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Summary of

Tradition in Transition:

Customary Authority in Karamoja, Uganda

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IN KARAMOJA, customary law is more than a legalistic code governing right from wrong. Rather, it is the normative framework that regulates the judicial, political, social, and religious processes of the groups that live within the region. Coordinated by elder males within each community, customary law historically provided a vital means for maintaining social cohesion, adjudicating crime, furnishing a framework for mediating inter-group conflict, and coordinating resource sharing. This study focused on capturing the current status of customary authority among four groups: the Jie and Dodoth in northern Karamoja and the Tepeth and Matheniko in southern Karamoja.

For a number of reasons, customary law has sharply declined in influence and effectiveness in recent decades among the four groups. First, both the loss of livestock due to increased raiding and a shift away from pastoral livelihoods have fundamentally transformed customary institutions. Customary law hinged on livestock, which provided both the means for compensation and the resource necessary for the most important social rituals (e.g., initiation, marriage, death). Second, changing worldviews among the people of Karamoja – due to increased trade, education, and migration – are challenging the old cultural monopoly of traditional approaches. Third, authority in Karamoja is rooted in processes of generational succession. Those processes have broken down in many places in recent year and initiations for young men have largely ceased (although this is starting to change in some areas). This has resulted in a rift between elders and those younger men impatient for greater social roles in their communities. Fourth, the rise of crime – particularly those crimes perpetrated by



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impoverished younger males – has impaired the authority of customary institutions and aggravated the problems of livestock shortages. Fifth, as elders have lost control over their communities, their ability to negotiate with other groups has also declined, undermining the ability of customary institutions to guarantee the regional peace. Lastly, formal state institutions are increasingly providing another nexus of power in Karamoja which oftentimes contradicts the authority of the elders.

Nevertheless, throughout Karamoja customary institutions continue to provide a number of important services to their communities and the region. In many places this study found that elders provide the best means for adjudicating crimes and resolving disputes. This is particularly true where state institutions, such as the courts or police, lack resources or are not seen as trustworthy. Customary law is a community affair, and therefore in many places is believed to be faster and more transparent in process than the formal



system. Furthermore, customary law is often a preferable avenue for victims because it is rooted in processes of compensation; in contrast, formal institutions typically provide no guarantee of compensation. Lastly, in a manner distinct from formal penal processes, the goal of customary law is the maintenance of social cohesion, and traditional institutions are focused on resolving disputes in a way that heal communal relationships frayed by crimes.

One of the goals of this study was to track the perceptions of customary law, and its present effectiveness or ineffectiveness, across demographic classes among the four groups. A great deal of variation was apparent between and even within communities, but a number of general trends were also apparent. Among community elders, there is a reluctance to believe that customary institutions themselves are weak or ill-suited to the times.



THE LEADING REPORTED CASES TO UGANDA POLICE IN C/NE JAN-JUNE 30 th 2011.			
S/No.	NAMES OF CASES.	NUMBER OF SUSPECTS.	PERCENTAGE (%).
01	COMMON ASSAULTS		
02	THEFTS OF ALL KINDS		
03	CATTLE THEFTS		
04	THREATENING VIOLENCE		
05	MURDER BY SHOOTING		
06	DOMESTIC VIOLENCE		
07	THEFT OF MOBILE PHONES		
08	TRAFFIC & ROAD SAFETY ACT		
09	DEFILEMENT		
10	MALICIOUS DAMAGE TO PROPERTY		
11	BURGLARIES		
12	CRIMINAL TRESSPASS		
13	CHILD NEGLECT		
14	AGGRAVATED ASSAULTS		
15	MURDER OTHER THAN SHOOTING		
16	CHILD DISAPPEARANCE/ MISSING		
17	FIRE ARMS		
18	CHILD ABUSE/TORTURE		

Rather, many believe that the waning power of customary law is only temporary, and will be restored once herds are replenished. Women were generally among the most vocal critics of customary law. In particular, they were critical of the inability of elders to provide protection, and also complained of the gender biases inherent in customary law processes. Among the male youth,

responses varied by community, but in general they said that elders have been slow to adapt to the times, as evident in evolving livelihoods and the failure to initiate the next generation set.

In order to provide an examination of the overlap between customary and formal institutions, as well as to record formal actors' perceptions of the status and effectiveness of customary authority, the study also focused on customary law's interaction with formal actors in Karamoja. In general, formal actors recognize the decline of elder power in Karamoja, while also appreciating their enduring local relevance on some issues, particularly dispute resolution. While some actors, including security forces and appointed district officials, were contemptuous of customary institutions, others – such as magistrates – recognized that the state's presence on the ground was not nearly robust enough to replace traditional practices. Indeed, many formal actors recognize that the elders remain central to peace in Karamoja. The worst interaction between customary institutions and their formal counterparts was evident in the case of the UPDF, whose members were at times brazenly disdainful and actively insulting of traditional practices.





Based on this study, we provide a set of conclusions and recommendations. In general, customary institutions provide a critical set of practices which, if strengthened, can improve peace-building in Karamoja. However, addressing the weaknesses of the elders will not be easy. Simply replenishing lost herds will not address the violence and criminality that diminished both livestock and the authority of the elders. Nonetheless, a number of approaches can be

taken. First, economic development in Karamoja must be community-based and locally-led, and should be conducted with an eye toward increasing the relevance of customary authority. Second, to strengthen the role of the elders in mediating group conflict and resource sharing, the government should limit its role in land use management to policies that support and bolster the important and appropriate livestock sector. In general, government attempts to control animal





populations and grazing practices have been destructive, both from a livelihoods perspective and in terms of undermining local authority. Third, while expanding education in Karamoja is critical to developing the region and providing alternative livelihoods opportunities, education curricula should not disparage pastoralism or traditional culture. An educated generation will include natural leaders of their communities, and these individuals will be well-positioned to both sustain customary institutions as well as prompt the evolution of these systems in response to new needs. Fourth, legal aid should foster greater cooperation between the customary and formal sectors. This will require the education of both sides. Formal actors should learn to respect and, in appropriate cases, incorporate traditional practices; customary actors must assimilate and be respectful of the formal legal system. Fifth, gender-sensitive programs should focus on closing the gap between men and women in traditional fora. To avoid resistance from male dominated communities, and to preserve the safety of women, working on gender issues should be done indirectly, through the cultivation of women's peace-building activities, women's livelihoods programs, and

educational programs for male youth and male elders. Sixth, civil society programming should focus on basic rights education, building civic partnerships between civilians and government officials, and increasing the functionality of formal justice systems. While this report recommends that customary institutions be shored up, it also suggests that development actors cultivate new community institutions with the capacity to contribute to peace-building and development. These might include women's and youth groups, which have sprung up in many communities to address the breakdown of traditional authority and regional insecurity. Lastly, the provision of security for communities in Karamoja is one of the basic conditions necessary to reinvigorating customary institutions. Unfortunately, at present, formal security institutions do not yet have the capacity to fully meet the security needs of communities. To address this need, the role of the UPDF in providing community policing should be gradually diminished, the civil police force should be expanded, and – where possible – young men and women from Karamoja should be recruited to fill the police ranks.



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