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LOCAL AUTHORITY AND ACCOUNTABILITY IN UGANDA. THE ROLE OF  
MOBILE MONEY IN THE REVIVAL OF CUSTOMARY INSTITUTIONS  
AMONG THE ACHOLI

**Presentata da:** Raffaello Petti

**Coordinatore Dottorato**

Daniela Giannetti

**Supervisore**

Corrado Tornimbeni

**Co-supervisore**

Augusto Valeriani

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“I wish it need not have happened in my time,” said Frodo.

“So do I,” said Gandalf, “and so do all who live to see such times. But that is not for them to decide. All we have to decide is what to do with the time that is given us.”

J. R. R. Tolkien – *The Fellowship of the Ring*

## TABLE OF CONTENTS

<b>Abstract</b>	<b>I</b>
<b>Acknowledgements</b>	<b>II</b>
<b>Abbreviations</b>	<b>III</b>
<b>Introduction</b>	<b>1</b>
<b>Chapter I - Setting the Scene: Historical and Political Background of the Research</b>	<b>28</b>
1.1. Obote and the Buganda Crisis	28
1.2 There and back again: from Obote I to Obote II	33
1.3 The war goes North	38
1.4 The war against LRA	41
1.5 The revival of ‘cultural institutions’ in Museveni’s Uganda	45
1.6 The Kamwokya quarter in Kampala	52
<b>Chapter II - ‘Modern Clans’: The Formalisation of Customary Law in Acholiland</b>	<b>57</b>
2.1. The reinvention of traditional justice and the role of external actors	57
2.2 The Ker Kwaro Acholi	61
2.3 ‘Modern clans’: changing vocabularies and the formalisation of traditional authority	68
2.4 The reproduction of traditional authority in Kampala	78
2.5 Portrait of an urban representative	81
2.6 Conclusion	85
<b>Chapter III - Mobile Money, Accountability, and the Organisation of Affection in Acholi Migrants-Chiefs Relationships</b>	<b>87</b>
3.1 The economy of affection: trust, accountability, and brokerage	90
3.2 Migration, mobile money, and institutions: a literature review	97
3.3 Contributions, traditional leaders, and the organisation of affection	100
3.4 From envelops to phones: remittance networks among Acholi migrants	110

3.5 Trust and accountability in fundraisings before and after mobile money	117
3.6 Conclusion	123
<b>Chapter IV - When ‘Things Go Cultural’: The <i>Askari</i> and the Enforcement of Customary Law upon Acholi Migrants</b>	<b>125</b>
4.1 The state and the others: hybrid governance in Sub-Saharan Africa	127
4.2 The <i>askari</i> in Acholi clans	132
4.3 The extents of force: violence and non-violence	135
4.4 The genesis of the <i>askari</i>	140
4.5 Enforcing the customary law upon migrants in Kampala: of traditional leaders, mobile money, and the state	146
4.6 Between police and courts	149
4.7 Legitimising customary law enforcement in post-war Acholi clans	153
4.8 Conclusion	158
<b>Chapter V - Levying in Disguise: The ‘Revival’ of Taxation in Acholi Clans?</b>	<b>160</b>
5.1 <i>Rwodi</i> and resource extraction in Acholiland: historical trajectories	161
5.2 Social change in post-war Acholiland	169
5.3 State laws on funding cultural institutions and their impact among the Acholi	173
5.4 A new strategy for resource extraction in Acholi clans: membership fees	179
5.5 Membership fees as a disguised poll-tax?	182
5.6 The duty to feast: meeting fees and fines	185
5.7 Conclusion	189
<b>Conclusions</b>	<b>191</b>
<b>References</b>	<b>199</b>
<b>Appendix 1 – Structure of the Ker Kwaro Paicho Chiefdom</b>	<b>254</b>
<b>Appendix 2 – The Royal Structure of the Pajule Monarchy</b>	<b>255</b>
<b>Appendix 3 – By-Law of the Poromoy/Adilo Sub-Clan</b>	<b>256</b>

## ABSTRACT

In the mid-1990s, the government led by Yoweri Museveni inaugurated a state-led process of ‘resurgence’ of traditional authorities in Uganda, posing an end to the 30 years long ban enacted by Milton Obote in 1967. Among the Acholi of Northern Uganda, the revival of chieftaincy has unfolded in a context characterised by profound disruptions of the social and material fabric of society caused by two decades of war and displacement, as well as by the massive intervention of humanitarian and development agencies. Although the latter bolstered the reinstalment of chiefs and framed them as crucial agents of the post-war pacification and reconstruction agenda, nowadays many traditional leaders are still struggling to regain their legitimacy and prestige.

This thesis investigates how, in the process of ‘bringing the clans back together’, the institutions of traditional authority are being restored, reshaped, and reinvented in contemporary Acholiland, and how such institutional changes reflect shifts in power arrangements. Further, it scrutinises the narratives that are deployed to legitimise such transformations, and how the uptake of new mobile money services reconfigures the financial aspects of such processes – especially in the case of migrants-chiefs relations. In particular, this dissertation tackles four issues. First, it analyses the processes of formalisation and codification of customary law and hierarchies of traditional authority. Second, it analyses how the adoption of mobile money has reshaped the mechanisms of resource pooling and remittances delivery in Acholi clans towards an enhanced accountability of traditional leaders. Third, it investigates the rise of new institutions for the coercive enforcement of customary law, which are backed by the state. Fourth, it shows how traditional leaders are reinventing the mechanisms of resource extraction from their subjects by establishing covert forms of taxation.

