

Journal of Sustainable Development in Africa (Volume 11, No.1, 2009)

ISSN: 1520-5509

Clarion University of Pennsylvania, Clarion, Pennsylvania

**ROLES OF STATE AND INDIGENOUS AUTHORITIES IN PASTORALIST CONFLICT AND ITS
MITIGATION: KARAMOJA, NORTHERN UGANDA: OPPORTUNITIES FOR PEACE**

By

Kennedy A. Mkutu

INTRODUCTION

Armed cattle rustling among neighbouring ethnic groups have become a violent and destructive force in northeast Africa and the entire Greater Horn of Africa¹. In Karamoja at Lorengwat in 1989, 300 people were killed in a battle over resources between the Matheniko and the Bokora, who are 'cousins'.¹ And on September 13, 2001, 200 Pian raiders from Nakapiripirit district attacked Ngariam in Katakwi district. They stole 600 cattle and killed 17 people, and looted property². Such unhindered violence, with the potential to destabilise neighbouring areas has presented a great security challenge to the government of Uganda and other governments in the region.

Pastoralist areas tend to be arid or semi arid, where livestock rearing is the main viable form of land use. This relies on mobility as an integral coping strategy, often necessitating the crossing of local, district, and international borders. Pastoral life revolves around livestock. Cattle are used for their milk, meat, and hides, but also form the basis of marriage agreements, alliances with neighbours, religious ceremonies, and many other cultural practices. Cattle raiding has been commonplace in most traditional pastoral societies and served a number of purposes: to restock after famine or disease (thus serving as some sort of mechanism of redistribution of cattle within the region), to obtain the required number of cattle for a bride price, and to train and prove young men as warriors (Mkutu, 2003, 2008 bc).

Thus, inter-communal resource-based conflict has always existed, not only over cattle but also over access to pasture and water. However, several factors have served to exacerbate such conflict. State interventions supporting sedentarization of nomadic populations, agricultural production systems, alienation, and nationalisation of rangelands with privatisation of pastoral land, have served to restrict pastoral mobility and increased competition for dwindling resources in an already fragile ecological equation. Pastoralists have also been marginalized and their areas left underdeveloped such that their dependence on traditional livelihoods remains.

The gun has been the most potent ingredient in pastoral conflict in recent years; the influx of weaponry to Karamoja having diffused from conflicts in Sudan, Somalia, Ethiopia, Eritrea, Tanzania, and Uganda itself through the leakage from state stocks.² The toppling of Idi Amin in 1979 with the storming of barracks belonging to his forces in Moroto was a major source of weapons to

¹ The *New Vision* (1989). December, Kampala.

² Interview Romano Longole, Kotido Peace Initiative, Kotido, 2 February, 2003; Also John Bosco, Okore, and Karamoja Peace and Environmental Protection Service, Interview, Kotido, 3 February, 2003

the Karimojong, who were said to have carried them away by donkey-loads!³ It must also be said that many of the weapons circulating around the Horn of Africa were supplied by the USA and USSR, sponsoring their interests during the Cold War. Guns still continue to flow into Karamoja across its porous borders and originate mainly from Sudan, Ethiopia, and Somalia (Mkutu, 2007; Mkutu, 2008ab).

The gun has irrevocably altered inter-communal resource-based conflict in Karamoja, making conflict large scale and violent and rendering life cheaper. Localised arms races and shady rackets for dealing in arms and cattle have emerged, often with prominent local businessmen and politicians at the fore (Osamba, 2000; Mirzeler and Young, 2000; Mkutu, 2008abc, 2003, 2006c). Cattle and power have become concentrated in the hands of the few, and cattle are often quickly sold out of the region; thus, impoverishing the communities and making them dependent upon the gun for their livelihood (Mkutu, 2007; Mkutu 2008ab). The presence of arms has also led to increasing incidences of road banditry, child abduction, rapes, theft, and crime. Communities in Kenya, Tanzania, Uganda, Ethiopia, Eritrea, Southern Sudan, Djibouti, and Somalia area all demonstrate this.

To curb insecurity and create peaceful a political environment with neighbours, the government of Uganda launched disarmament (and social) programmes with the intentions of removing all illegal guns from the region (Mkutu, 2008c)⁴. This has increased awareness among the community as to the law, in that arms are no longer publicly visible. However, gun trafficking across international borders and the chronic insecurity of cattle raiding and other armed crimes has continued.⁵ (SNV/Pax Christi, 2004; Mkutu, 2008abc; OPM, 2007). As regards outside input, there is considerable investment into peace building programmes but often little to show for it. Eaton (2008ab) notes that peace work in the region is now a big business. Each year new non-governmental organizations are created, while others fizzle out, “despite an absence of tangible results, millions of dollars continue to flow into the bank accounts of peace groups” (*ibid*).⁶

In the rural scenes, conflicts have historically been managed through customary institutions. Today many customary governance institutions (referred to as CGIs through this paper) still have power and influence and may be useful in the mitigation of conflict in rural areas where the state has been unable to enforce law and order or are weak. Institutional forms at the local level, such as the *Iritongo* in Kuria, *Njuri Ncheke* in Meru, *Ekokwa* in Bukusu, *Kokwa* in Kalenjin, and *Monyomiji* in Eastern Equatoria west of Kidepo river have been able to develop mechanisms to control situations of rampant crime and violence without outside assistance.⁷ Though not without its inherent problems, *Iritongo* managed to reduce the cross border cattle raids. Kuria has become more

‘governable’ though the method itself contradicts the structures of modern state, where the state is seen as a single giant, having monopoly on the use of force (Mkutu, 2009).

