

Beyond Truth Commissions: Indigenous Reconciliation in Uganda
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Post-conflict reconciliation helps societies move from war to peace and from repression to democracy by repairing relationships and social structures. Unfortunately, many of the Western-style reconciliation mechanisms that have been created and implemented in non-Western contexts by national and international bodies, such as international criminal tribunals and truth commissions, have at times proven unable to promote genuine social repair. They have been too culturally alien to yield the desired transformative effect.

This article explores the existence and utilization of alternative approaches that comport more closely with pre-existing social norms and mores. As a case study, it looks specifically at developments in Uganda, where the work of a Western-inspired truth commission was well-intended but nevertheless largely ineffective. Indigenous mechanisms for reconciliation hold greater promise; they go with rather than against the grain of organic cultural reality.

From Acknowledgement to Forgiveness to Trust

It is all too common, in the aftermath of a brutal conflict, for personal grievances and social tensions to be ignored and memories suppressed. It is a short-term coping response, as individuals and communities struggle to move forward. Yet true reconstruction cannot succeed without genuine social healing—a healing that starts with the difficult process of public acknowledgement of wounds inflicted and endured.

Open and honest discussion about atrocities committed helps people to come to terms with their losses, and work through their troubling emotions and memories. Talking about the experience of conflict is a key ingredient in reckoning with the past, both on an individual level and in the context of societal recovery. Proactive remembrance is expressed in a variety of ways—from memorial structures to school curricula to testimonies at trials, truth commissions, or elder’s circles. If these methodologies of public acknowledgement are culturally sensitive and effective, they create the conditions within which a cycle of forgiveness can take hold. Like the concept of acknowledgement, the concept of forgiveness can be a difficult one to assign any fixed definition, and its modalities will vary. But at root, forgiveness is the cessation of hateful resentment and the dropping of any claims of requital.

The progression from acknowledgement to forgiveness is crucial, for without it the chances are very poor that trust will be restored in social relationships. Trust is the very bedrock of civil society and an essential precondition for democracy. If trust is eroded by prolonged conflict, people become suspicious of others and develop reservations about engaging in civil society. Without trust, people inevitably stop accepting the word of their superiors and become trapped in cycles of suspicion with their neighbors. The development of trust within society, then, is essential for a healthy, reconciled nation. But there is no shortcut to achieving the desired state of social cohesion. It can only be reached by walking the difficult path of acknowledgement and forgiveness.

Background of the Uganda Case

Post-colonial Uganda has been the stage for a sad cycle of anarchy and autocracy. In 1962, Uganda declared independence from Britain. Life under Uganda’s first president Milton

Obote and his successors turned out to be very different than it had been under the British. From 1962 until 1986, Uganda underwent a series of coups, as political power was increasingly concentrated in the hands of tyrants. The nation suffered a significant number of riots and armed attacks. In 1969 Obote banned all political parties other than his own in order to prolong the state of emergency that had been declared in 1966.

In 1971 General Idi Amin Dada overthrew Obote, suspended the constitution, and ruled under a provisional government structure until 1979. To sustain his authority, Amin, who came to be known as “the butcher,” carried out a reign of terror, systematically and brutally torturing and murdering those he considered to stand in his way. In 1972, Amin expelled the more than 70,000 ethnic Asians living in Uganda and confiscated their property. Violence was rampant during this period, and the military and paramilitary mechanisms of the state conducted merciless campaigns of torture. Approximately 500,000 Ugandans were killed by Amin and his supporters. Amin was finally defeated in 1979 with the assistance of Tanzanian intervention. Interim governments were appointed in 1979 and 1980.

From 1980 to 1985, Obote returned to power. The country was once again terrorized by rampant human rights abuses, this time far worse than anything experienced during his first term in office. The paramilitary apparatus of the state again began its practice repression by means of rape, torture, murder, looting, and destruction of property. The scale of abuse was roughly the same as it had been under Amin. It is estimated that between 320,000 and 500,000 Ugandans were killed during Obote’s second term in office. Obote was overthrown in July, 1985.

Yoweri Museveni, leader of the coup that overthrew Obote, seized power in January, 1986, abolishing all political parties except his own National Resistance Movement (NRM).¹ Human rights abuses have abated somewhat, during Museveni’s reign, and Ugandans now enjoy

a degree of freedom unknown to them under the three post-independence regimes of Obote and Amin.