Keywords: Uganda; Acholi; traditional authority; mobile money; accountability.

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## ABBREVIATIONS

DRC	Democratic Republic of the Congo
GPT	Graduated Personal Tax
HSM	Holy Spirit Movement
HSMF	Holy Spirit Mobile Forces
IBEAC	Imperial British East Africa Company
ICC	International Crime Court
ICT	Information and Communication Technology
IDP	Internally Displaced People
IFI	International Financial Institution
KKA	Ker Kwaro Acholi
KY	Kabaka Yekka
LC	Local Council
LRA	Lord's Resistance Army
MP	Member of Parliament
NGO	Non-Governmental Organisation
NRA/M	National Resistance Army/Movement
OC	Organising Committee
RC	Resistance Council
SAP	Structural Adjustment Programme
SPLA/M	Sudan's People Liberation Army/Movement
UN	United Nations
UNLA/M	Uganda National Liberation Army/Movement
UPC	Uganda's People Congress
UPDA/M	Uganda People's Democratic Army/Movement
UPDF	Uganda People's Defence Forces

## INTRODUCTION

In the early post-colonial period, independence leaders in countries such as Ghana, Tanzania, Uganda, and Mozambique enacted policies aimed at the disempowerment and eradication of traditional authorities, as they were seen as hideous inheritances of a dark colonial past that hindered the creation of modern nation-states cleansed from tribalism. Indeed, at that time, many chiefs and kings did not enjoy a positive reputation: during the colonial period, in many contexts, these elites exploited their privileged position as both *domini* of their communities and key agents incorporated into the coercive colonial apparatuses, enriching themselves through corrupt practices and by moulding customary laws to their own advantage. Thus, traditional authorities were perceived as residual and dying institutions having no role to play in the emerging ‘modern’ African state, and largely disappeared from the radars of academic inquiry (Mamdani 1996; Herbst 2014).

Nonetheless, over the last three decades, traditional authorities appear to have ‘resurged’. In the aftermath of the protracted socio-economic and political-institutional crises that characterised most African states between the 1970s and 1980s, the wave of democratisation that has swept the continent since the end of the Cold War has been paired with one of ‘retraditionalisation’ (Buur, Kyed 2007). In the new dynamics of political liberalisation, traditional authorities have lost their aura of ‘negative forces’ and have been increasingly integrated in mainstream processes of state-building and civil society involvement in governance processes. At the same time, the growing prestige, power, and legitimacy chiefs and kings are again bestowed with has not gone unnoticed: an increasing number of scholars have questioned the new roles they are playing in political and social processes in contemporary African states, and how they have managed to become important if not fundamental actors (e.g. Geschiere 1993; Mamdani 1996; Englebert 2005; Hagmann 2007; Ubink 2008; Kleist 2011;



Eggen 2011; Baldwin 2013; Logan 2013; Power 2020).

Whether in the form of eldership, chieftaincy, or kingship,<sup>1</sup> traditional authorities constitute strong institutions that persist in parallel with the state, and often represent crucial political institutions embodying the values and cohesion of local communities – at least at the rhetoric level – in many present-day African contexts (Mengisteab, Hagg 2017; Englebert 2002). Traditional leaders are often entitled with quasi-judicial functions for the settlement of disputes between their subjects, are key mobilisers of workforce and resources, as well as powerful gatekeepers to whom African politicians and statemen pay respect (and money too) in turn of electoral and political support. Even more importantly, traditional authorities have often filled the vacuums left by national institutions not only by providing services otherwise inexistent, but also locally maintaining variable degrees of law and order (Blunt 2010; Willis, Gona 2013; Lund 2006b).

Further, traditional leaders have often become brokers between the state and their local communities that facilitate the delivery of public goods and development projects. Their commitment in doing so, as Baldwin (2016) explains, is largely due to the self-interested purpose of enhancing their leadership position. Chief's own power and wealth are inextricably tied to that of the communities they are embedded in; moreover, being often life-time rulers, they are incentivised towards investments “that will improve the ability of their communities to act collectively over the long term” (*ibid.*, 11).

At a glance, the new ascent of traditional authorities could be attributed to

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<sup>1</sup> In broad terms, *eldership* refers to social structures in which authority is bestowed upon lineage elders, who usually operate as facilitators, mediators and repositories of ‘natural’ wisdom and expertise acquired through life experience (Fonchingong 2018). As Kopytoff (1971: 132) writes, even though “the lineage is fully and legally represented by the oldest adult member”, eldership does not simply relate to the state of being old in absolute terms. Rather, it is grounded on a continuum of authority that unwinds through the generational structure, in which seniors hold authority over the juniors. *Kingship* generally refers to state-like centralised polities characterised by a clear distinction of roles within hierarchical structures, articulated administrative systems, and the presence of a monarch ruling over lineages with whom he/she does not share blood ties. This form of traditional authority encompasses polities such as kingdoms, empires, and caliphates. Lastly, *chieftaincy* refers to those political systems headed by a chief that have not achieved the same degree of institutional, administrative, and hierarchical complexity of kingdoms (van Dijk, van Rouveroy van Nieuwaal 1999; Costa 2000; Gentili 2008; Ubink 2008). Indeed, such ideal types need to be treated with a grain of salt, as they manifest themselves with a noticeable variability across different contexts and historical periods.

structural weaknesses of African states, which would allow these institutions to prosper. Differently from the West, indeed, many African countries are characterised by conditions of limited and fragile statehood or the state's difficulty to exercise its monopolistic power in rural areas with respect to other institutions (Herbst 2000). In such cases, as Lund (2006b: 686) explains,

“It is difficult to ascribe authority to the ‘state’ as a coherent institution; rather, public authority becomes the amalgamated result of the exercise of power by a variety of local institutions and the imposition of external institutions [...]. In some areas, authority may be exercised by institutions with near hegemonic competence, while at the same time their authority in other domains may be ferociously contested. [...] Such institutions operate in the twilight between state and society, between public and private.”