Pastoral conflict resolution structures are rooted in the culture and history of African people, and are in one way or another exceptional to each community. The customary governance system is still strong in much of the Horn of Africa and even the Great Lakes and especially among the pastoralists and agro-pastoralists. The problem is the many years of exclusion by successive public administration regimes that have left these institutions isolated and alienated in their conflict mitigation and development roles. During the colonial period, traditional methods were identified as simple and primitive, while colonial methods were seen as modern and civilised. With the end of colonialism, this behaviour continued to dominate public administration. In Eritrea, the community owns land and land tenure is governed by traditional laws and administered under traditional administrative bodies. In the case of the failed state of Somalia, indigenous mechanisms, some ad hoc, others long established, provide order where the outsider’s eye sees only chaos. In the United Republic of Tanzania CGIs are still strong and visible in Mara, Iringa, Tabora, and even among the Wasukuma in Mwanza regions⁸. In Putland, Somalia, *Sharia* courts are enforcing law and order, a welcome novelty for residents who have been deprived of a functioning judicial system for years. In Rwanda where millions were killed in the 1994 genocide, the community has revived the *Gacaca*, which has now been domesticated in law to address issues of injustice.⁹ Despite the evidence of the presence of these institutions, Abbink (1997:3) notes that studies on reinvention and selective use of traditional governance institution are lacking.

Over the last three decades there have been some fundamental changes in the working of states under the broad heading of New Public Administration. They have led in major visible management innovations in the organizational structures and systems of government aimed at delivering greater efficiency, and a responsive and flexible public administrative service which responds quickly to consumer needs. These changes come. While the so-called top-down approach and the New Public Administration continue to dominate the attempts of many East African states, they have not assisted governments in the region to address conflict situations, nor incorporate the use of CGI as a locally acceptable and responsive solution. This gap in governance remains insufficiently researched.

Walker (2002) notes that the ‘changing role of customary institutions is an important element in understanding dynamics of conflict and raiding in Karamoja.’ Augsburger (1992) notes that in traditional cultures, there exist pathways in the ethnic wisdom for managing conflicts. This, he points

out, may be lost due to the influence of westernisation.¹⁰ This paper surmises that the New Public Administration has failed to adequately incorporate the influence of the customary governance institutions in Karamoja, which still dominate large areas of decision-making, especially about natural resource and economical management. This failure has allowed violence and disorder to flourish, since opportunities for conflict mitigation and peace building have been missed and the communities remain alienated. It begins by trying to understand the history of the modern public administration in Karimojong, from colonial rule to now, and why the Karimojong have always mounted a strong resistance. It then examines the parallel system, that of the elders, and traditional justice mechanisms. The situation is then viewed in the context of the increasingly violent armed cattle raiding conflict, and various approaches by state and elders; collaborative approaches are considered.

Study Area

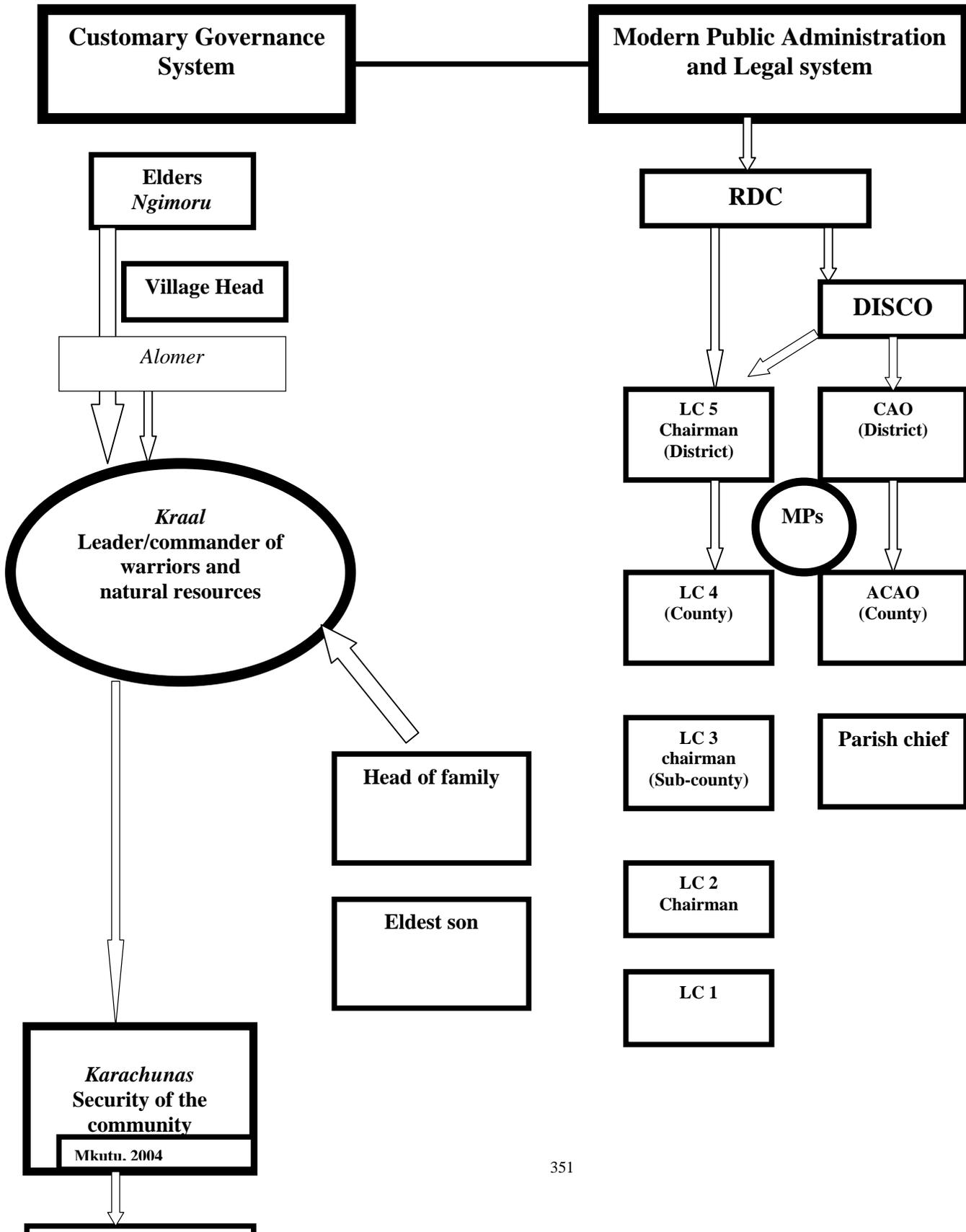
The Karimojong are enclosed within a distinct area of northeast Uganda, bordering Sudan in the north and Kenya in the East. The region consists of a plateau 1,000 metres high, 27,200 square km, approximately equal in size to the country of Belgium. It could be depicted as a land of dust, thorns, wind, pastoralists, and their cattle. In the north it borders the famous Kidepo valley and in the south the Kadam range (3,350) and the mountains of Labwor County. The Moroto range is about midway between the northernmost and the southern most features, but marks the eastern boundary. Jie, Dodos, Labwor, and Pokot also subsist on this plateau. The Karamoja is divided into 4 districts. Kaabong recently created and occupied by the Dodos; Kotido, occupied by Jie, Labwor, and Nyakwai; Moroto occupied by Matheniko and Bokora; and Nakapiripirit occupied by the Upe Pokot and Pian. The Tepeth live in the mountainous areas near Moroto and near Mt. Kadam. Based on the recent census the population is approximately 954,000 people (UBO, 2003).¹¹ The 2004 United Nations Human Development Index (HDI) for Uganda stated that Kotido, Nakapiripirit, and Moroto have the lowest HDI in all indicators in Uganda. 'The districts have the lowest literacy levels and have poor access to water for both human livestock consumption' (UNDP, 2005:23). Only 12% of the population are able to read and write, as compared to over 60% national average.¹²