But not everyone supports Museveni. There have been more than 20 insurgencies since the NRM came to power in 1986.² One of the most deadly and longest-lasting has been the nineteen-year rebellion of the Lord's Resistance Army (LRA)³ in the Acholi sub-region of Northern Uganda. The LRA, which takes its name from an expressed desire to live by the Ten Commandments, is fighting against Museveni's control of the north. It is widely estimated that 30,000 children from that region have been abducted by the rebels. Kidnapped boys are forced to be soldiers, and girls are used by rebels as sex slaves and carriers of supplies. More than 1.6 million people from the region have been forced to flee their homes and currently live in several internally displaced persons (IDP) camps throughout the region. Fighting and abduction continue. The government's disregard for the North is seen dramatically in its allocation of a mere \$136,230 [**what's the source for this number? I've seen the figure of \$1.3 billion for a "Recovery and Development Programme for Northern Uganda"...**] to reconstruction efforts in Northern Uganda in the 2004-2005 budget, a scant 0.01% of the national budget.

In 2000 the Amnesty Act was promulgated as a means of luring rebel soldiers, many of them children, away from the conflict. By January 2005 the Amnesty Commission had received 14,695 applications for amnesty.[**source?**] When the government became dissatisfied with the amnesty process, it referred the LRA to the International Criminal Court (ICC). In July 2004, the ICC began investigating possible war crimes committed in Uganda, and in October 2005, the ICC issued indictments of five senior leaders of the LRA. It is unclear how far such investigations will go, as Acholi leaders and many community and legal groups are calling for a halt to proceedings even as the government is pressing for more indictments. Ugandans are still

living with the effects of a quarter-century-long reign of terror that left one million of their compatriots dead. Uganda is much in need of healing, both physically and socially.

Formal versus Informal Mechanisms

In order to bring about the kind of reconciliation outlined above, many transitional post-conflict societies have opted to use a variety of formal mechanisms. One such mechanism is the trial. Based on the notion of retributive justice, the trial involves a person charged with committing a crime being brought before an arbitrator whereupon his guilt and subsequent penalty is determined. One thinks of the post-WWII Nuremberg trials which were established to deal with Nazi war crimes, as well as well-known tribunals appointed in the 1990s—the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), and the recent creation of the International Criminal Court (ICC).

In other cases, states have opted to initiate various other short-term projects in pursuit of societal restoration. Based broadly around principles of reparative justice, these approaches fall into two main categories—apology and restitution. A classic example of official apology came in 1998, when the Australian government instituted National Sorry Day to acknowledge the indignities suffered by indigenous populations in the past. The U.S. government demonstrated restitution when in 1988 Americans of Japanese descent who were interned during the Second World War were awarded \$20,000 per survivor as a form of compensation under the Civil Liberties Act.

Another formal mechanism that has grown in popularity is the truth commission. Since 1974, more than 20 truth commissions have been appointed by national governments in such

countries as Argentina, Chile, and South Africa. A truth commission's main tasks are to collect information about past abuses and provide a forum in which a society can learn about the abuses of its collective past. Truth commissions can be particularly important in societies where abuses have been government-sponsored and have therefore gone largely undocumented and unpunished.

But there are also limits. In an earlier study, I considered the ability of the Ugandan truth commission—the Commission of Inquiry into Violations of Human Rights—to foster acknowledgement and reconciliation.⁴ Indeed, what I found was that the Commission was beset by a number of shortcomings from the very beginning, including a lack of political will, timing difficulties, and institutional constraints. And I could find little evidence of its success in promoting the process of acknowledgement and forgiveness.

Yet many of those I have spoken with in Uganda suggest that outside the formal structure of the truth commission, some communities have been acknowledging the events of the past and coming to terms with them. An exploration of this kind of traditional acknowledgement in Uganda provides much needed insight into the limits of truth commissions and other formal, Western-style institutions often called upon in the post-conflict rebuilding process.

