



Makerere University
Faculty of Arts, Department of Religious Studies
M.A. Peace and Conflict Studies Programme

Civil Society Consultative Conference

on

**“Paving the Way for a
Sustainable Reconciliation Process in Uganda”**

February 12-14, 2007 Speke Resort Munyonyo

organized by
M.A. Peace and Conflict Studies Programme
Department of Religious Studies, Faculty of Arts, Makerere University

in conjunction with
Coalition of Organizations and Institutions
working towards sustainable Reconciliation in Uganda (CORU)

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Foreword

By Dr. Alex Nkabahona

It is an honor and a privilege for me to write the foreword to this summary report of the proceedings and deliberations of a three days civil society consultative meeting on national reconciliation in Uganda.

What the readers of this report may not know is that what took place on 12th-14th February 2007 has its origin in an idea that was nurtured after the writer read an article in one of the local papers some time in October 2005. The article, posted from Boston USA carried a photo of Ugandans living in the USA who had convened in Boston to demonstrate against unfolding events in the country leading up to the then projected national elections of February 2006. They carried placards one of which read: ***Ugandans must Reconcile Now***. To me this was inspirational and soon after constituted the first "Think Tank" committee of seven students on the MA Peace and Conflict Studies Program, namely Businge Sam, Magambo Tom, Angelina Twinomujuni, Sheenah Judith, Bangirana Narcisio, Andema Sam and Monica Aciru, to spearhead the process of organizing the conference on national reconciliation. The committee soon realized that concerted efforts of all stakeholders would be crucial and, hence the initiative to interest and bring on board civil society organizations which grew from the initial four, namely, Refugee Law Project (RLP), Save the Children in Uganda (SCIU), Civil Society for Peace in Northern Uganda (CSOPNU) and Jamii Ya Kupatanisha (JYAK), to the Eighteen Strong CORU members (Coalition of Organizations and Institutions working towards sustainable Reconciliation in Uganda) by the time of the conference at Speke Resort Munyonyo.

Bringing together the academia and civil society organizations to participate in such a national noble cause is in itself a success story for the M.A. Peace and Conflict Studies Programme that aims and longs to bridge the existing gaps between theory and practice, between the academia and practitioners in the area of peace building and conflict transformation.

Reconciliation, the core subject of the conference and of this report, is about healing the wounds of conflict, mistrust, prejudice and marginalization among other issues. The Boston demonstration was vindicated by an overwhelming thirst for genuine national reconciliation by majority of Ugandans at home whose views were sought through a nationwide study on the need for national reconciliation.

I am happy that this report captures in a nutshell what has transpired since the birth of that idea in an office culminating in an international civil society consultative conference to push the process higher. This conference was preceded by a well CORU orchestrated road map as follows:

1. Pre-Research Workshop organized at Munyonyo (26th -28th April-2006). It drew participants from a cross section of the Ugandan society and some international participants. Outcome, the workshop endorsed a desk and nationwide field research.
2. Desk and Field Research on the Need for national reconciliation conducted between May and June 2006. Followed by

3. Research Findings Dissemination Workshop at Namirembe Guest House, 27th July 2006 targeting key stakeholders in central region of Uganda. Outcome: endorsement of three similar regional workshops.
4. Regional Research Dissemination and Consultative Workshops (Soroti (27th-28th Oct.2006), Gulu (10th-11th Nov.2006) and Kasese (24th-25th Nov. 2006).
5. Indeed it was at the end of the above process that CORU was in a better position to hold a national consultative conference on the theme: **"Paving the Way for Sustainable Reconciliation Process in Uganda."**

Four core papers were presented at the conference, whose summaries you are about to read in this report, namely, *National Reconciliation Research Findings and Emerging Issues*, *Reconciliation vs. Understanding the Challenges of Uganda's Future*, *Joining Hands to build a better Uganda through National Reconciliation and Need for Legislation on National Reconciliation*. These presentations and discussions were preceded by the Key Note Address by the Guest of Honor entitled: *Possibility of Reconciliation in Uganda* which set the ball rolling.

I wish you good reading and call upon you all to join hands with CORU in taking this process further to its fruition.

Acknowledgement

M.A. Peace and Conflict Studies Programme, Makerere University, would like to extend thanks first to the Coalition of Organizations and Institutions working towards sustainable Reconciliation in Uganda (CORU) for the preparation, facilitation and steering the reconciliation initiative.

Special thanks go to our donors: German Development Service (DED), Civil Society Organizations for Peace in Northern Uganda (CSOPNU) and the Norwegian Government, whose financial support to the M.A. Peace and Conflict Studies Programme and the reconciliation process we can not quantify.

Thanks goes to the Project Officer, M.A. Peace and Conflict Studies Programme, Mr. Jude Kagoro, for the astute logistical organization of the conference and the report production team Simone Dornbach and Ninsiima Asenath whose commitment and undivided attention made this report a success.

We would like to thank all the presenters and the facilitators of the conference who tirelessly steered the dialogue to a successful end.

Finally, we thank all the participants from all over the country and abroad for their commitment and contribution that has given the reconciliation initiative a new realization.

CORU membership includes the following:

Save the Children in Uganda (SCiU), Jamii Ya Kupatanisha (JYAK), Refugee Law Project (RLP), Transformation Reconciliation Alignment Compliant Education (TRACE Center), Kyambogo, Teso Initiative for Peace (TIP), Soroti, Center for Conflict Resolution (CECORE), CARE Uganda, Uganda Historical Memory Reconciliation Council (UHMRC), Gulu University Centre for Conflict Management and Peace Studies (CCMP), Mbarara University of Science and Technology (MUST), Uganda National NGO Forum, Uganda Joint Christian Council (UJCC), ACODE, MACOMBA Link, Participatory Rural Action for Development (PRAFORD), Yumbe, Kabarole Research and Resource Center (KRC), Fort Portal.