From colonial times until today Karamoja has been marginalized. Weak governance and security leads to a situation where elders are the main authority. Historically Karimojong have considered themselves enemies of the state and from colonial times till now the Karimojong have largely not recognized the central government. Karimojong seek their autonomy and prefer to be peripheral to Uganda, which they have never consented to join, not even at independence (Knighton, 2005:75).

Parallel Governance Systems

Modern Public Administration

Figure 1: Parallel Governance Systems



Before colonial rule, the mode of governance in Karamoja was chiefless, with a council of elders forming the decision-making organ for clans. The colonial government considered the Karimojong people as backward, warlike, and lawless and their system of pastoral production as incongruent to the raw material requirements of the industries in Europe. Colonial authorities, therefore, embarked on a ‘pacification policy’ in Karamoja to establish law and order, and to transform the Karimojong way of life by undermining traditional pastoral production systems. This was achieved by a range of policy measures including the restriction of pastoral mobility, either through alienation of land by declaring the entire Karamoja a protected area, or physical prohibition of mobility by creating international borders and tribal administrative boundaries and declaring Karamoja a ‘closed district’ in 1911 with entry permitted only by ‘special permit’ from an outlying district of origin (Walker, 2002). Measures were adopted to de-stock Karamoja, including: introduction of taxes (Poll tax, African Local Government tax and gun tax), payable only by using cattle, collected by high-handed chiefs; setting up a government-run Karamoja cattle scheme, which enabled government to administratively set the prices so that a fixed number of animals would have to be sold to pay prefixed taxes. When the colonial government failed to contain “over-stocking”, using forced sales, it resorted to outright confiscation of female stock. ‘Poisonous’ weeds were introduced to ward off herds from ‘protected’ forests (Pazzaglia, 1982).

The British colonial indirect rule system attempted to incorporate the Karimojong customary traditional governance institution into modern administration through special laws. The Administration (Karamoja) Act (Ch 315, v 1 repeal Act 13 of 1966) established provisions to associate elders to the District councils. Among the district councillors, on top of the three elected members for each county, the law required the election of one elder in each county. However, elders did not usually speak English! And although elected by the communities, they were later allocated government ‘agents’ to oversee them. The colonial government created positions of chiefs at County (*Ekapolon*), Sub-county (*Ejakait*), Parish (*Mkungu*), and village (*Nyapala*) levels, who were appointed by the District Administration with assistance from the District Councils, and had powers to arrest suspects and to seize suspected stolen animals. These policies, which marginalized, and de-humanised the Karimojong, made them to view any vicissitudes of state power and authority as an enemy, from whom every possible means was to be used for their protection, including taking up arms.

When Uganda became a republic in 1967, new governments continued the policies of land alienation and sedenterisation, ignoring the local knowledge in the management of land. ‘Traditional methods’

were seen as primitive and inefficient. By contrast, “modern” methods were seen as superior and efficient. As more land was alienated from Karimojong for game parks, this increased cattle rustling with Karimojong raiding Teso, Sebei, and Karasuk (Wabire, 1993:8). Customary Karimojong governance institutions were repealed because they contravened the principles of modern public administration, which denigrated leadership of traditional authorities to cultural matters. LC’s have the duty to coordinate in villages and communicate information between the communities with central government. However, fieldwork revealed that LC’s did not always reach people. Members of Parliament and higher level LC’s operate outside the CTGI system, whereas lower level LC’s are often illiterate and, therefore, have difficulty working with modern public administration to create legal and valid policies.

The administration of justice is very weak at the district level; one interviewee said ‘at the parish and sub-county levels, no courts exist’.¹³ Arrested individuals are taken to army barracks, instead of civil courts. The problem of remote areas where little infrastructure exists and people are constantly mobile is a limitation, which cannot be ignored. Only in the district towns, such as Moroto, Kotido, and Nakapiripirit are courts found to serve the entire district (Mkutu, 2001, 2003, 2004; SNV/Pax Christi, 2004).