In October and November of 2004, I returned to Uganda to study first-hand these informal mechanisms of acknowledgement, both in areas where traditional acknowledgement has been reported and those in which it has not. I interviewed more than 45 people, including leaders of the communities involved, officials of the Roman Catholic and Africa Inland Churches, the Uganda Human Rights Commission, various government officials, as well as national and international aid workers and missionaries. I also spoke directly to some of the

beneficiaries of such acknowledgement—people who have been received back into their communities and families.

What I found in Uganda echoes what others are beginning to report from around the world[**endnote**]**—**traditional mechanisms can provide a strong system for reconciliation outside of the formal mechanisms championed by the Western world. Whereas more formalized Western models often allow for only one form of justice, these traditional institutions seek to combine a variety of forms of justice (retributive, restorative, reparative) and other elements in keeping with the values of the community.

What Do Traditional Mechanisms Look Like?

A colorful and rich array of traditional reconciliation mechanisms can be found around the world, but a common thread is that antisocial and violent behavior tends to be regarded as an illness which requires healing and as a problem that should be addressed through greater teaching. There are numerous examples of such values ensconced in ongoing social practices and institutions. The community healing circles in Hollow Water, Manitoba, for instance, are based on aboriginal teachings. Likewise, the traditional elders' court in Attawapiskat, Ontario, and the community court system in Sandy Lake, Ontario are dedicated to the preservation and use of traditional models. Navajo Tribal Courts, too, emphasize traditional teachings, and cases are adjudicated under Navajo common law. In New Zealand, Family Group Conferences, based on traditional Maori principles including teaching, settlement, and community restoration have been available as an alternative to Western-based sentencing since 1989. And village courts adjudicate according to customary law in the Highlands of Papua New Guinea.

The continent of Africa also provides a diverse range of traditional mechanisms for reconciliation. For instance, internally displaced, war-affected people in Angola utilize a type of traditional psychological healing called *conselho*, which helps Angolans deal with memories of war and losses. Holistic purification and cleansing rituals, attended by the family and broader community, are carried out when welcoming ex-combatant child soldiers back into the community in both Angola and Mozambique. In Western Kenya, traditional conflict resolution mechanisms are used regularly by the Pokot, Turkana, Samburu, and Marakwet tribes. Ceremonies to “cool the hearts” of child ex-combatants upon their return to their home communities in Sierra Leone are routinely carried out. South Africa’s traditional small claims courts, called *Inkundla*, are used throughout the country. And Rwanda has chosen to utilize *gacaca* courts, a form of traditional dispute resolution mediated by chiefs and tribal elders to deal with crimes of genocide.

Uganda has a particularly vibrant history of the use of traditional mechanisms, and in many of the 56 different ethnic groups within the country, these institutions are still used today. Among the Karamojong, the *akiriket* councils of elders adjudicate disputes according to traditional custom which includes cultural teaching and ritual cleansing ceremonies. The Acholi carry out ceremonies of *mato oput* (drinking the bitter herb), and *nyouo tong gweno* (a welcome ceremony in which an egg is stepped on over an *opobo* twig) to welcome ex-combatant child soldiers home after they have been decommissioned. The Baganda use the traditional *Kitewuliza*, a juridical process with a strong element of reconciliation, to bring about justice. The Lugbara, in the northwest of the country, maintain a system of elder mediation in family, clan, and inter-clan conflict. And in 1985, an inter-tribal reconciliation ceremony, *gomo tong* (the bending of spears)

was held to signify that there would be no more conflict between the five ethnic groups living in the West Nile region.

Components of Traditional Mechanisms

Although these mechanisms differ between regions and between ethnic groups within a particular region, it is important to note that in all cases, they have served as important pieces of the process of post-conflict resolution. Traditionally, social order was maintained through interactions with a community that informally taught lessons of right and wrong.

There are many elements of conflict resolution in traditional practices, and they are each utilized in different situations. Among them are adjudication, mediation, reconciliation, and compensation. In many of these elements, the boundaries between restorative and retributive justice begin to blur. In each of these processes, the goal is to achieve societal balance as well as individual healing.

In tribal arbitration those involved in a dispute or conflict appear before a panel of elders. Through their deliberations, an agreement is reached and a suitable punishment decided. This is crucial to helping the society maintain both its honor and public confidence. Unlike the Western retributive model, the elders decide on a punishment only as a last-ditch attempt to find resolution, after all other means of re-socializing the guilty have been exhausted.