Acronyms

ANC	African National Congress
ARC	American Refugee Committee
ARLPI	Acholi Religious Leaders Peace Initiative
CAR	Central African Republic
CORU	Coalition of Organizations and Institutions working towards sustainable Reconciliation in Uganda
CS	Civil Society
CSO	Civil Society Organization
DED	German Development Service
DRC	Democratic Republic of Congo
EU	European Union
FDC	Forum for Democratic Change
GPA	General Peace Accord
GoU	Government of Uganda
GoS	Government of Sudan
GoSS	Government of Southern Sudan
GPA	General Peace Accord
ICC	International Criminal Court
IDP	Internally Displaced Person
KRC	Kabarole Research and Resource Center
LC5	Local Council 5
LRA	Lord's Resistance Army
MAK	Makerere University Kampala
MP	Member of Parliament
MUST	Mbarara University of Science and Technology
NRF	National Rescue Front
NRM	National Resistance Movement
NSC	National Sovereign Conference
NUSAF	Northern Uganda Social Action Fund
PEAP	Poverty Eradication Action Plan
PRDP	National Peace, Recovery and Development Program for Northern Uganda
RDC	Resident District Commissioner
SCSL	Special Court for Sierra Leone
TRC	Truth and Reconciliation Commission
UHMRC	Uganda Historical Memory and Reconciliation Council
UHRC	Uganda Human Rights Commission
UN	United Nations
UNRF	Uganda National Rescue Front
UNRF II	Uganda National Rescue Front II
UPDF	Uganda Peoples' Defense Force

Executive Summary

The overall objective of the Civil Society Consultative Conference on National Reconciliation was to support “the development of a consolidated action plan for sustainable national reconciliation in Uganda”. The three-day conference shared information on the following: research findings on the need for reconciliation processes in Uganda, reconciliation experiences from other countries such as South Africa, Mozambique and Sierra Leone among others, a look at the current status of reconciliation in Uganda, reconciliation versus the challenges of Uganda’s future, key issues for reconciliation and the need for a legislation on national reconciliation including a presentation of a draft reconciliation bill. Additionally, numerous group discussions, related to questions on how the reconciliation process in Uganda could look like, enriched the conference proceedings. A general wrap up of the proceedings in the last session culminated into a joint conference summary.

The key issues for reconciliation that were agreed upon are: first, the issue of national identity/unity which entails addressing issues of perceptions and stereotyping of people as well as the north-south divide among many others. Second, bad governance as a catalyst of many conflicts in the country. Issues here include misuse of power and nepotism which have created mistrust within the communities against the Government and the army. The issue of land and water was ranked third.

Moreover, a framework towards a national conference should be in place to steer the nation towards a national reconciliation conference where the above critical issues will be dealt with in more detail. The presented shadow bill proposes among other things, the set up of an autonomous national reconciliation commission and/or council that will steer the reconciliation process to fruition. The Government should legislate on the national reconciliation act, which functions as a legal framework within which to operationalize the process.

It was agreed that the reconciliation process should focus on special events in the past which are still affecting the nation and hindering national unity. Further, reconciliation should be a home grown initiative and an indigenous led process. It should be transparent, people centered and with a regional and national character incorporating the Government taking the leadership role. The process has to be provided for within the Ugandan Constitution.

Furthermore, it was agreed that the post Munyonyo conference period is critical in terms of more sensitization and information dissemination to the grassroots people particularly regarding the outcomes of this conference. CSOs and various stakeholders were urged to begin working at different levels towards national reconciliation e.g. in sensitizing the communities, carrying out civic education and promoting the use of traditional reconciliation approaches.

CORU was given the mandate

- to move forward the initiative of an act on reconciliation,
- to engage into more consultations with the grassroots for the draft bill,
- to lobby the GoU on enactment of the bill on national reconciliation,
- to draw a roadmap and
- to organize a national conference.

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Introduction

“Paving the way for a sustainable Reconciliation Process in Uganda”, the three day Civil Society Consultative Conference on National Reconciliation organized by CORU and headed by M.A. Peace and Conflict Studies Programme, was a follow up of the research done by the M.A. Peace and Conflict Studies Programme on the need for National reconciliation in Uganda.

The overall objective of the conference was to support “the development of a consolidated action plan for sustainable national reconciliation in Uganda”.

The specific objectives were:

1. To build national consensus and agreement on critical issues around which Ugandans should reconcile both at the regional and national levels
2. To work out and agree on an onward roadmap for national reconciliation building based on the outcomes of this conference
3. To develop informed strategies for a sustainable national reconciliation process in Uganda
4. To gain deeper insights into the urgency and necessity of a Comprehensive Peace Agreement between Government and LRA.

Expected outcomes of the conference were:

1. An issues paper detailing the national issues over which Ugandans need to reconcile.
2. An agreed Action Plan (a Road Map) on a National Reconciliation Process involving all stakeholders.
3. [Arriving at a Consensus]: Convergence of Minds, that is, Government and civil society on the need and urgency for legislation (an Act of Parliament) on (National) reconciliation.
4. Finally and perhaps most important of all: Gaining stronger support from participants for a successful conclusion of the Peace Talks between Government and the LRA.

The conference was attended by over 150 delegates from Uganda and abroad. The composition was wide ranging including Government representatives, members of parliament, Security Forces, ex-combatants, Civil Society Organizations, Religious and Cultural Leaders, Diplomats, representatives of the donor community, Journalists, the Youth, Students and the Academia. Participants from every region were included to ensure a national character during the deliberations. Foreign experts added value to the discussions with their reconciliation experiences.

Four presentations gave background information about reconciliation initiatives in Uganda as well as abroad, challenges and a draft bill on reconciliation. The main focus was laid on three group discussions and plenary sessions following the presentations and giving room to the audience for fruitful discussions.