Nevertheless, authors such as Englebert (2002) and Buur and Kyed (2007) have shown that, on the contrary, ‘resurgence’ has proved stronger not in failed ‘hollowed out’ states, but in those that: a) have enhanced the *de jure* status of traditional authority and supported the restoration of traditional institutions and customary law regimes; b) have a strong and extensive state apparatus that integrates traditional authorities in local governance institutions and practices; c) have pursued multiparty democracy and decentralisation reforms that open local and national political arenas to non-state actors; d) have adopted neo-liberal economic policies that, while cutting public expenditure, have allowed other actors to step into service provision.

Nonetheless, traditional authority is nowadays reproduced in quickly changing societies. During the last decades, the soaring process of urbanisation has led millions of Africans to abandon the countryside and seek fortune in major cities, also in order to relieve their poor kin in the rural homeland through the dispatch of remittances. The magnitude of this process is such that the percentage of urbanised population in the continent has grown from 27% to 43% between 1950 and 2018, and it is projected to reach 60% by 2050; in absolute terms, between 1950 to 2018 Africa's urban population has passed from 33 to 548 million (UN-DESA 2019). Most often, migration is undertaken by individual

young males, and 60-70% of all migrants is aged between 15 and 34 (FAO 2017). Together with the unprecedented inflow of money reshaping the old patterns of accumulation in rural areas, migration also produces shifts in individual and collective identities, as migrants absorb, internalise, and bring back new values and lifestyles from the city (Chukwuezi 2001; Hahn, Klute 2007; Greiner 2010).

At the same time, during the last decade, mobile money services have become some of the most widespread financial services in the African continent. These tools allow the safe deposit, withdrawal, and transfer of money through mobile phones, have low entry and running costs,<sup>2</sup> and can thus be easily accessed by all those poor who were previously financially excluded from the formal banking sector. Previous research has shown that mobile money services allow individuals to mobilise capital through social networks for investment, consumption, and solidarity relief purposes (e.g. Rea, Nelms 2017; Munyegeza, Matsumoto 2016; Maree *et al.* 2013). Also, studies on migratory networks show that mobile money allow urbanised migrants to take part to the social life of their community of origin, as the delivery of funds in occasion of ritual ceremonies becomes a proxy of the migrant's presence (Kusimba 2018a; Guma 2014). On the other side, the uptake of mobile money allows rural families to exercise a higher control on the 'economic debauchery' of migrants hence improving the flow of remittances and redefining gender-based power relations within families (Morawczynski 2009; Morawczynski, Miscione 2010). Indeed, transfers of value of this kind, as well as their refusal, are defining moments through which social relations are reproduced, redefined, or even undermined. While transfers *per se* may take place between single agents, their occurrence is framed by socially constructed sets of rules, obligations, and expectations – that is, institutions. As mobile phones and mobile money respectively ease communication and value transfer thus compressing time and space as constraints to interactions (Maurer 2012a, 2012b; Maurer *et al.*, 2013), their

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<sup>2</sup> These costs usually consists in deposit, withdrawal, and transfer fees, while customers are not charged for just having an account – differently from many banks. In the Ugandan case, the government has also imposed a 0.5% tax on transactions, deposits, and withdrawals.

usage allows individuals to both enforce and comply to norms more effectively, but it also produces changes in existing institutions.

### *Problem statement*

As the above-mentioned transformations affect the social and material bases upon which the power and legitimacy of traditional authorities are built, it needs to be understood how traditional leaders are coping with the ongoing changes and how they are attempting to re-adapt the institutions they preside. Hence, this thesis broadly tackles two closely interrelated issues: first, it analyses how customary law is changed and enforced by traditional leaders upon rural-urban migrants in contexts in which their communities are becoming increasingly scattered because of outmigration phenomena. Second, it investigates how the mechanisms of resource extraction and mobilisation of funds related to traditional authority institutions are being reshaped, especially since the diffusion of mobile money services is reconfiguring the way in which value flows in Ugandan – as well as other African – societies. These issues are under-investigated in the literature, but of crucial importance to understand how present-day traditional authority is reproduced and transformed, and how contemporary migratory flows trigger transformations in socio-economic, political, and development processes. On the one side, indeed, the exercise of public authority in its both mundane and ritual/ceremonial aspects require sizeable resources; the lack of funds can quickly bring chiefs to be unable to fulfil their duties as they are expected to by their subjects, which can undermine the support they enjoy and their legitimacy as rulers. On the other side, understanding *how* customary law enforcement is operationalised gives new insights on how traditional leaders are trying to govern increasingly trans-local communities, especially in relationship with the limits to their rule imposed by the state legislative framework.