Another key part of the conflict resolution process is mediation, in which one person or a group of people acts as a go-between among the offenders and the offended. Mediation is one of the most common means of solving conflicts in many rural African communities. The process is distinct from adjudication or arbitration, in that all parties have equal power, and the decisions

are made directly by the clans and families from the grassroots. This is closely linked with the process of negotiation, which is usually carried out by community elders.

Traditional mechanisms may at times require compensation. The Acholi and Karamojong view compensation as a precondition for their reconciliation ceremonies. In this culture, forgiveness is possible only after the damages have been repaid. The process of dissolving social barriers is facilitated by admitting wrongdoing and deciding on fair compensation.

The ultimate goal of arbitration and compensation is reconciliation. Reconciliation is demonstrated through various rites and symbols, ranging from very elaborate ceremonies to more simple rituals. These may include blood pact alliances, marriage, intimate friendships, and communal celebrations to foster peace. Others include eating and drinking together, the shaking of hands, and the exchange of gifts, as well as the slaughter of animals. One such ceremony performed among the Acholi demonstrates the care and symbolism bestowed upon these ceremonies:

After the initial part of the *mato oput* ceremony is carried out, the parties are asked “May you today come and drink and eat and share everything together. Will you make this day a day to come together?” Both parties then go into house where two sheep have been slaughtered. The sheep are placed at opposing ends and someone from each side with a sharp knife cuts both in half at the same time. Half of each sheep is given to each side at the same time. And each party cooks its sheep halves. They then go to a house where both will share food together, and both sides begin to eat together. After eating inside the home, the lower jaws of both sheep taken by each side. The heads of the clans will take the jaws and carry them back to their homes to be put safely away as living testimony that the blood of the sheep had cleansed the one-time hostile clans. So from then on, when a dispute is about to erupt between both clans, they will bring out the jaw as a reminder that we had agreed never to do this kind of thing again. The jaw is kept for posterity.⁵

Tradition and Modernity

The impact of traditional institutions and mechanisms upon societies is now being noted by major world institutions. The World Bank strongly encourages the use of such traditions as part of its programming, which supports the protection and conservation of cultural heritage. Even the Security Council of the United Nations has begun to utilize solutions that are tailor-made for individual societies, taking into account their particular legal system, traditions, and institutions.

To be sure, some have questioned the sustainability and future relevance of such institutions for rapidly urbanizing and globalizing societies. **[endnote reference to someone who says this]** They note that traditional values, cultural knowledge, and social institutions are threatened by modernity. As people move farther away from their primary communities, the social meanings of the ceremonies which are still practiced appear, in some cases, to be shifting.

Still, as Mbiti **[who??]** argues:

It would be wrong to imagine that everything traditional has been changed or forgotten so much that no traces of it are to be found. If anything, the changes are generally on the surface, affecting the material side of life, and only beginning to reach the deeper levels of the thinking pattern, language content, mental images, emotions, beliefs, and responses in situations of need. Traditional concepts still form the essential background of many African peoples, though obviously this differs from individual to individual and from place to place. I believe ... that the majority of our people with little or no formal education still hold on to their traditional corpus of beliefs.⁶

Geresome Latim goes even farther in his belief in the contemporary applicability of ancient rituals.

These practices, far from being dislocated in a past that no longer exists, have always continued to be situated socially. They are called upon to address present concerns. Of course, like any culturally informed practice, with time they shift in meaning and appearance.⁷

My work in Uganda supports this view of the staying power of traditional reconciliation practices. While there are real risks posed by globalization and modernization processes, on the

whole traditional mechanisms seem to be able to bend without breaking. Indeed, in many parts of Uganda, traditional justice mechanisms continue to have more social authority at the grassroots level than comparative Western institutions. Particularly among ethnic groups like the Sabinu and the Karamojong in Uganda, this is the case. It was frequently reported to me that councils of elders hold more sway within the community than do government-appointed law enforcement officers, and that such councils have the authority to override police sentences. As one person I spoke with told me: “A clan may come to the police to demand a prisoner’s release because conditions in prison are too good. So they will go to the prison and pull him out. And the police don’t dare say no because they will have to deal with 500 armed warriors!”

