Gulu and Kitgum. The caravan sensitised Ugandans about the extent of the

conflict in Northern Uganda and mobilised support for engendering the peace process. Along the way, signatures in support of the peace processes were collected as endorsement. The peace torch was handed over to the Chief Mediator along with representatives of the negotiating parties in December 2006.

Lobbying and advocacy to address structural inequalities and gendered exclusions: The coalition used documented responses from the consultative meetings with grassroots communities, to inform both the government of Uganda and the LRA of the community's demands, needs and priorities on each of the agenda items of the peace negotiation process.

In January 2007, the coalition also approached the United Nations Envoy over women's concerns in the peace process. Press statements were placed in strategic newspapers. The Coalition further met the President of Uganda in May 2007 to lobby for the inclusion of women's concerns in the negotiation process, the engendering of the Peace, Recovery and Development Plan for Northern Uganda (PRDP), and the allowance of a quasi legal status for the Coalition in the peace process. As a result of the coalition's lobbying activities, one extra woman was nominated on the government negotiation team.

Building skills of women: The coalition built the knowledge and skills of identified women on issues of peace building and transitional justice, to enable them to participate effectively. This activity was crucial for women to make informed decisions and contribute effectively to the process.

Stalled peace negotiation process: women engaged with the PRDP: Despite the current stalled peace process, the government had already designed the Peace, Recovery and Development Plan for Northern Uganda (PRDP) for 2007–2010, which in many ways sought to address the conflict in Northern Uganda. Isis-WICCE analysed the PRDP from a gender and women's human rights perspective and noted the extent to which it was gender blind. This included an absence of sex disaggregated data to facilitate response mechanisms and the lack of gender indicators which would have brought a gender perspective to the strategy document. Rather, gender was narrowly referred to a mainstreaming issue which overlooked the unique needs of women who had disproportionately suffered during the conflict. Isis-WICCE used these findings to mobilise the

UWCP members and other actors, to highlight the gaps and to strategise on engendering implementation mechanisms and influencing budget allocations of PRDP.

Transitional justice

The peace process was paralleled by a number of (sometimes conflicting) mechanisms to address the conflict, including the 2000 Amnesty Law, indictments by the International Criminal Court (ICC) and the Acholi traditional reconciliation process of *Mato Oput*. It is important to mention that each mechanism affects the progress of the other. Against a background of serious offences, the government of Uganda established the Amnesty Act in 2000. The Act applied to any Ugandan that had engaged in rebellion against the government by actual participation in combat; collaborating with the perpetrators of the war or armed rebellion; committing any other crime in the furtherance of the war or armed rebellion since 1986. As a result, many ex-combatants were able to secure amnesty despite having committed atrocities against their communities. As a transitional justice mechanism, questions remain over whether the Amnesty Act has prevented the recognition of female survivors' needs such as compensation, protection and resettlement.

In 2004 the International Criminal Court issued five indictments for LRA commanders, following a submission of a case by the government of Uganda. The international court indicted Joseph Kony, Vincent Otti, Dominic Ongwen, Okot Odhiambo and Raska Lukwiya on charges of war crimes and crimes against humanity. Isis-WICCE worked with the international women's advocacy group, the Women's Initiative for Gender Justice (WIGJ), to request the ICC to investigate issues related to sexual violence in the armed conflict. Although female survivors we visited as part of the mission were willing to bear witness, they were apprehensive of the ICC process. For instance, they asked about issues of victim-witness protection, compensation and reparation. Although the ICC is a longer-term mechanism to protect against impunity for crime globally, it does not serve the practical / immediate needs of a wounded community. Women are wondering why the perpetrators they live with on a daily basis should not be

tried, instead of just the five indictees (two of whom are already reported dead), and how giving their own testimonies will bring them personal justice. Given the minimal resources available for reparations at the ICC to cater for all cases they receive, women are wary that the ICC will not attend to their individual needs. The issue of legal justice is complicated by the unfolding of events in the area. Some of the female survivors whose experiences Isis-WICCE documented gave testimony of their own children committing atrocities against them. No matter how strong the call for justice, how can you prosecute your own child who committed a crime against their own will? When we interacted with survivors during our Consultative Meetings in 2007, the women at grassroots level with whom we interacted referred to their violators and captors as ‘husbands’ and not rapists. In such cases, other non-judicial mechanisms may be deemed more appropriate than expecting these women to become embroiled in a court case.