CUSTOMARY GOVERNANCE INSTITUTIONS

Prior to colonial rule, the customary governance system of elders was collectively responsible for the governance of the community dominating the pastoral societies of the North Rift. It served both the political functions of public administration as well as the judicial functions of a court of law, adjudicating, sanctioning, and enforcing the sanctions. Elders were leaders, policy makers, dispute managers, decision makers on many matters (including marriage), resource managers, and among them some had religious and mystical powers. They have access to networks that go beyond the clan boundaries, ethnic identity, and generations. According to elders interviewed in Karamoja, the power of elders is derived from ability to intercede with God (*Akuj*) on the community’s behalf or to refuse to do so in time of need. ‘It is the duty of the elders to intercede to God for the assistance, to control the environment for the benefit of the community as a whole, or for any recognized segment of it gathered together.’ (Dyson-Hudson, 1966:212). They also hold the authority to curse an entire age-set or an individual, which provides a range of supernatural sanctions with which to back their decisions.¹⁴

Elderly status puts them on the border as it were, between natural and supernatural. Their proximity with the supernatural world and with god is a result, not only of their age, but also of the concrete fact which in the mind of the Karimojong is the tangible proof that their power is real that if they managed to last so long amid the harshness and hazards of life in Karamoja, together with their families and herds, they knew, so to say, how to deal with god in order to obtain whatever was necessary for their life. From these comes the psychological power over those who are still struggling along. To have their advice is reassuring, their blessing is a pledge of god's pleasure and protection, and their curse is considered one of the most dangerous threats for their life.¹⁵

A Jie elder on decision-making noted,

Jie pastoral community elders own the animals and therefore are the decision makers. They decide where animals will migrate in search of pasture and water. Women and children do not play a major role in decision-making. However, women may influence certain decisions, say animals to give away or sell.¹⁶

Decision making, therefore, centred on the adult *ngiklyok* (male) population which is divided into two groups based on generations: that of the elders, who hold the decisive powers, and that of their sons (the warriors), who are the implementors of the decisions agreed upon by the elders in the assemblies.¹⁷ The youth in Karamojong are responsible for the security of property (cattle) and traversing the difficult terrain in search of water and pasture for the animals. The elders still control the permanent homesteads, while the *kraals* are controlled by an elder or an elected commander chosen by elders.¹⁸

Akiriket

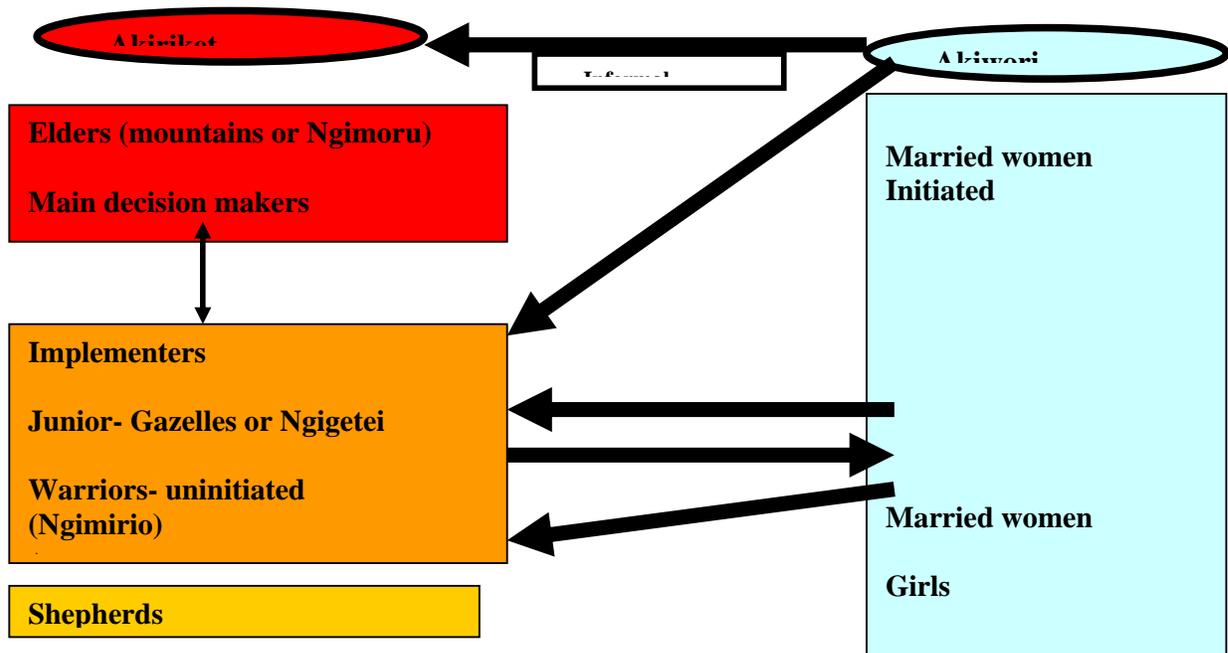
Akiriket is a formal meeting place often under a big tree (fig, tamarind, or other) where the people sit on their stools in semi-circular formation arranged in rank on each side from the middle outwards, for the Bokora, Pian, and Matheniko facing Nakadanya, while Jie face east. *Akirikets* exist in neighbourhoods, sectional, or tribal assemblies. Each *Akiriket* takes a prescribed form, and the elders' authority, being collective, is usually exercised at these periodic gatherings.¹⁹ The meetings are often presided by two of the oldest of the ruling generation set.

It is a democratic assembly, which even the un-initiated are allowed to attend, though women are not. The general problems of the tribe (or area) are dealt with such raids, new grazing grounds, sacrifices for rain or against epidemic, and so on.²⁰ Disputes and grievances are openly considered,

sometimes involving cross-examining witnesses, judgements are imposed and solutions and processes of reconciliation are managed.

Akiwor²¹ refers in a general sense to the initiation of individuals in Karimoja society into an age-set group. However, the term has been used to describe initiation of women in particular. Women do not have the right to seat in the *Akiriket*, however their issues are represented by the senior women. The hierarchy of the two systems of *akiwor* and *akiriket* and patterns of influence by women are shown below (Figure 2). The arrows indicate the influence of women on men; senior women may curse young men and present their requests to the elders, and married women are also able to influence the *Akiriket* via their husbands.