Day I, February 12th, 2007

Welcome Remarks by Dr. Alex Nkabahona

Dr. Alex Nkabahona, the Coordinator of the M.A. Peace and Conflict Studies Programme, welcomed the guests and emphasized the theme of the conference as "***Paving the Way for a Sustainable National Reconciliation***", he then introduced and welcomed Dr. Byaruhanga A. Rukooko, Associate Dean Higher Degrees, who represented the Dean Faculty of Arts, Makerere University under which the M.A Peace and Conflict Studies falls.

Dr. Nkabahona applauded the Guest of Honor, Ndugu, Hon. Dr. Ruhakana Rugunda, Minister of Internal Affairs and leader of the Government Team to the Peace Talks in Juba, for a commendable work done so far. He emphasized that CORU coalition has been keenly following the developments on the Peace Talks front. He observed that although not all had gone smoothly well, CORU commends Hon. Dr. Rugunda's leadership and professionalism with which he represented both the Government and the people of Uganda at large during the not so easy but, important mission.

He then gave background information on the process leading to a consultative conference, including aims, objectives and the expected outcomes.

Dr. Byaruhanga A. Rukooko welcomed the guests on behalf of the University and the Faculty, and emphasised, the responsibility of the university in spearheading the reconciliation process. He recognised the responsibility of Dr. Rugunda in the Juba talks and pledged the University's support to the Government initiative in the Juba talks and the ending of the conflict in northern Uganda among others.

Key Note Address: Possibility of Reconciliation in Uganda By Guest of Honor, Hon. Dr. Ruhakana Rugunda, Minister of Internal Affairs

The Minister of Internal Affairs and the Guest of Honor, Hon. Dr. Ruhakana Rugunda, opened the consultative conference, and delivered a keynote address on the "***Possibility of Reconciliation in Uganda***".

Hon. Rugunda acknowledged the good work by the Civil Society Organisations and Makerere University in their role to live up to the expectations of the people. He commended Dr. Alex Nkabahona for spearheading and originating the idea of reconciliation at the time he referred to as opportune. He observed that a good foundation has been laid and should reach fruition, he pledged Government support to civil society, and academia in their fight to foster national reconciliation. He congratulated and encouraged the people in the process.

Hon. Rugunda observed that conflicts are as old as life, and Uganda has had a good share of conflicts, and therefore the need to find viable and sustainable solutions for conflict resolution and prevention. He also observed the composition of the conference participants as being balanced.

Hon. Rugunda gave a brief history of conflicts in post-independence Uganda including from the Obote I Regime, Amin Regime and Obote II Regime. Furthermore, he

briefed the conference on the Government's position with respect to the conflicts in the country:

The Government has been misunderstood by the general public on her stand on the conflicts in the country because Government never expounded her position.

The Government employed covert (silent) contacts with the rebel groups, emphasizing that many negotiations had been carried out behind closed doors, and a number of peace agreements reached and signed in the process with rebel groups such as WNBf, UNRF II, UPDA and others on a smaller scale.

He also emphasized that the Government has made several attempts at resolving conflicts but many have not been successful. There is therefore need to find out where and why they failed. The efforts of the academia and CSOs will help Government to be stronger in this field.

On the Juba Peace Talks, Hon. Rugunda made the following salient comments:

- It's the Government's duty to defend the people (citizens), and that's why they opted for the military response first, to protect the people.
- The discussions that have been going on were never made public for reasons that he also could not make public also.
- The president of Uganda in partnership with Government of Southern Sudan (GoSS) agreed to pardon those (rebels) who were willing to surrender. The president also considered the Mato Oput traditional mechanism of conflict resolution and reconciliation and agreed to negotiate with the ICC to drop their warrants and allow the position of Ugandans on Mato Oput to take charge.
- Ceasefire agreement with LRA was signed on 26/8/06, however it was not easy, and Hon. Jimmy Akena was commended for playing a catalytic role in mediating between LRA and Government to reach that agreement.
- There were misunderstandings created by the journalists from *Reuters News Agency* who misinformed the LRA that they were not secure in Owiny Kibul as agreed with GoU and GoSS
- Some of the conditions given by LRA were not convincing enough, like holding a referendum was not fundamental in bringing peace to Uganda. The talks are still going on, and there is substantial participation by key stakeholders. He commended Hon. Norbert Mao's (Local Chairman 5 Gulu Municipality – LC5) contribution and the CSOs for the knowledge they provided the Government team.

On Wider Issues

Hon. Rugunda observed that currently, there is reasonable confidence, and focused attention among the leaders for peace and harmony; in this case he cited Norbert Mao and Col. Walter Ochora (RDC Gulu) who are working together for the peace process in Northern Uganda irrespective of their political orientations.

Hon. Rugunda thanked the international community for their interest and support for the peace in northern Uganda. He observed that the efforts towards peace in northern Uganda are as a result of a concerted effort by the Government, CSOs, international community and the people of Uganda.

He said that former Mozambiquan President Chissano has a wide and hands-on experience in the conflicts such as that of northern Uganda and therefore he is the right candidate for the task.

On behalf of the Government, he associated with what the conference stood for, and called for earnest and openness in working for a sustainable reconciliation and peace in the country.

Question & Answer Session

This session was mainly for questions directed to the minister, after which he reacted. Most of the questions were centered on the Juba peace talks and the current twist in the talks i.e., the LRA demand for change of venue and Sudanese President Bashir's warning to the LRA.

The minister assured Ugandans that the Government is committed to the peace process, and is thus not pulling out of the talks, but according to the Government team, there seems no rational basis for LRA's demand to changing the venue.

Presentation I

National Reconciliation Research Findings and Emerging Issues By Dr. Alex Nkabahona, Coordinator M.A. Peace and Conflict Studies Programme, Makerere University Kampala

Dr. Alex Nkabahona presented the research findings from the field and from the regional consultative workshops.