Another crucial pillar of peace is reconciliation, and the use of African traditional mechanisms such as *Mato Oput* was tabled at Juba. The communities the Women’s Coalition for Peace talked to during the Consultative Meetings in 2007 indicated that although this was a welcome initiative, *Mato Oput* is a cultural practice of the Acholi and does not totally embrace the practices of the Langi who were equally affected by the conflict. The women in the Langi area therefore wondered how perpetrators were to be reintegrated, and how the system would apply in their locality. As feminists, we were also concerned that many African traditional reconciliation processes use women’s bodies in resolving conflict, for example by marrying off girls to compensate for losses on the side of opponents. Women expressed concern over how the *Mato Oput* would be implemented without ‘peace’ being realised at the expense of women’s dignity. Furthermore, women on the ground were asking us as a Coalition how the method would address women’s grievances since it was never used to resolve issues of sexual violence.

It is important to acknowledge the fact that many women-focused non-governmental organisations and groups had been making efforts to address the consequences of the protracted conflict even before the peace process. In particular, Isis-WICCE undertook the documentation of women’s experiences of armed conflict and carried out medical interventions to address emergencies

in parts of northern Uganda. Studies conducted by Isis-WICCE in Luwero in 1997, Gulu in 2001 and Teso in 2002 revealed how women had been exposed to sexual violence that resulted in unwanted pregnancies, HIV/AIDS, the responsibility of raising unwanted children (commonly referred to as infidels), as well as a number of medical conditions. Isis-WICCE also undertook the task of building local capacities for conflict resolution through training women leaders from various districts in understanding and analysing conflicts, as well as learning how to manage and resolve conflicts. This led to the creation of a number of community-based organisations that have undertaken activities such as psycho-social work (counselling and trauma management), engaging mothers of captive children to encourage them to come out of armed combat, and working with formerly abducted child mothers.

Making peace, failing women

As with most development processes globally, women have been excluded as participants and as beneficiaries of peace negotiation processes. There are critical areas over which peace is being forged at the expense of women in Uganda. These include:

- I. While women were making their contributions to the peace negotiation process, many trivialised and de-legitimised their participation. For instance, women activists in Kitgum district were rebuked and told that the peace torch had brought bad luck to the peace process when it stalled. Yet stalling of peace negotiation process is normal in any processes that we have witnessed in Africa.
- II. Issues of patriarchy and sexuality were used to deter women from public participation. For instance, one key woman activist who contributed a lot to the process and was an observer at the peace talks was intimidated on local radio stations after it was suggested she was having sexual relationships with negotiators.
- III. Given the meagre resources available to women individuals and groups, it became difficult for women to sustain their presence at these deliberations.

More often, peace talks were convened / resumed at short notice or postponed indefinitely at will. There were breakdowns in the talks and it became difficult for the women's coalition to predict when talks would resume – so they could be adequately prepared. When talks resumed, some discussions would go on for months and the coalition could not afford to have representation through the whole time.

- IV. Women at the grassroots level have reservations on some agreements that are being reached in the name of rebuilding the region. For instance, women survivors who the coalition consulted were concerned over the International Criminal Court indictment of the LRA leaders. To the survivors, the ICC process could result in their continued suffering as the rebels would go back to armed hostilities.
- V. Tensions in the UWCP led women at the grassroots level to mobilise to form their own organisation, which meant women lacked a united front when it came to advocacy with the negotiating parties. This was exacerbated by the fact some women in the coalition became involved in partisan politics despite the agreed independence of the coalition. This unfortunately made room for judgment, suspicion and misinterpretation by the negotiating parties over the genuine, legitimate and independent nature of the coalition.

Conclusion

There is hope that survivors of post-conflict Uganda will benefit from the dividends of the transitional justice mechanisms as fostered by the initiatives of women activists, if the women's movement remains vigilant, active and resilient. Women must continue to document their activities, successes, challenges and lessons learnt. They must continue to mobilise a critical mass that is committed to advocating for peace and social transformation in Uganda.

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