Figure 2: Decision-Making Process in the Karamoja Society: *Akiriket*



Source: Mkutu, 2005b

Violence and its Management

It was theoretically forbidden for a Karimojong to steal cattle belonging to other Karimojong and to fight other Karimojong with spears. A wrong (*akisec*) had to be punished, compensated, or avenged. Homicide compensation was standardised at 60 heads of cattle. Revenge (*ajore*) took the form of cattle seizure or vengeance killing by the victim's kin.

Raiding enemies was licit. Elders encouraged the young generations to raid and kill members of alien groups that encroached on the pastures. However, it was a community act, ritually controlled through the blessings of the members of the seniors' generation-set. Before the departure of the raiders, a preparatory ceremony for starting a war campaign (*amuronot ngina ajore*) was held in the section ceremonial ground (*akiriket*). The sacrifice of an animal was associated, done by a diviner (*emuron*) who read the innards to evaluate the chances the raid had and, in the *akigat* (litanic prayers), the elders prayed for its success. Returning from a raid, those who killed an enemy had to perform a specific cleansing ceremony (Novelli, 1988). Warriors required consent of elders (or *kraal*) leaders to raid and *kraal* leaders may report undisciplined warriors to elders.

Ameto: Traditional Justice

Elders or senior women (in their own judicial system) can try anyone they suspect, even for being the cause of withheld rain!²² The elders have power to curse or even ex-communicate an entire age set, an act feared by most age groups in Karamoja and a deterrent to acting without their consent. *Ameto* (or traditional punishment) may involve being fined, beaten, or excluded.

Judicial proceedings under the modern justice system take a long time before a sentence is passed because sufficient evidence has to be adduced to convict a suspect beyond any reasonable doubt. Outcomes of such proceeding are often never publicised. Suspects arrested in Nabilatuk on October 16, 2001 after a massive raid on Ngariam displaced people's camp on September 14, 2001 were taken to Moroto, but then transferred to Soroti and Mbale prison. Some of them died and others were still awaiting trial after more than a year in detention²³. In Karamoja, aggrieved communities usually find it hard to appreciate these delays by the judicial process. They cannot understand why there should be a delay of justice from one to six months between the commission of crime and the passing of a sentence, such that they assume that the system does not work. The Administration of Justice (Karamoja) Act (Ch 35, v 2 repeal Act 6 of 2000) aimed at increasing the Central Native Courts provided for establishment of jury trials. At present, however, this has not occurred.

Local Council Officers and Elders

Though LC's have a major role in decision-making as an arms of modern public administration, as noted by Father O'Halloran they must listen to the elders. The position of elders, as relates to chiefs, was noted in Karamoja in 1966 by Dyson Hudson.

The important people of Karamoja are not the chiefs but the elders. It is they who are consulted in matters affecting cattle, grazing movements, local customs etc. and in such matters their authority is unquestioned. If this authority could be harnessed to the local

government system and the elders persuaded to take an interest in matters about which government tends to concern itself, the administration of Karamoja would be greatly simplified.

Pazzaglia (1982:67-75) also notes that elders made decisions, but administrative chiefs never held power. Also interviews with the LC and kraal leaders and elders indicated that people did not like the LC's because they called them *ayang* (government) and preferred the elders. Father O'Halloran notes,

Nowadays the people who seem to be pushing for the decisions are the parish chiefs and the LCs. But in the sense they have to get the approval of the elders for different things. Even for a simple thing like getting land to plant trees or food for work program with world food programme, unless an individual agrees to give some private land.....Even to put medicine in pounds against guinea worms, the elders must be informed.²⁴

Some LC's are not initiated and they cannot, therefore, speak at in the Akiriket, hence their decision not respected, rendering them ineffective and outside the community and elder decision-making process. This calls for a need to harmonize the two systems. The communication between the LC/RDC/UPDF and the community is an important issue, in order for effective community based conflict management and development.

VIOLENCE AND CRIMINALITY WITH THE GUN

Weakening of the Customary Governance Institutions

According to many researchers, the elders have lost control over the youth and there has been a collapse of the customary governance institutions. However, as far as the Karimojong are concerned, observations, interviews, and recent descriptions by Novelli (2001) and Knighton (2005) challenge this assumption. Further studies should be undertaken to update the data on the Jie, Dodoth, and Upe Pokot systems.

The Karimojong elders of the senior generation-set still perform the ritual ceremonies. They also retain their political powers to bless and curse. For example, in Kangole, they fulfilled the rite of "freeing the cattle" (*akiwudakin ngaatuk*) in December 2001, just before the departure of the animals towards the dry season grazing area of Irriri. Pachol Paulo, the LDU commander for Matheniko County interviewed in Acholi Inn, January 23, 2001, told us that, in 1999, the Matheniko seniors observed the ceremony for opening the war against the Bokora (*amuronoot ngina ajore*) and that the warriors followed the purification rituals after the raids. Scarification is still practised. Paulo and another young warrior were proud to expose them as a sign of their bravery.

Failure of Succession Ceremonies

Dyson Hudson notes that the last succession ceremony (*akindung amuro*) was held in 1956, and that the next generation set ceremony should have taken place in the 1970s but was delayed because of economical and political factors. Ocan (1992), argues that this shows the irrelevance of the generation structure as a determinant authority in the present context. Knighton (2005) puts it down to lack of peace; however, the lack of passing the leadership baton can be attributed to several factors. Structural tensions exist in the customary traditional system of governance (generation systems).²⁵ Elders in interviews suggested that fear of the younger generation was a major factor in wanting to retain power, as outlined below. With the delay of the succession ceremonies, few senior elders remain and a large number of males are excluded from the customary decision process.

The Influence of Small Arms

Senior men interviewed admitted that an increasing number of raids are now mounted without their consent, especially in dry seasons when the herders are isolated from the permanent settlements. In those cases, the blessings of the elders are sought afterwards. Sometimes, however, warriors even mount raids despite the refusal of the seniors.²⁶ This was due to the power of the gun in the hands of the youths, and the fear by elders of the new generation not taking care of them. Eldership (illegitimate) can now be attained by the influence gained with the gun.