Broadly the research concluded that:

- On the whole Ugandans are aware and have a wide knowledge of the process of reconciliation.
- The study also concludes that majority are enthusiastic about national reconciliation
- There are variations especially in the conceptualization and interpretation of the causes of conflict/division in this country; variations are in peoples' expectations of what national reconciliation will bring about.
- In the analysis, the study observes that there are region/community-specific conflicts and goals or aspirations. Specific issues of concern, such as cattle rustling in the North East of the Country or the issue of *Obusinga (Kingdom)* in Kasese among others.
- The overall conclusion is that, any reconciliation efforts should be as comprehensive as possible to address context or region or community-specific conflicts and concerns.

Findings of the Study, Region by Region

a) Central Region (Dominated by Political Issues)

- Full *Kabakaship* and not *Byoya bya Nswa (literally feathers of Ants)*
- Compensation for the Luweero Triangle 1981-1986 Liberation War Victims
- Fair Share of the National Cake
- Multiplication of Districts undermining Buganda Kingdom/National Unity

b) Eastern Region (Dominated by Economic and Social Issues)

- Cattle Rustling (both internal and cross border)
- Compensation and/or restocking of livestock
- The mysterious 'Mukura' massacre
- Proliferation of Small Arms and Light Weapons (SALW)

- Forceful Disarmament
- Internal Displacement as a result of Conflict/insecurity
- Share in the National Cake/marginalization
- Land dispute between Iteso, Karamajong, and Balalo and conflict between Bagwere and Bagisu – Mbale/Sironko Districts)

c) The Greater North (dominated by politics, economics and social issues)

- Blanket amnesty for the LRA (give chance to Acholi Traditional methods of administering justice and reconciliation)
- Insecurity/Internal Displacement
- UPDF implicated in Human rights violations
- Political and economic marginalization
- Acholiland grabbing and conflict
- Historical conflict and mistrust between Acholi and Langi; and between Acholi and West Nilers
- Equitable share of the National Cake/marginalization

d) The Greater West (Dominated by Politics and Economic Issues)

- The *Obusinga* Question in Kasese District
- Bad leadership/governance fuelling conflicts in some districts (Kiibale, Bundibugyo, Kasese, etc.)
- Divide and rule policy rife in some districts
- Political bitterness/disgruntlement by supporters of the Opposition/Government
- Land and political conflicts (Kiibale, Kasese)
- Kasese land conflicts (a time bomb)
- Ethnic Conflicts between Basongola, Bakonjo and Banyabindi
- National cake in the hands of “a chosen few”

National/Cross Cutting and Emerging Issues

- National Cake: Political Power (participatory governance, transparent systems for change of Government) and Economic Power (equitable distribution/sharing of national resources)
- The land question (a time bomb)
- Bad Leadership/Governance undermining Constitutionalism and Rule of Law
- National Unity first - National Reconciliation later
- Demand for the Restoration of Cultural Institutions
- Blanket Amnesty for LRA
- National Identity and National language as a unifying factor (Kenya, Tanzania as examples)

Conclusions and Recommendations

The study concludes that despite the ongoing conflicts in the country and the numerous outstanding emerging issues both at the regional and national levels, the circumstances and the conditions are ripe enough to continue walking the roadmap to national reconciliation.

With all the above in mind, the study strongly recommends that,

- I. Ugandans own the process in order to give it the full support it deserves
- II. That while the Government should be in the drivers seat in this whole process, a bottom-up approach should be the norm; should legislate on peace-building and conflict transformation, possibly through a Reconciliation Act; sensitization of the masses and capacity building of those spearheading national reconciliation is paramount
- III. That Uganda should borrow a leaf where applicable from some of the good/best practices in national reconciliation processes around the world: though not without shortfalls, South African Truth and Reconciliation Commission, Sierra Leone, Mozambique and Cambodia are some of the cases in point.
- IV. Uganda should spearhead and promote good-neighborliness and international harmony
- V. The Peace Talks between Government and the LRA be given maximum moral and political support they deserve in order that a Comprehensive Peace Agreement is reached and reached sooner rather than later.

The results of the research on the need for national reconciliation and the regional consultative workshops indicated that majority of Ugandans are yearning for genuine national reconciliation but observes that there is no clear and acceptable strategy for achieving this. He urged the Civil Society Consultative Conference on National Reconciliation to come up with a functional strategy to achieve this genuine desire by most Ugandans. He observed that, a partnership among the Government, CSOs, the academia, international community and other stake holders provides a stronger platform from which to move the national reconciliation process to its successful conclusion, namely, a healed, reconciled and prosperous country for all Ugandans.

Presentation II

Reconciliation vs. Understanding the Challenges of Uganda's Future By Hon. Professor Tarcis Kabwegyere, Minister of Disaster Preparedness

Hon. Prof. Kabwegyere observed that reconciliation could be an instrument of governance and emphasized the need to look at the past that led to the broken relationships that necessitates reconciliation. The history of the conflicts prevailing should be first understood before attempting to resolve them lest mistakes are made. The assignment of blame; the managers (leaders) are the main focus, one should first find out why they are in the positions they are holding, and the conditions that produced them, or the causes of the prevailing rebellion. What is important is to understand how the Ugandan society works (the dynamics of this society) and why they are behaving the way they are.

He also observed that the land problems in the country date as far as 30 years ago, and resolving them should take into consideration of their history.

There is currently a political jam in Uganda; the multi party politics in Uganda are still in the infancy stage and so people have not fully grasped what they are supposed to do and in the process they are in a jam, which has resulted in political chaos. There is a lot of selfishness and greed among the politicians and this is bad for development.

Many of the IDPs in the country have stagnated in thinking, because they do have a chance to think, they live in misery.

He also went on to say that many of the conflicts in Uganda will not be solved by reconciliation and said that he gives reconciliation 10% in the resolution of conflicts. The much talked about regional imbalance can be solved by investments that are realistic. Handouts are useless for development, and people should be involved in all activities.

Reconciliation can be effective if the underlying issues of society are addressed and understood. He advocated for the employment of different measures to address conflicts. He advised that focus should be put on long-term issues other than the short term ones.

He concluded by saying that researchers should seek explanation in the social laws that govern society. We need a revolution rather than a mere reconciliation. Reconciliation is just a part of the process of development.