It seems clear that these traditional mechanisms have a great deal to offer. It was variously reported to me that “everyone respects these traditions,” and that reconciliation continues to be an “essential and final part of peaceful settlement of conflict.” A common understanding of these symbols, ceremonies, and institutions, and their meanings remains throughout Uganda. The use of traditional mechanisms for reconciliation should be especially encouraged in northern Uganda where the LRA continues to foment civil strife.

Conclusion

Socially accepted mechanisms for acknowledging painful events of the past and promoting forgiveness and reconciliation are invaluable in the socio-political reconstruction process in the aftermath of conflict. Without them, efforts to promote “civil society” simply fall flat. Such social acknowledgement mechanisms may be found in many different kinds of institutions. It is essential to note, however, that these mechanisms are not interchangeable from one context to another. As the failures of the truth commission in Uganda illustrate, foreign-

inspired institutions do not engender the same kind of trust and compliance as pre-existing indigenous mechanisms for post-conflict reconciliation.

Fortunately, acknowledgement appears to be inherent in the kinds of mechanisms traditionally found and the ceremonies and rites traditionally practiced in different ethnic communities. This is the case in Uganda, where these mechanisms were not only used historically, but continue to be used in contemporary society. These traditional institutions, therefore, ought to be explored for their potential use in post-conflict reconciliation processes.

Recommended:

- Form a discussion group that closely follows the conflict in countries like Uganda. Use resources like those provided by the International Crisis Group (www.crisisgroup.org), Human Rights Watch (www.hrw.org), and Amnesty International (www.amnesty.org).
- Read about the development of the International Criminal Court, to see how the Court chooses to address alternatives like traditional mechanisms. See www.icc-cpi.int.
- Subscribe to international news services, like the BBC. See news.bbc.co.uk.
- Learn about the work of Christian agencies like World Vision in this area. See www.wvi.org/wvi/global/peace_building.htm.

¹ For a much more complete account of Uganda's history from 1962, see Dirk Berg-Schlosser and Rainer Siegler, *Political Stability and Development: A Comparative Analysis of Kenya, Tanzania and Uganda* (Boulder: Lynne Rienner Publishers, 1990), pp. 97-132.

² These include rebellions by the Action Restore Peace, Allied Democratic Forces, Apac rebellion, Citizen Army for Multiparty Politics, Force Obote Back, Former Uganda National Army, Holy Spirit Movement, the Lord's Army, Lord's Resistance Army, National Federal Army, National Union for the Liberation of Uganda, Ninth October Movement, People's Redemption Army, Uganda Christian Democratic Army, Uganda Federal Democratic Front, Uganda Freedom Movement, Ugandan National Democratic Army, Uganda National Federal Army, Ugandan National Liberation Front, Ugandan National Rescue Fronts I and II, Ugandan People's Army, Ugandan People's Democratic Army, Uganda Salvation Army, and the West Nile Bank Front.

³ The LRA is led by Joseph Kony, whose campaign follows that of the Holy Spirit Movement, led by a woman called Alice Lakwena who claimed to receive visions from God that told her to carry out vicious attacks. In 1986, Lakwena claimed to have up to 18,000 soldiers, although others estimate the number at 7,000-10,000. Lakwena is now in exile in Kenya.

⁴ These limitations are discussed in greater detail in Joanna R. Quinn, "Constraints: The Un-Doing of the Ugandan Truth Commission," *Human Rights Quarterly*, 26.2 (May 2004): 401-427 and in Joanna R. Quinn, "The Politics of Acknowledgement: Truth Commissions in Uganda and Haiti," (Ph.D. diss., McMaster University, 2003).

⁵ Geresome Latim, Executive Secretary, *Ker Kwaro Acholi*, interview with author, 22 Nov. 2004, Gulu, Uganda.

⁶ John S. Mbiti, *African Religions and Philosophy* (Kampala, East African Educational Publishers, 2002) xi.

⁷ Sverker Finnstrom, *Living With Bad Surroundings: War and Existential Uncertainty in Acholiland in Northern Uganda* (Uppsala: Acta Universitatis Upsaliensis, Uppsala Studies in Cultural Anthropology no.35, 2003), p. 299.