### *Case study selection*

In order to understand these phenomena, this dissertation analyses the case of the Acholi ethnic group in Northern Uganda. This country was selected because of its historical-institutional trajectory: as mentioned before, Uganda belongs to that group of African countries that outlawed traditional authorities shortly after independence, then to reinstate during the 1990s (Reid 2017). In the last decades, the ‘resurgence’ of these institutions has taken the shape of a state-led process, although the government has operationalised the constitutional clauses with a specific law just in 2011 (Nsibambi 2014). Hence, for a variety of reasons discussed later, traditional authority in Uganda largely represents a domain that is still ‘in the making’, and thus constitutes a context in which the researcher can investigate socio-political processes as they are deploying.

In this scenario, the case of the Acholi was selected because it responds to a set of criteria that are conducive for the study. First, Acholiland nowadays configures as a post-transition area that has emerged from 20 years of war in 2006: as the violence and length of the conflict largely disrupted Acholi pre-existing social structures and the reinstalment of traditional leaders has started much later than in other parts of Uganda, this case study allows to observe the investigated dynamics from a privileged point of view (Atkinson 2010, Paine 2014; Komujuni 2019). Second, the Acholi people present long-term, structured outmigration phenomena towards urban areas for economic reasons, both before and especially after the conflict. Third, Acholiland is located far from Kampala, and it takes 8 to 10 hours of bus to travel from the capital to Gulu - the crucial urban node in the North. Since this thesis focuses on migrants and distance from the homeland is a main driver in the adoption of mobile money services for the delivery of remittances in place of hard cash, the Acholi represented a highly suitable group for the purposes of this study. Finally, although a not extensive but fair amount of literature on post-conflict Acholi traditional authority exists, no work has thoroughly investigated either how Acholi chiefs are reshaping and enforcing customary law nowadays or how they are coping with the issue of resource extraction insofar.

## *Conceptual Framework*

Even though this thesis is subdivided in *quasi* self-standing Chapters with their own peculiar conceptual and theoretical assumptions (see the *Thesis outline* section below), all of them share a common background. This paragraph describes the core concepts on which the dissertation is grounded, which pertain to two topics: first, it outlines the institutionalist background and provides an operational definition of traditional authority institutions/traditional authorities. Second, it overviews the main terminology related to traditional leadership among the Acholi.

### *Institutions and traditional authority institutions*

Following Geoffrey Hodgson (2006, 2015a, 2015b), institutions can be defined as “durable systems of established and embedded social rules that structure social interactions” (Hodgson 2006: 13). These ‘social rules’ are “socially transmitted and customary normative injunction[s] or immanently normative disposition[s] [... and] include norms of behaviour and social conventions as well as legal rules” (ibid.: 3) – whose reproduction does not depend much on genetic inheritance, but upon the presence of a social culture and the use of some form of language. To be such, rules must be “in actual or potential use in a community and not merely rules in form [that is, as mere declarations by some authority]. Even if the rule is never violated, it must act as a real constraint” (Hodgson 2015a: 58).

Institutions structure social life by providing form and consistency to human actions through a framework of constraints and expectations that define, limit, but also enable and incentivise individual sets of choices; they reduce uncertainty within a given context by making others’ behaviour predictable or understandable (North 1990). Following Lowndes and Roberts (2013), who build on the Northian ‘rules-norms’ duo, institutions shape human behaviour through three devices: rules, practices (or norms), and narratives. According to the authors, formal rules are represented by those constraints that are “formally

constructed and written down” (2013: 53), such as constitutional clauses, national and international laws, protocols, and regulations, and which can be sanctioned via formal rewards and punishments that are ultimately enforced by the state. Practices, in turn, are transmitted through demonstration: that is, players learn their supposed behaviour by observing other actors’ routinised actions and recreating them. ‘Good’ and ‘evil’ patterns of behaviour such as decency, accountability, clientelism, and patronage all represent examples of practices, which can both reinforce, exist in parallel, or being in contradiction with formal arrangements. Practices are neither recorded nor sanctioned formally; instead, actors comply to them as a matter of social obligation towards others’ binding expectations, and sanctions may range from disapproval and social isolation to trying to formally outlaw such behaviour (North 1990: 47). Third, narratives are systems of stories and symbols that provide the ‘moral justification’ for given institutional arrangements, embodying values, ideas, and power. Narratives do not belong to the realm of coercive regulation, but rather to that of persuasion, and “secure compliance by establishing as ‘taken-for-granted’ certain framing devices, explanatory categories and normative understandings” (Lowndes, Roberts 2013: 64).

While institutions provide stability, it does not entail that they are also efficient in economic or political terms, and the causes for dysfunctionalities are multiple. As Pierson (2000) and Miller (2000) explain, designers may not create an institution for purely instrumental purposes, but rather for what they deem appropriate in relation to culturally-specific practices, beliefs, myths, and ceremonies; moreover, even though actors operate rationally, institutions could be moulded accordingly to short time horizons as responses to contingent issues, while players may lack incentives towards long-term thinking or may actually care about the future, but perceive their inability to exercise any influence on it. Third, even if an institution is rationally designed, unexpected outcomes may arise, especially in cases of high social complexity.

It has also to be considered that single institutions - and political ones in particular - are not often subject to competition, but they monopolise a segment of the play field (North 1981, 1990; Bueno de Mesquita, Root 2000; Fiani 2004):

for instance, at least in the West, the state holds the monopoly of the legitimate use of violence (North *et al.* 2007; Acemoglu *et al.* 2005). This is particularly relevant in the light of North's studies (1981, 1990), which highlight how political institutions can become tools in the hand of the rulers to retain power and protect their own prerogatives, whereas other players are moved to find a place within the clientele and patronage networks. As Green (2011a: 422) notes, "inasmuch as rulers are the ones who decide when, where, and to whom they will allocate patronage, their institutional choices are governed by the desire 'to maximize their individual political power [...] by designing institutions that will allow them to exercise their power to the greatest extent possible. They will prefer institutions that make them more powerful rather than less'."