Question & Answer Session

The participants reacted with regard to Hon. Prof. Kabwegyere's view of giving 10% for reconciliation as a means of resolving conflicts. It created a heated discussion about the necessity of reconciliation in Uganda. People insisted to list the irreconcilable issues of the country; they demanded to look at reconciliation holistically; wanted a clear position from the GoU about reconciliation and a clear commitment to end the war in northern Uganda. In addition, Hon. Prof. Kabwegyere was asked to name other means to achieve harmony in Uganda.

Hon. Prof. Kabwegyere stated that he does not regret what he has said. In order to have a reconciliation process taking place certain conditions in society need to be in place. E.g. reconciliation cannot happen when majority of the population is languishing in poverty. It is important to invest to create good preconditions. In addition, reconciliation is not the answer to every problem. Democratic issues for example cannot be solved through reconciliation.

Group Discussion I: Reconciliation Issues in Uganda

The participants split in four smaller working groups and discussed the following two questions regarding the presentation of Dr. Alex Nkabahona:

1. Do you agree that these are the key issues for national reconciliation? Explain.

All groups agreed on the key issues and went further to add on more issues.

- Lack of transparency
- Government's finances of private business
- Unequal employment in Parastatal organizations
- Political/economic marginalization
- Question of historical memory: what do we want to reconcile?
- Truth Telling
- Definition of conflict
- Methodology of reconciliation
- Absence of a national character of the army
- Constitutionalism
- Regional imbalance

- Karamoja issues
- Promotion of restorative justice, traditional methods of conflict resolution

2. Can you prioritize and justify the key issues for national reconciliation in Uganda?

Four key issues that came out of every group were: National identity, land conflicts, equal distribution of national resources (national cake), and bad governance.

After the group presentations, the participants continued to discuss in the plenary the need for national reconciliation and the challenges it bears.

Hon. Norbert Mao and UPDF Spokesman Maj. Felix Kulayige started a heated discussion about the recently unveiled statue of president Museveni in Kabamba Barracks. While Hon. Norbert Mao felt that in today's time there should be statues portraying peace instead of war, Maj. Kulayige insisted that the army too should have the rights to enjoy their own historical landmarks considering that the statue is not in the middle of Kampala but in an army barrack.

It was recommended that all the key issues should be looked at nationally. The attempt until now is only ethnic or regional. It keeps the conflict brewing and keeps national leaders insulated from conflict and from the people.

Further, Ugandans should stop segregating themselves. The army, for example, is working with a quota system to ensure that it is balanced. However, it was mentioned that the army should respect the constitution and should be separate from politics.

Not all of the problems listed could be solved within national reconciliation realm. Also, problems need to be thought of in a historical perspective. One participant observed that the colonial history and its consequences for the Ugandan society should be frankly discussed.

Bad governance was another discussion theme: E.g. how do we separate individual political interest from the national political interests? Conflict was perceived as a creation of leaders, starting from the colonial times up to where Uganda is right now. Unless the leaders can own up and reconcile their own interest, national reconciliation will be elusive. In addition, it was observed that reconciliation cannot succeed without political commitment.

Finally, it was demanded to include the individual Ugandan when talking about reconciliation. How can the individual be involved, how can the mindset of the people be set for a national co-existence?

Day II, February 13th, 2007

Presentation III

“Joining Hands”, a Reflection on Truth and Reconciliation Commissions and National Sovereign Conferences’ Experience in Africa ***By Maxie J. Muwonge, Executive Director at Jamii Ya Kupatanisha***

Mr. Muwonge presented the analysis of the Truth and Reconciliation Commissions (TRCs) and National Sovereign Conferences Africa (NSCs), specifically Sierra Leone, South Africa, Mozambique, Togo, and Benin, to ascertain whether Uganda could borrow a leaf from such initiatives in developing strategies for a sustainable national reconciliation.

He observed that it’s up to Ugandans to choose the best strategy that can work in the Ugandan situation (full presentation available). It was elaborated that Uganda has had commissions in the past but that these have not been fruitful apart from UHRC, which is more permanent but influenced by Government. Acknowledging past experiences is a building block to social trust and reconciliation.

There is need to find out what Ugandans at all levels want in this reconciliation process. Decide precisely what needs to be done, from which direction it should come from. CSOs can play a tremendous role in stability of a country like in the Benin case.

Finally, questions were raised to give food for thought to the Ugandan case:

- What model should the reconciliation process in Uganda adopt?
- Do all Ugandans and other stakeholders have consensual understanding of the aspiration to reconcile?
- Are all Ugandans prepared to forgive the past and let bygones be bygones?
- How will the adopted model attract acknowledgement and popular support from the central and Government local governments, civil society fraternity, academia, the grassroots communities and other like minded stakeholders?

Additional Remarks to “Joining Hands”

By Dr. Joanna Quinn, Associate Professor, University of Western Ontario, Canada

Dr. Joanna Quinn continued and elaborated further options for a Ugandan reconciliation process.

1. Acknowledgement of past events is a key building block of democracy in transitional societies.
2. Reconciliation must be part of a broader process of transition and transformation, that is, economic reform, legal transformation and political transformation.
3. What do Ugandans, as a whole, want? It is really important that Ugandans set aside the specific methods and instruments that they will use to bring about this transformation at this early stage, until they have focused on the kinds of outcomes they want to see come from the process.

4. Uganda must decide from which direction the impetus for reconciliation will come. If Government is not prepared to lead a genuine process, then that role falls to someone else, for example civil society (e.g. Benin – National Sovereign Conference, Brazil – Never Again Campaign, Citizen’s Tribunals).
5. All Ugandans have been differently affected by different conflicts at different times. Each is now at a different stage of grappling with the aftermath. Yet whatever process Uganda chooses, it must respect each of these different groups and what they have suffered.