In Namalu, Nakapiririt District, I learnt of a son who shot and murdered his father who had been reluctant to release his contribution to the bride wealth of his son. During the fieldwork, the said young man had been reluctant for the researcher to take any pictures, his uncle then revealed the reason for his cautiousness. I learned also that he had been in the army, and deserted, likely taking with him his weapon. In most cases, murder demands sacrifice of bulls to the elders for forgiveness. I learned that the elders had refused, as it would allow other young people to follow suit in what was a growing problem.²⁷

Elders now have to 'negotiate' with youth, but an interview with elder noted that 'we have slowly managed to get back the power'²⁸, possibly insinuating that they too have managed to accumulate guns. This makes it even more important to communicate with elders in order to manage the small arms problem. Thus, the ability of the CGI to control conflict has been considerably weakened but is not dead. The emergence of commercial raiding with the entry of racketeers (who may in some cases be elders) complicates the issue, increasing demand for small arms and light weapons.

Some of the elders continue to encourage raiding the enemies for its benefits,²⁹ while others see the involvement of their sons in raiding as causing misfortune on their own people, hence try to discourage raiding.

FLAWED APPROACHES TO THE PROBLEM BY MODERN PUBLIC ADMINISTRATION

Militaristic Approaches

Violence in Karamoja has been the concern of progressive regimes colonial period and past colonial administrations. The Bataringaya commission in 1964 was set up to examine the causes of increased pastoral violence. According to the commission, the problem was that Karimojong were ‘anarchical and chaotic’, hence their refusal of assigned chiefs to them. The solution was ‘to strike holy terror among the people and show them that the government has enough warriors to combat with their own.’ (Bataringaya Report, 1964). The solution to Karimojong problem was, therefore, a militaristic one including the confiscation of cattle in response to raids. Gray (2000) notes that the first cattle were confiscated in 1963 with the use of helicopters.

Efforts at disarmament in Karamoja have been the concern of successive regimes from the colonial period and to the post-colonial administration. Amin’s approach was forceful and ruthless. Between Amin’s fall (1979) and Obote II (1985) two attempts were made to disarm the Karimojong. Obote attempted to forcefully disarm which led to bitter mistrust by the Karimojong.

The Panyangara shoot-out is one example of the heavy hand of the state. The community identified the cause of the incident as having been a disagreement with Army over animals reported to have been raided by Jie from Bokora. Gunfire is said to have broken out on May 3, 2002 between the *Karachunas* and UPDF. Thereafter, fire exchange continued for the next three days. In their ensuing battle, the UPDF burnt any structures in their paths. By the end of the 3rd day, at the initiation of the women and girls, the *karachunas* unilaterally declared a cease-fire and vanished from the battlefields. The aftermath left several villages, shelters, and granaries burnt, household items looted, people, and animals burnt in houses and some animals driven away by some elements of the UPDF. Widespread displacements occurred with some families only returning to their locations in November 2004 when I observed them rebuilding with the help of Oxfam. Sore feelings and mistrust between the local community and the UPDF entrenched. “The community reported fear of continued harassment by soldiers on their way to collect firewood for sale and/or going to the market or well.”³⁰

The most recent disarmament was implemented in 2001-2002 in two phases, voluntary and forceful.³¹ Observations in the field, in November 2004, indicated that warriors were not carrying arms in urban areas, official statistics indicate that nearly 10,000 arms were taken from the community (Mkutu, 2003, 2007; Gomes and Mkutu, 2003; SNV, 2004), which one can argue as being a credit to Museveni's strategy.

Civil military operation centres (CMOCs) were started at the time of the initiation of the voluntary disarmament. They were established to coordinate between the army and civil society in reaction to anxiety voiced in different meetings held by civil society organizations, kraal leaders, vigilantes, and women. The concerns included fear of human rights abuse violations by the army, the lack of preliminary sensitisation of the communities to be disarmed, and the awareness that the disarmament campaign could only be fruitful if there was cooperation between the army and the civil society (Gomes and Mkutu 2003, 2008b; SNV, 2004). The centres were expected to play a role in providing transparency and accountability in the entire exercise and were a noble venture. However, a major weakness of the CMOCs was the failure by the organizers to establish roles for the different players in the disarmament process, such that the army was left to carry it out alone. The centres failed to incorporate the community members, especially warriors and women, into their daily operations, repeating the previous mistakes.

However, there was some evidence that the number of arms handed in did not represent the estimated 160,000-200,000 arms present in the community (Mkutu 2007, 2008a; Mirzeler and Young, 2000). Violent conflict was not quelled, due in part to the failure to address the continual supply across porous borders and also the complex demand side of the small arms equation, in which livelihood and the need for security figure greatly. Interviews with various informants showed that another major issue was the removal of soldiers and LDUs from Karamoja to fight Kony's rebels in the Northwest of Uganda.

In September 2004, Museveni began a re-launched disarmament and deployed the army into border areas where the different ethnic groups conflict with each other. Voices raised by the civil society and donors forced the Uganda government to change the approach. The office of the prime minister was delegated to examine the entire exercise and come up with the way forward and a detailed report was produced (OPM, 2005). However, from the detailed report, the envisaged DDR was again top heavy, and did not adequately include the community. The Karimojong have continued to resist the army and cattle rustling violence has not been quelled.³²

The militaristic approach has created a small arms race with the community and exacerbated pastoral cattle raiding. Shooting warriors has hardened the community, including the elders, leading to a standoff.³³ Ironically a new conflict between the warriors and the army has emerged. On April 3, 2006 at Lopeit village, Loputuk parish, in Nadunget, several Karimojong were feared dead, and 10 were captured after a shootout with the UPDF that lasted an hour in the Moroto district.³⁴

This kind of disarmament is not the solution to the Karimojong situation. With the current increase in droughts in the region, an estimated 3,000 Pokot Kenyan herdsmen have reportedly crossed to Uganda after hearing reports that the government would forcibly disarm those with illegal guns³⁵. This is bound to escalate resource competition and violence.