No matter how institutions can be uneven or involuntary, they always involve a contract between parties – even though such relationship assumes coercive traits. Power here appears as a crucial determinant of these structures: as Hall and Thelen (2009: 13) point out, institutions are 'collective constructs' that require coordination among individuals to exist, but "achieving and maintaining coordination usually also involves the exercise of power, because forging and maintaining particular institutional arrangements create winners and losers, notably on both sides of the class divide." Nevertheless, every genuine form of authority implies a minimum level of voluntary compliance, an interest in obedience based on genuine acceptance or other motives and, contrarily to forms of subjugations such as slavery, the exercise of authority requires that those who are subjected to it 'believe' in the legitimacy of the claim to authority (Weber 1966, 1978). Hence, as Weber (1978, 214) wrote, the crucial aspect is that "claim to legitimacy is to a significant degree and according to its type treated as 'valid'; that this fact confirms the position of the persons claiming public authority and that it helps to determine the choice of the means of its exercise."

Following these theoretical underpinnings, it is here advanced the following definition of 'traditional authority institutions', which is discussed over the rest of the paragraph. For the purposes of this thesis, traditional authorities are conceived as *place-based structures of local governance whose claim on the*



*exercise of public authority is not grounded on belonging to the state apparatus, but on the appeal to tradition as an appropriated source of legitimacy.*

This definition is elaborated from a recent work by Kate Baldwin (2016, 21), who conceives traditional leaders<sup>3</sup> as “rulers who have the power by virtue of their association with the customary mode of governing a place-based community.” Her conceptualisation is based on four pillars: first, the claim on custom does not postulate the leaders being the last heirs of a distant immutable past, but rather their association with “shared beliefs about customs” (*ibid.*) regardless to when the institution was actually created. This goes in continuity with the idea of ‘invented tradition’ elaborated by Hobsbawm and Ranger (1983, 1), defined as “a set of practices, normally governed by overtly or tacitly accepted rules and of a ritual or symbolic nature, which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past.” In this respect, a powerful example of ‘invented tradition’ is the customary law administered by traditional institutions since colonial times that, as Spear (2003, 13) reminds, has been shaped into a “hodgepodge of indigenous, colonial and common law, administrative regulations and [... religious] injunctions.” Consequently, tradition is not something immutable that has come from the past to the present days, but rather an aspect of the modernisation process: the traditional domain is constantly constructed, reified, claimed, and appropriated by a variety of actors as “a part of contemporary political practice” (Buur, Kyed 2007, 23). A peculiar example of how tradition constitutes an alive domain that deeply intertwines with the state was recently brought by Cummins (2013), who analyses the competition between the state and community governance around the institution of village chiefs (belonging to the state apparatus) in Timor Leste. Cummins found that such institutions have been moulded by local communities and their leaders by merging the principles of democratic elections and customary law: the position of chief has become hereditary although confirmed via elections, and rituals are

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<sup>3</sup> In institutionalist terms, traditional leaders represent the incumbent *actors* over the institutions of traditional authority.

performed to sanction the leader's legitimacy in the eyes of both the living members of the community and the dead ones – the ancestors.

The second core of Baldwin's definition is the label of 'non-traditional' applied to those leaders "who are chosen without any pretence of considering the customary method of selection [...]. For example, a bureaucratic official appointed from outside the local community would not be considered a traditional chief, even if he or she is given the title *chief*" (Baldwin 2016, 22).<sup>4</sup> In accordance with her, this thesis thus looks at traditional authorities as structures of governance that, although incorporated within the state structure, are characterised by mechanisms for the selection of incumbents that lie outside the perimeter of the state apparatus and are legitimated through the appeal to the traditional domain.

The third pillar of Baldwin's definition is represented by the notion of 'place-based', which specifically exalts the connection with geography thereby limiting the definition to leaders of communities "historically bound to live together in a common place" (Baldwin 2016, 21) – thus excluding faith-based religious communities. Following this, this thesis assumes *locality* as a common trait of traditional authority institutions, that is the fact that their rule extends over a segment of the state's area and population. 'Locality', in this way, must not be intended as a merely geographic boundary: in many cases, traditional leaders' authority transcend their area of origin and reach to the members of a particular community wherever they are (Kleist 2011; Geschiere, Gugler 1998). Such a feature has become increasingly important during the last decades, along with the intensification of migration processes from rural to urban areas or even abroad. As several authors have noted, rural traditional authorities are reproduced in urban communities of migrants through the creation of enclaves structured around rural kin, lineage, and clan affiliation, which also show the presence of traditional leaders such as elders (Weisner 1976; Luke, Munshi 2006; Rigon 2014). In many African contexts, the reach of rural institutions over

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<sup>4</sup> This is the case of Kenya, for instance. Since the enactment of the Chief's Act in 1937, which was never repealed, the word 'chief' has been used in Kenya to identify local administration officers responsible for law enforcement.

migrants finds legitimacy in two cultural elements. First, the sense of belonging to a particular ethnicity and the bond to the land of one's own ancestors are predominant determinants of identity for most people (Bakewell, Landau 2018; Shilaho 2018); in turn, ethnicity and the idea of an ancestral land are politicised as core elements of those narratives that justify the reproduction of traditional institutions and leaderships (Mamdani 2005).