All of the examples given in the previous presentation can be placed somewhere between remembering and forgetting. For example, in Sierra Leone and South Africa, efforts at reconciliation specifically focused on active remembering and revealing as many details about what had happened as possible. Mozambique, on other had, chose to leave the past alone – and there has been almost no focus there on accountability for past crimes. And somewhere in between is Benin, which tried in a very different way to bring about transition by dealing with the past – with some modicum of success; and also the case of Togo, which tried to bring about these kinds of changes – and failed.

As these examples demonstrate, within this spectrum, there are a number of questions that have to be addressed:

1. Should people be punished for the crimes they have committed? Should they be held accountable? Or should they be allowed to go free, by means of amnesty?
2. Is reform needed elsewhere? Like in Government, police, military to make sure that these kinds of abuses never happen again? Uganda has put in place many pieces of the puzzle and frameworks for this kind of things in place, in the Constitution and elsewhere; but must more be done?
3. Are the people still in political office or in the bureaucracy who are responsible for abuses? Should they be purged from office as another way of ensuring that abuses won’t happen again?
4. Does education need to be reformed? Does school curriculum accurately reflect the truth about past events? Should it?
5. Are the victims of abuse and their families still in need of assistance? Do they need to be aided in rebuilding or being restored after the abuses they have suffered?
6. Should they be compensated for their losses? Who should pay?
7. Does the people at large understand the gravity of what has happened here? Does a campaign of sensitization need to be mounted to educate the public? How will these details come out? These are the kinds of questions Uganda will need to decide.

It was observed that Truth Commissions do not always bring about reconciliation; in most cases, in fact, reconciliation is not achieved by using Truth Commissions. Only in a few cases, actually, have truth commissions been able to bring about reconciliation. Uganda has had two truth commissions – twice they have been unable to bring about this kind of reconciliation. They haven’t been effective. Truth Commissions are just one way of dealing with the past. Other mechanisms are also possible. These include:

- Trials/Tribunals (SCSL)
- Gathering of information for public consumption (Brazil – Nunca Mais)
- Public Apology (Australia – National Sorry Day)
- Traditional approaches or neo-traditional approaches, that is, traditional approaches modified to fit changing circumstances (Rwanda – Gacaca Courts)
- Public awareness campaign
- Citizen tribunals

Question & Answer Session

The participants raised questions about the presentation and gave additional views.

Uganda should look at history first and use positive reconciliation processes as an example e.g. the reconciliation in 1892 between the Roman Catholics and the Protestants. Further, participants demanded to go beyond talking and draft a declaration, e.g. a “Munyonyo Declaration”.

It was observed that alternative ways of justice tailor made for the Ugandan case should be considered. An alternative could be restorative justice on a case to case basis, e.g. Mato Oput which is not only for the Acholi Community. It exists in other communities as well just under a different name. Moreover, justice and reconciliation must go over restorative justice including traditional justice. CSOs should do more for mutual acceptance and help people remember the history in another way and more towards acceptance.

In addition, it was mentioned that reconciliation can only remain for a while. Uganda must build and emphasize on democracy as a way of life and civic education. So people know about their rights and can hold their leaders accountable for what they are doing. Ugandans should look at themselves as stakeholders and speak up. Further, reconciliation needs political will and functioning institutions in order to be successful.

Additionally, an example was given how civil society is already holding the GoU accountable for what is taking place in northern Uganda, the “Operation North Victims’ Association” (ONVA) which made files about victims.

Lastly, it was demanded to come up with a specific legislation to address the need for national reconciliation in Uganda.

Group Discussion II: Uganda’s Reconciliation Process

Four groups worked on three questions regarding Uganda’s reconciliation process.

1. How should the Ugandan reconciliation process look like?

Most participants found it key to have a national character. In addition, it should be a transparent, citizen driven, people centered process. Then further recommendations were given by each group, including the need for additional research, the need for a human-rights based approach, the need to include traditional methods, the need to be within the Constitution and the need to include all kinds of conflict. It should be a healing process. Civic education should be carried out before, within and after the reconciliation process. Most importantly, it should be conceptualized as a process.

2. What exactly needs to be done?

Again, it was emphasized on an all inclusive process consisting of public awareness campaigns, stakeholder analysis, grassroots consultations and finally lobbying parliament to be involved. Traditional and contemporary methods should be used.

It should be a healing process including truth telling, accountability and responsibility, admission, forgiveness and follow-up. Furthermore, celebration activities were suggested such as a "National Healing Day".

There should be a proper framework for the national reconciliation process such as a national reconciliation commission including four pillars of reconciliation (justice, truth, peace and amnesty). The commission should be backed up by a reconciliation act.

History and its different interpretation were believed to be a relevant element in a successful reconciliation process. All conflicts should be identified and included.

Again, civic education was considered to be a very crucial component of the national reconciliation process in order to empower the ordinary Ugandan to a responsible citizen.

3. Who should do what?

The participants suggested that CORU with an expanded membership should continue the process and should be lobbying the GoU to participate actively. Also, it was perceived that the Uganda Historical Memory and Reconciliation could contribute through its historical memory approach of understanding history. Academia should continue to research. In addition, all stakeholders at all levels of leadership should be included into the process. Finally, there should be a body e.g. national reconciliation council which handles the process. The GoU should provide the legal framework for the reconciliation process and steer the process.

Presentation IV

Need for Legislation on National Reconciliation

By Moses Crispus Okello, Researcher at the Refugee Law Project

Mr. Okello observed that there is fear and prejudice in the country, and he called for social justice and democracy. He also explained that there is a reconciliation deficit.

He named three key stakeholders: The GoU, CSO and the ordinary civilians. The ordinary civilians and CSO are complementary to and dependent on the GoU. Civilians are important in demonstrating consensus for and shaping the reconciliation process. CSO is critical in mobilizing and organizing public opinion and consent. It also should check on Government behavior. The GoU's role is its obligation to protect the citizens, which has been in most instances breached. This obligation can be achieved by safeguarding the Constitution and promoting enactment of legislation provided for under the Constitution and respect for International Law.

