

‘Popular Justice and Policing from Bush War to Democracy: Uganda 1981-2004’, *International Journal of the Sociology of Law*, 32, (2004), 333-348.

The National Resistance Army (NRA), led by Yoweri Museveni against the Obote regime in Uganda, saw itself as a people’s army leading a people’s war. The bush war 1981-1986 was seen by the NRA as a revolution aimed at replacing the old regime, with structures of self-government down to the village level moulded during the course of the struggle. The NRA leadership was enthralled with the possibilities of ‘popular’ justice: a justice that was said to be popular in form because its language was open and accessible; popular in functioning because its proceedings involved active community participation; and popular in substance because judges were drawn from the people and gave judgment in the interests of the people. As ‘liberated areas’ were established, local self-government structures were introduced. They undertook settling disputes and adjudicating cases within the local communities. They not only replaced government structures, but roles formerly undertaken by the chiefs, who had been so discredited by political appointments and partisan activity as to have lost all legitimacy. By January 1986 the NRA had taken the capital Kampala and the local self-government system was introduced nationwide. Popular justice through local courts and local policing would concern itself with local civil matters; the state through its courts and police had concurrent jurisdiction over civil matters, would assume jurisdiction for criminal cases, and would engage in crime prevention and detection.

Yet popular justice began to die the minute the revolution seized control of the state. Apart from the army, the rest of the state institutions were never dismantled and rebuilt in the image of the revolution. The courts, the judges, the magistrates and the Police remained intact, and have slowly reclaimed the ground that they temporarily lost in the bush war. Yet despite the trend towards state takeover, something of popular justice lives on twenty years later. For all the failures of justice arising from ignorance, prejudice and corruption, many are grateful to have a law and order provision that is based neither on the customary chiefship nor on the formal state system, but on an elected group of known local people.