These processes are rooted in the fact that, if compared to Europe's historical trajectory, authority in most Sub-Saharan Africa has historically configured in terms of 'power over people' instead of 'power over territory'. Indeed, pre-colonial African societies often evolved in contexts of overabundance of land and resources and extremely low demographic densities. In many cases, the surplus of land made geographical borders *per se* a matter of relative if any relevance, although boundaries were sometimes identified along geographic features (Geschiere 2009; Vigneswaran, Quirk 2015).<sup>5</sup> As physical and human geographies entailed daunting costs to the extension of leaders' formal authority over wide areas, rulers often opted for the preservation of direct control over smaller core domains, while expanding their influence outwards through networks of lineage and alliances – albeit fluid and blurred. Polities' boundaries were thus blandly defined along such networks, and the power of a leader was linked to the number of people he/she could (claim to) control and muster (Herbst 2000; Wright 1999; Geschiere 2009; Tymowski 2008; Monroe 2014).

Consequently, even in centralised entities, the state power was consolidated at the centre and progressively faded towards the peripheries, where the influence of different polities overlapped and was constantly negotiated (Ayittey 2006; Stewart 1993). As elaborated by Kopytoff's in his seminal book *The African Frontier* (1987, 29):

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<sup>5</sup> In partial contradiction to this widely shared perspective, other authors have highlighted that, in scenarios where resources such as land and water were scarce and subject to high competition, precolonial societies tended to develop more precise demarcation systems (e.g. Tonkin 1994; Lentz 2005; Sarr 2014).

“The core, usually the area of earliest political consolidation, continued to be ruled directly by the central authority. Then came an inner area of closely assimilated and politically integrated dependencies. Beyond it was the circle of relatively secure vassal polities who enjoyed a certain degree of autonomy. This circle merged with the next circle of tributepaying polities straining at the center’s political leash. Beyond, the center’s control became increasingly symbolic, confining itself to fewer and fewer functions. [...] And beyond a certain point, control became erratic, ineffective and, finally, impossible. The center would only practise political intimidation and extract sporadic tribute through institutionalized raiding or undisguised pillage. Finally, came the potential frontier—areas beyond the effective reach of the metropolitan power which nevertheless sometimes conceitedly claimed to control it.”

In these processes, mobility historically played a pivotal role. Over centuries, families, lineages, and social groups were driven to migrate by political, economic, ecological, and agricultural factors (Gentili 2008; Tornimbeni 2010). Further, the resettlement in ‘institutionally empty’ frontiers entailed the possibility to establish a new socio-political order for those who dissented with their ruler. Interstitial areas at the peripheries of political systems witnessed the constant emergence and decay of new polities, which detached from the political core then to be reabsorbed, conquered by nearby states, or consolidate and expand by subjugating or attracting neighbouring populations (Herbst 1990; Amselle, M’Bokolo 2005). As an outcome of these long-term trajectories, the production of identity and belonging Sub-Saharan Africa has historically been associated to membership and ties to social groups, instead of being shaped upon being born in a given territory with fixed borders (Mark 2002; Vigneswaran, Quirk 2015).<sup>6</sup>

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<sup>6</sup> The legitimization of new pre-colonial political systems usually revolved around the mythization of the group’s history. These narratives served the political purpose of justifying the position of the dominant group – usually described as descending from those ‘first-comers’ who came to occupy the frontier after a journey from a distant land, and now representing the spirits of the ancestors that inhabit the land. Second, and consequently, they justified the subordination of other groups, such as the ‘late-comers’ and those who were subjugated (Klieman 2003; Kuba, Lentz 2006; Tornimbeni 2010; Kopytoff 1987). It is worth to be noted that, up to the present day, the same group-centred complexes of myths, legends, and folk tales have had a key role in the moral education of children and the oral transmission of knowledge from a generation to the next in many African societies. In other words, values and belonging are vehiculated at the same time through the same medium and narrative structure (Booth 2017, p’Bitek 1962; Amali 2014). Of course, this does not entail that such tales have remained unaltered throughout centuries: on the

*Rwotship and rwodi in pre-colonial and colonial Acholiland: a glossary*

Among what is now known as the Acholi people, the formation of chieftaincies is dated back to the 17th-18th century. Prior to that period, the Luo-speaking landscape in Northern Uganda was predominantly characterised by acephalous forms of governance based on independent one-village communities, while “impermanant groupings of two, three, or four villages provided a slightly larger-scale but less frequent and less stable form of sociopolitical organisation” (Atkinson 2010, 70). Then, the northwards Paluo migrations from the Bunyoro Kitara kingdom spread a new political ideology in the area according to which political order was grounded on the concept of ‘*rwotship*’, based on three elements: the rule of a hereditary chief (*rwot*, pl. *rwodi*),<sup>7</sup> the duty to homage the *rwot* with tributes (*tyer*) as a mean to recognise his authority, and the presence of royal regalia as sacred symbolic objects of the chiefdom (i.e. the drums; *ibid.* 2010).

In this new order, villages were composed by clustered male-headed households, which usually shared the same agnatic descent belonged to the same lineage segment (clan, *kaka*)<sup>8</sup> with its own ancestor and rituals. Village elders (*ladit*, pl. *ludito*) had the role of mediators for internal disputes and negotiators/representatives towards other groups. Through complex patterns of military alliances and marriages, several villages grouped into a chiefdom. In turn, each chiefdom was constituted by two types of villages: aristocratic/royal ones (*kal/ker kaka*), from which *rwodi* descended from, and commoner ones (*lo bong*). While ruling over the chiefdom, the *rwot* was also the head of his lineage (Paine 2014; Komujuni 2019).