The purpose of this legislation is to streamline the legal regime responsible for reconciliation. In Uganda, reconciliation related policies can be found in the Constitution, in the Amnesty Act, in the Peace Recovery and Development Plan, in the proposed Equal Opportunities Commission and in the Juba Talks Agenda.

Legislation codifies all the above and makes for any necessary clarifications:

1. Legal definition of what we are reconciling i.e.
 - Establishing parameters for understanding what is being reconciled.
 - Determination of the different categories of people involved i.e. victims, bystanders, perpetrators and beneficiaries, etc and how they shall relate to the NR process.
2. Establishes mechanism for control of the NR Process
 - Organs such as commissions etc.
 - Danger of lack of control – release of Kayiira murder report and ramifications.

Providing for and organizing space for therapeutic venting of anger, and a methodology for establishing an acceptable record regarding what happened.

3. Legislation truly nationalizes the character of reconciliation processes
 - Currently discussions regarding national reconciliation quickly deteriorate into clutter about northern Uganda and miss the link between northern Uganda and the rest of the country

A draft Bill for National Reconciliation has been prepared. Features include

- A section that provides for the purpose of such a Bill
- Organs to fulfill the objectives of the Bill
- And other key issues covered in the Bill

Methodology

- Constitution of the Republic of Uganda and other associated legislation
- December 2006 Stakeholders Dialogue and CORU Research+ Meetings
- Experiences from other areas - South Africa, Sierra Leone etc.

Focal Areas of the Bill

- Amnesty – deferred to the Amnesty Act with recommendations for amends
- Accountability mechanisms – establish who did what, when, and to whom
- Reparations and rehabilitation mechanisms
- Publication of organs findings
- Provisions for independence of the organ

Lastly, some Questions for further Discussion

- Is the Amnesty Law still relevant in its current form?
- What specific arrangements are required in order to reconcile Ugandan law with International Law, in particular the ICC Statute?
- How should a victim's reparation and rehabilitation program look like?

Question & Answer Session

The participants reacted to this presentation with many questions for clarifications. There was some confusion about the presented reconciliation draft act and the amnesty act. How could religious, traditional and cultural justice mechanism be of use? Which law has precedence, international or domestic law? How would individual cases be handled? What would happen to prisoners already sentenced for acts which the legislation is trying to forgive?

Moses C. Okello tried to clarify all questions: the legislation could provide for a body which contains traditional, cultural and religious justice methods incorporating regional sub-structures or, like in South Africa, rotating through the country. It was suggested to read the document in the evening, give it some thought and work on it together in a group session the next day.

Day III, February 14th, 2007

Group Discussion III: Need for Government Legislation

In the morning session, four groups worked on questions regarding the suggested reconciliation draft act.

One group answered questions on the subject of the Amnesty Act. They concluded that the Amnesty Act is still relevant but needs some kind of amendments: it should be conditional as a process of reconciliation. The amnesty package should take the form of community work so as to share skills and lessons learnt and enhance the relationships in the communities. Moreover, it should include a Demobilization, Disarmament and Reintegration (DDR) Program.

The state and the civilians should be involved in forgiveness. Avenues for reconciliation through truth telling process should be explored. In addition, handling the aggrieved victims in functional memorial should be used such as schools and hospitals, in addition to monuments.

The draft bill does not address the historical conflicts. Furthermore, there is need for articles in the bill to establish a mechanism that link the Ugandan and the international law (ICC). Finally, there should be an article on crimes against humanity.

The other groups worked on the question if there is a need for national reconciliation legislation. Everyone agreed that there is need for legislation and that a national reconciliation bill should be passed. The current amnesty law is not comprehensive enough. There is need for a specific reconciliation act which provides protection to victims and actors. The bill is important because it will be a point of reference and could be a binding force.

It was mentioned that the draft document is very detailed and a good start. Then, the participants made suggestions for the draft bill: There is need for a proactive legislation rather than the reactive. It should provide for a reconciliation process that is long-term and addressing issues for peaceful coexistence. It should cover all types of conflicts, even those that have ended. Furthermore, there is need for an early warning mechanism and prevention.

In addition, there should be a comprehensive definition of amnesty in the bill. It should include mechanisms to cater for the victims, e.g. a national reconciliation commission with regional sub-structures. There is need for a reconciliation and reintegration component as well as the need for protection of people who pronounce rebellion to be reintegrated, because they live in perpetual fear. In addition, it should have a provision for second chances.

So far, there were two committees, the Committee on Human Rights Violations and the Committee on Amnesty provided for in the bill, however, it was recommended that they should be broadened to four (Peace, Truth, Justice and Amnesty Committees). It was also suggested that a Bishop could head the organ.

The chairperson of the board should be qualified i.e. at the level of a Supreme Court Judge. The board should operate for a five year term renewable. Membership should also be broadened and consisting of 30% CS, actors and other institutions (cultural,

religious and traditional). Nominations to the board should be multi-sectoral, approved by parliament. Currently, there is no linkage between actors and membership; the actors should also be given mandate to nominate a representative to the board.

CORU members should work with the AMANI Forum group (parliament) to present this bill to parliament and Government. The GoU should be brought on board to give it strength and legality, e.g. the Ministry of Internal Affairs should be in charge.

The language of the bill was envisaged as rather complex, thus the need for a language that is for peace rather than law. It should be simplified for effective communication by the lower level civilians. We should be working with the Amnesty Commission for guidance.

Lastly, it was suggested that there is need to have a national creed, anthem, symbol or slogan (e.g. South Africa: "Proudly South African") to enhance the reconciliation process.

Munyonyo Conference on National Reconciliation: Summary

After the group work, a draft summary about the outcomes of the Civil Society Consultative Conference was displayed and the audience was given the opportunity to make suggestions for the improvement of the document. Finally every one agreed on the last version of the draft summary.

CORU was given the mandate to engage into more consultations with the grassroots for the draft bill and to lobby the GoU on enactment of the bill on national reconciliation.