The heavy handed approach by the UPDF can be explained in part by their own difficulties in dealing with the community. Soldiers themselves are vulnerable to insecurity and attacked by warriors and local vigilante groups who are trying to acquire arms. Facilities such as vehicles, equipment, housing, and other basic necessities are inadequately provided for. Poor coordination and communication within the security hierarchy and local administration adds to a sense of confusion and threat. The UPDF sometimes bypasses the appropriate chains of command and directly manages the conflict. The situation also raises the question as to whether the army is even the right agency to deal with an internal criminal issue. There are UPDF members who were interested in peace and appreciated collaboration with CSOs.

Militarisation by the State

One attempt by the state to manage violent conflict and work with the local communities has been the creation of local civilian security groups. With the rise of the Lords Resistance Army (LRA) in northern Uganda in the mid 1990s, militia groups were trained in several areas neighbouring Karimojong. There were 'Arrow Boys' numbering around 3,000 in Teso/Soroti, the 'Amuka Boys' of around 6,000-7000 in Pader and the Border Frontier Group of around 3,000 in Kitgum (Mkutu, 2008a; Gomes and Mkutu, 2003). The purpose was to allow the community to provide their own accessible community security to defend their livelihoods against the LRA but also against the Karimojong raiders.

In Karamoja, vigilantes were formed in 1993 by the community to mitigate the escalation of road ambushes. In the beginning, they did very well and were then incorporated in the state system, help the government track stolen cattle, and patrol roads; in exchange they would be paid 10,000 Uganda shillings (1 pound per month!) (Mkutu, 2003, 2007; Muhereza, 1997b). The state later decided to

recruit 1,000 in each of the 8 counties of Karamoja. Former vigilantes used their own arms, and registered them with the state as a condition of service, which was an effective measure in controlling arms. However, the service disintegrated when vigilantes were not paid and had to resort to their own means of survival.

In 2000, in response to the Iteso complaint of Karimojong raiders, the Local Defence Units (LDUs) were created. Once again they were envisaged as a civilian force, to work with the army against cattle raiding. In Iteso, 20 LDUs per parish were provided with arms and trained to ensure the protection of IDPs, but on the side of Karamoja, 60 LDUs were recruited per parish! In 2001, Katakwi received around 700 guns and around 700 LDUs were trained. Just before disarmament in 2001 many of the 8,000 former vigilantes were absorbed into the LDU, but it is not clear what happened to most of them. It is also not clear whether the guns owned by the former vigilante had been rounded up, or whether new weapons were provided.

Homeguards are a new creation, mainly in Pian, who were left exposed after giving their arms in the 2001 disarmament. The Uganda government then decided to arm nearly 650 Homeguards (Mkutu, 2007; Mkutu, 2005a).

The creating and disbanding of various paramilitary groups has led to a number of problems exacerbating violence. Firstly, there is confusion among the community about who is protecting them, which leads to anarchy and more violence. Secondly, there is a lack of proper control of weapons. When LDUs are recruited they are warriors, and their three months of training does not instil responsible use of these arms. The Dodoth, the Jie, the Bokora, the Matheniko, and even Upe Pokot behave still like warriors and are not ready to do work as a unified force but work like separate tribes (Mkutu, 2005ab, 2003; SNV, 2004). In the field in 2004, LDUs interviewed indicated that they did not get food regularly, there was no water in the barracks, and for two months they had not been paid. This forced some to go raiding yet they are the same people who are expected to provide security for the community's livelihood. LDUs noted that when recruited, they thought they would be given the chance to direct the protecting their own communities and livelihood. However, they have been disappointed to see that they are restricted to barracks. When cattle raid incidents occur even involving their own cattle, they are not allowed to respond promptly but must follow the UPDF command, something they are not used to. Violation and desertion are common and they take their arms with them, having benefited from the training and able to train warriors for themselves (Mkutu,

2007; SNV, 2004). Their ultimate allegiance to their own community defeated their role as unifying peacekeepers.

CONCLUSION

This article has argued that there are at least two parallel governance systems in Karamoja, both of which largely fail to acknowledge or incorporate the other. National and district authorities have exacerbated this problem through policies that either neglect or undermine traditional governance systems. Policies have been shown to be overly militaristic, and do not address the central issue of livelihood, which is behind the demand for small arms, and thus have made enemies of the communities. The formation of vigilante groups and home guards have led to additional threats to law and order and to the increased proliferation of small arms, endangering the official security itself.

The weakness or absence of modern public administration on the ground has allowed insecurity and disorder to flourish, and customary governance systems though themselves weakening; still have the legitimate and actual power over communities. The issue of elders losing power is more complex than assumed and these grass root structures are still vital to understanding and tackling conflict in pastoral areas. Rather than condemning their weakness it is important to consider building upon the strengths of both traditional and modern knowledge and practices.

Despite the sustained local, state and regional efforts to resolve inter-community conflicts in Karamoja and across the borders, there has been no success in reducing the tally of these conflicts in successive years. Knighton (2005:101) notes that ‘Government is keen to see a traditional solution to crime, but powerless to mobilize the elders...’ The inability of these efforts to contain and resolve the conflicts infers a failure to identify a conflict-resolution framework that would satisfy the traditional (though changing) socio-political and cultural dynamics of the parties in conflict. Such a framework will have to be rooted in customary principles of “war and peace” as embedded in traditions and social structure of a community that takes into consideration not only the distributive issues that are amenable to negotiation and acceptable solutions, but also the subjective and emotionally loaded issues such as group status, identity and survival that are often non-negotiable and principal sources of unmanageable conflicts.