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contrary, for instance, it is acknowledged that colonisation and its related theories and narratives profoundly reshaped the African imaginary and mythological landscapes (Bilger, Kraler 2005; Quayson 2001; Wells 2012).

<sup>7</sup> Concerning the nouns of traditional authorities in non-English languages, this thesis uses italics and lowercase letters to address institutions and actors in general terms, while words are written in roman and capitalised when referring to names of organisations and titles acquired by specific people. E.g. ‘the post of *lawirwodi*’ vs. ‘Lawirwodi David Onen Acana II’.

<sup>8</sup> In contemporary Acholi language, *kaka* is a loose term used to indicate both clan and chiefdom, which often overlap, and often also the sub-clan.

The power of the *rwot* was far from configuring as an absolute one. Despite being the ritual and political heads, chiefs were surrounded by elders, each one representing a lineage,<sup>9</sup> who were both spokesmen of their own *kaka* and advisors of the chief involved in dispute resolution. Moreover, the elders held authority over the customary law (*ongon*), which was orally transmitted one generation after the other (Komujuni 2019). A further limit to the *rwot*'s power was also constituted by allegiance and kinship fluidity: as Girling (1960) points out, those who entered in contrast with their *rwot* could often abandon the chiefdom by joining their kin in a different one.<sup>10</sup>

The authority exercised by the *rwodi* was (and still is, at least to a certain extent) largely rooted in their role as 'mediators' with four different domains. First, the *rwot* vested the role of 'appeaser' of conflicts rising within his chiefdom, especially in the case the *ludito kaka* could not reach an agreement on their own.<sup>11</sup> Second, the *rwot* was a mediator in terms of being the crucial node in the mechanism of resource redistribution, as he received tributes in the form of agricultural produce, game trophies and food, artisanal goods, and free labour. In turn, the virtue and power of a *rwot* was strongly measured on the generosity he showed towards his guest and subjects for their services, loyalty, and bravery – broadly intended, the display and share of accumulated wealth (Atkinson 1989).<sup>12</sup> Third, the *rwodi* were intermediaries between their communities and the weather: thanks to a series of rituals, they had the power to make rainfalls happen and thus ensure the harvest (and, with it, the observance of *tyer* tributes; Girling 1960). Fourth, chiefs derived their power from the *jogi*, the ancestral spirits of the chiefdom, which conferred *rwodi* the power to heal and protect their societies. However, this was manifested only through the mediation by an elder (usually a woman) with medianic powers called *ajwaka*. Good relationships with both the *jogi* and the spirits of the ancestors were entertained through the

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<sup>9</sup> At the head of each lineage, or sub-clan, is located a *ladit pa rwot* (elder of the *rwot*) – also called *ladit kaka* (elder of the clan).

<sup>10</sup> This was made possible by the practices of exogamous marriage, which required to marry outside one's own lineage.

<sup>11</sup> Up to the present day, in Acholi society, one of the main virtues denoting a 'good' *rwot* is the capacity of being a righteous pacifier when disputes arise.

<sup>12</sup> The *tyer* tribute system of the pre-colonial period is thoroughly discussed in Chapter V.

maintenance of a hut-like shrine called *abila*, where several rituals were carried out (Allen 1991; Macdonald 2014; Paine 2014).

Under the colonial rule, a new vocabulary took shape to identify Acholi chiefs. As a mean of indirect rule, the British incorporated chiefs within the state apparatus as intermediates with local communities; in doing so, the colonisers most often replaced hereditary leaders with their own, more compliant and educated appointees, which the Administration also labelled as *rwodi*. Hence, in order to distinguish between the two types of chiefs, the Acholi started referring to the hereditary ones as *rwodi moo/macon/me Acholi* ('chief of the oil' as they were anointed during the enthronement ritual, 'old chief', or 'chief following the Acholi customs), against the appointed ones known as *rwot kalam* or *kalam omia* ('chief of the pen'). Hence, during the colonial period, the customary domain was profoundly dissociated between hereditary chiefs, who remained 'underground', and *kalam* chiefs, legitimised by belonging to the state apparatus but having no authority over traditional domains (Komujuni 2019). In 1930s, the colonial administrative structure was reformed and a new hierarchy of non-hereditary, salaried chiefs framed as public officials was established. Acholiland was split in six counties and 22 sub-counties, and *rwodi kalam* became the term associated to county chiefs, who responded to the District Commissioner. Below them lied sub-county chiefs called *jago* (pl. *jagi*); in turn, each sub-county was subdivided in three-five parishes ruled by a *mukungu* (pl. *bakungu*), under whose domain were two or three villages each one ruled by a *won paco* (pl. *wegi paco*) (Girling 1960; Paine 2014). Furthermore, as it will be thoroughly discussed in the next Chapter, during the late colonial period two institutions were consecutively created by the colonial regime with the intent to create a head of the hierarchy of chiefs by mirroring the institution of the *kababa* (the traditional monarch of Buganda): the *lawirwodi* ('*rwot* who is first among equals'), then substituted with the *laloyo maber* ('good ruler') - that was eventually abolished with the 1967 Obote's Ban.