Munyonyo Conference on National Reconciliation: Summary 14.02.07

After three days of intensive discussions, frank and open deliberations, the over 150 delegates from all over Uganda and international guests are in agreement that not all the burning conflict issues in Uganda can be solved through the reconciliation process. Some conflicts have to be dealt with using other methods like mediation.

The conference also arrived at a consensus on the critical issues and in their order of priority as follows: First and foremost the issue of national identity/unity should be looked into. This includes perceptions and stereotyping of people as well as the north south divide among many others. Secondly the issue of bad governance was highlighted. Misuse of power and positions, mistrust within the communities against government and the UPDF was pointed out. While the issue of land and water was ranked third.

It was clearly pointed out that there is a distinction between conflict management and reconciliation. The reconciliation process should focus on special events in the past which are still affecting the nation and hindering national unity.

The delegates from all the regions further agreed that a framework towards a national conference should be in place to steer the nation towards a national reconciliation conference where the above critical issues will be dealt with in more detail.

It was strongly agreed that for a national reconciliation process to take effect, there is need for government to legislate on a national reconciliation act, to function as a legal framework within which to operationalize the process. The delegates had an opportunity to deliberate on a "shadow" draft bill for national reconciliation. This draft (shadow) bill will be presented to the relevant organ of Government, namely the parliament for further lobbying. Once approved, such an act will be the legal framework to establish relevant sub-organs to deal in an organized manner with the reconciliation issues and to work towards a reconciled and united Uganda. The shadow bill proposes, among other things, the set up of an autonomous national reconciliation commission and/or Council.

For sustainability of a national reconciliation process the conference unanimously agreed that it should be a home grown, indigenous led process. It should be transparent and based on a people centered, bottom up approach and with government taking the leadership role. It has to have a national and regional character. The process has to be provided for within the Ugandan constitution. It was agreed that there is still need to identify the root causes of conflicts and that more historical critical analyses needs to be done. Furthermore, it was agreed that post Munyonyo period is critical in terms of more sensitization and information dissemination to the grass root people particularly regarding the out comes of this conference. In this regard, various stakeholders and actors have now the obligation to get involved on various levels to work towards national reconciliation.

Important and immediate tasks

All Stakeholders:

To expose/understand Ugandan history

The Government:

To establish National Reconciliation Commission with a national character

To introduce a National Healing Day

To review the Constitution

The Legislators have to come up with an Act on Reconciliation

The Ministry of Education:

Reform the education curriculum in the light of national unity

The CSOs have the role to:

Sensitize community (e.g. the media) on what reconciliation is all about, how the process should look like and to continue addressing reconciliation issues

Carry out civic education

To promote the use of traditional reconciliation approaches

To religious/cultural institutions:

To mediate and to facilitate reconciliation processes countrywide

To CORU:

Engaging and lobbying for enactment of a government led bill on reconciliation

To come up with a roadmap and to organize a national conference

To push for a act on reconciliation

Academia: *To carry out research about reconciliation issues and the roots of conflicts.*

Closing Speech

By Professor Tarcis Kabwegyere, Minister of Disaster Preparedness

While Professor Kabwegyere, in his paper presentation, had been skeptical about the viability of reconciliation in Uganda given the prevailing socio-economic conditions, during his closing speech he offered a more confident view. "I have been quoted [in the papers] as being anti-reconciliation. The 10% I allocated to reconciliation was too small but looking at the summary remarks [of the outcome of the three days' deliberations], the first paragraph justifies my statement," he said further emphasizing that "I would propose that a team of you should have debated on TV and radio so that people could hear you, a press statement might not be enough, if the zeal seen here is not shared with the public, it might have no impact."

He continued that reconciliation is being demanded right now and should be institutionalized as a tool of governance. "There are things which happen and if you stand in their way they force you out. This might be the moment of history."

History should be interpreted with order and in the most productive and proactive way. There is need for CSO to build trust with Government on the issue of reconciliation. He agreed that a national language is important not only for reconciliation to take place but also in the process of the creation of the East African Community.

Prof. Kabwegyere encouraged the audience to submit the bill to Parliament. The bill should be presented with explanatory notes and it will be supported, but it should be done through creating trust and without threats. There is still room for exchange and participation should be wide. The way society can be involved in changing circumstances is by letting them know. Now the process should be opened up, the climate has been changing and more and more room is available.

Prof. Kabwegyere continued that there should be strong follow-up and a persistent one. He thanked the audience for the contributions and concluded and officially closed the conference with a very encouraging statement:

"I am for reconciliation and I thank you."

Appendix



Kabwegyere calls for reconciliation

Publication date: Friday, 16th February, 2007



WAY FORWARD: Rubaga North MP Beti Kamyá, Nkabahona and Kabwegyere chat

By Godfrey Kimono

THE Minister for disaster Preparedness, Prof. Tarcis Kabwegyere, has asked political parties to spread the gospel of reconciliation countrywide.

“Let us get more people on board to reconcile others and stop digging up bones and running with them on the streets to get favours. This brings disunity among the people, hence hindering development.”

Kabwegyere said this at a three-day civil society consultative conference on national reconciliation, organised by a coalition of organisations and institutions working towards sustainable reconciliation in the country.

He said parties that exhume bones to win popularity among the people waste their time and delay the reconciliation process.

Members agreed that good governance and leadership and solving of land and water crisis can lead to national reconciliation.

Dr. Alex Nkabahona, the coordinator of the peace and conflict studies programme at Makerere University, said a draft bill for National Reconciliation would soon be presented to Parliament for approval.

“If approved, the bill will work as a legal framework that will establish organs like the reconciliation commission, and the declaration of a national healing day or week for people to commemorate and to forgive others.” Nkabahona said.

The delegates recommended that the Government establish a reconciliation commission to look through points of conflict in a bid to foster unity and development in the country.

This article can be found online at: <http://www.newvision.co.ug/D/8/13/549516>

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