This has worked in Kuria, Kenya where the *Iritongo* was able to collect arms without the government (Heald, 2002; Mkutu, 2007). Modern public administration has failed to adequately

understand and value African traditional systems that have evolved over generations. Modernity is not necessarily helpful in security terms. Eliot, a commissioner in Kenya noted the difficulties of Africans accustoming themselves to European forms of justice, and quickly recognized that local custom should be given greater consideration wherever possible.³⁶ The traditional structures for conflict resolution through councils of elders, traditional courts and peer or age-groups supervision, can still be used to resolve conflict if indigenous knowledge and culture practices are recognised and respected by modern public administration (Mkutu, 2004).

The livelihood and insecurity solution in Karamoja must emerge from within the people and determination of the Karimojong themselves who can guide the other external actors, including government to fight insecurity and then priorities resources and key development needs of the Karimojong people. The local knowledge of elders represents a useful link between these communities and modern public administration. Customary legal institutions evolve to facilitate voluntary interaction, while enforcement of authoritarian laws require relatively more force³⁷ (Bruce Benson, 1993). Hayek (1973, 1981) notes that rules that emerge from customary law will possess certain attributes that authoritarian “law invented designed by a ruler may need not possess, and are likely to possess only if they are modelled after the kind of rules which spring from the articulation of previously existing practices. The attributes of customary legal systems include an emphasis on individual rights because recognition of legal duty requires voluntary co-operation of individuals through reciprocal arrangements. Such laws and their accompanying enforcement facilitate co-operative interaction by creating strong incentives to avoid violent forms of dispute resolution. Thus the law provides for restitution to victims arrived at through clearly designed participatory adjudication procedures, in order to both provide incentives to pursue prosecution and to quell victims desires for revenge.

CGIs have some inherent problems, which must be mentioned. Firstly from a philosophical angle, they contradict the view of the modern state as having monopoly on the use of violence. More practically this can be problematic in terms of universally accepted principles of human rights, which may be contravened. Witchcraft and superstition are other problems, ruling communities by fear rather than democracy. There is another danger that the CGI can become other spokesmen of the regime, like the colonial chiefs, importantly the need to represent the communities. If mainstreamed in the modern system of administration, negative elements may be more easily managed.

There is need, therefore, for research into the mechanisms of CGIs and how they might be harmonised with modern public administration as an effective conflict transformation strategy. More

resources must be allocated to capacity building state agencies in understanding, dealing and including CGIs.

¹ The Greater Horn of Africa includes the Horn of Africa and the Great Lakes (GHA).

² See for example *Small Arms Survey*, 2007:290-297

³ Interview Father Novelli, Moroto, 20 June 2001

⁴ The Northern Uganda Reconstruction Programme, Karamoja Development Agency, Northern Uganda Social Action Fund, and the current Peace, Recovery and Development Plan and the Karamoja Integrated Development and Disarmament Programme.

⁵ See *East African Magazine July 7-13th 2008 pp.IV-V*

⁶ Eaton, 2008ab

⁷ Mkutu 2006c, Egesa and Mkutu 2000, Heald 2006

⁸ Interview Hehe elder name withheld Dar es salaam, Tanzania 5 May, 2008.

⁹ Interview participants at the Lake Victoria Basin Commission workshop in Arush 3 July, 2008.

¹⁰ Augsburger, 1992

¹¹ Kotido District 605,322, Moroto District, 194,773, and Nakapiripirit 155,150, these figures are questionable however, see Mkutu PhD 2005.

¹² Moroto District Development Plan 2004-2006.

¹³ This was noted by a participant during the Mbale workshop on Small Arms held from 16-17 May 2003.

¹⁴ Interviews elders Moses Mudongo, Moroto 2001, 2003 and 2004; Philip Ichumer, Namalu, 2001, 2002 and November 2003; Apuse and Peter Lokiru, Kotido, 2003 and October – November 2004

¹⁵ Interview Father Novelli, Moroto, 20 June 2001

¹⁶ Interview Lokiru Peter Kotido 6th October 2004

¹⁷ Interview Novelli, Bruno , Moroto, 17 June, 2001.

¹⁸ Interview elder, Nakiloru, 1 February 2003; I visited a *kraal* in Namalu where the commander was not an elder.

¹⁹ Pazzaglia 1982:98

²⁰ *ibid.*

²¹ With time *Akiwor* has changed but it still exists in the form of age-sets.

²² Interviews Focus group discussions in Loputuku and Musasia November 2004.

²³ Interviews with elders in Moroto 31 January 2003.

²⁴ Interview Father Philip O' Halloran Panyangara RCC 6 October, 2004

²⁵ Interview Bruno Novelli, Moroto Diocese 16 June 2001.

²⁶ This was noted in interviews with elder Philip Ichumer, 20 July 2001, interviews with cattle traders in Namalu and Nabilatuku, 26-29 January 2003.

²⁷ Interview with KISP Chairman, Namalu, June 2001

²⁸ Interview Namalu, Moroto, and Kotido KISP elders 2001, 2003 and 2004.

²⁹ Interviews Elder Namalu, 19 June 2001

³⁰ Interviews with elders, warriors and women Panyangara 8 November 2004.

³¹ Voluntary disarmament started on 2nd December 2001 and ended on 2nd January 2002. While the force full disarmament commenced on 15 February and is still ongoing.

³² *Daily Monitor*, 28 April 2006; Mkutu, 2006c

³³ *Daily Monitor* April 3, 2006 'Army captures K'jong warriors' Accessed 3 April

³⁴ *Daily Monitor* 3 April 2006 'Army captures K'jong Accessed 3 April warriors' <http://www.monitor.co.ug/news/news040312.php> accessed 3 April 2006

³⁵ Daily monitor 28 April 2006 'Over 3,000 armed Kenyan herdsmen enter Uganda' <http://www.monitor.co.ug/news/news042811.php> see also East African Standard 'Thousands flee homes as cattle rustlers strike' http://www.eastandard.net/hm_news/news.php?articleid=1143951180

³⁶ Eliot to Lansdowne, private, 17 January 1904, F.O. 2/834

³⁷ Bruce Benson, 1993