## *Research Methodology*

This thesis tackles the research questions through a primarily qualitative approach, supported by secondary quantitative data. The adoption of a qualitative perspective is determined by both the state of the art on the topic and the nature of the analysed dynamics. On the one side, relationships between internal migrants and traditional leaders are under-investigated, especially with regard to the diffusion of new information technologies and mobile financial services. Moreover, even though the case of the ‘revival’ of Acholi traditional institutions has received increasing attention since the late-war period in Northern Uganda, scant evidence has been brought up on *how* these institutions are actually being redesigned. On the other side, as Hoffman and Kirk (2013, 10) suggest, public authority in transitioning post-conflict regions is *per se* in the making as it is “exercised and institutionalised through everyday social encounters”, and can be thus understood only through the observation of daily governance practices. Qualitative methods, according to Patton (2002, 14), are preferable to study phenomena without prior constraints posed by predetermined response categories and standardised measures in which to fit people’s experiences and perspectives, thus privileging “depth, openness, and detail.” Following Creswell (2013):

“Certain types of social research problems call for specific approaches. For example, if the problem calls for (a) the identification of factors that influence an outcome, (b) the utility of an intervention, or (c) understanding the best predictors of outcomes, then a quantitative approach is best. It is also the best approach to test a theory or explanation. On the other hand, if a concept or phenomenon needs to be explored and understood because little research has been done on it, then it merits a qualitative approach. Qualitative research is especially useful when the researcher does not know the important variables to examine.”

Hence, given a subject and context of research in which ongoing dynamics are still largely unexplored, a qualitative approach was chosen because it suits better to thoroughly analyse the roles of participants, their mutual relationships,



as well as the narratives they bring forth in institutional dynamics (Schlüter 2010; Skarbek 2020).

### *Research Design*

This thesis relies on qualitative data collected during a fieldwork in Uganda lasted four months and a half – from mid-June to late October 2019. Qualitative data collection occurred through mixed methods, comprehending formal individual in-depth interviews as well as informal ones, focus groups, observation, and retrieval of written documents. Data collection occurred in two areas: Kampala, specifically in the slum quarter of Kamwokya, and Acholiland in Northern Uganda. During my research activity in the north of the country, the great majority of interviews were carried out in Gulu District, as many traditional leaders now work and live in Gulu Town. In three cases, however, interviews were conducted in the nearby districts of Omoro and Pader, since some chiefs preferred to meet up in their palaces upcountry.

### *Sampling procedure and sampled informants*

During the fieldwork, interviewees were mainly selected through the utilisation of the snowball sampling procedure. Snowball is a non-probabilistic sampling procedure that implies the usage of a small group of initial participants to involve other potential informants; usually, earlier interviewees personally introduce the researcher to the new ones (Given 2008). Compared to other options, snowballing presents three optimal characteristics: first, it allows to sample ‘hidden populations’ of unknown size and exact locations, such as traditional leaders and enclaved migrants; second, the person introducing the new interviewee can assure on the safety and reliability of the researcher; third, it allows to investigate social network dynamics as informants introduce the researcher to other eligible people from their social circles. (Berg 2001).

Snowballing proved to be effective to interview migrants in Kamwokya. Indeed, one does not simply walk into a slum: being highly unsafe areas in which

the police presence is nearly or totally inexistent, it is necessary to establish contacts on the ground and get the dwellers to know who you are and what you are doing there. Moreover, a *mzungu* ('white man') can be a puzzling sight in the narrow alleys of Nsooba,<sup>13</sup> and during the first days it was not uncommon to be asked if I was a spy, a policeman, or a 'Brit who lost his way home'. Gaining the trust of the local community is thus essential to both acquire reliable data (suspicion is never conducive for an interview) and attain a certain degree of security. The first contact in the slum was Thomas, a well-known Alur dweller whom I acquainted thanks to a Makerere University colleague; Thomas then introduced me to his Acholi neighbours, from which the snowball collection started. In Gulu, interviews with traditional leaders were agreed upon through a referral network: at first, an elder interviewee in Kamwokya put me in touch with his son Jacob, who was living in Gulu. Being a famous speaker in one of the main radios in town as well as a music and event manager, Jacob was able to introduce me to several traditional leaders, who then introduced me to others vouching for my reliability. In addition, other *rwodi* were reached through contacts provided by migrants in Kampala.

In addition to snowball sampling, other interviews were carried out in with several key-informants, including local government officials, traders, and businessmen – especially mobile money agents –, traditional leaders and migrants from other ethnic groups, *boda boda* drivers, NGO personnel, and academic staff of the Makerere University. Such interviews occurred in either formal or informal ways depending on the context as, in part, were also possible thanks to fortuitous encounters: hence, they could vary from formal in-depth interviews to brief exchanges of information, as well as informal amicable conversations.<sup>14</sup>

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<sup>13</sup> Nsooba is the area of the Kamwokya slum where the Acholi enclave concentrates.

<sup>14</sup> Thomas was indeed a fortunate encounter: thanks to his job as a land agent, he was acquainted with several members and chairpersons of the Local Councils in Kamwokya; similarly, Jacob was able to arrange a meeting with the LC5 of Gulu District Martin Ojara Mapenduzi and other public officials. Concerning NGO personnel, among the others, I had the chance to entertain a series of informal conversations at the Palm Garden Guesthouse in Gulu, which is also the headquarter of the Combonian Fathers. For the most part, 'interviewees' were Italian volunteers and professionals working at the Lacor Hospital or in the development projects undertaken by the NGO.

### *In-depth individual and group interviews*

Overall, in Kamwokya, collected data through snowball sampling amounted to 20 interviews with 33 Acholi migrants and two elders representing their clans in Kampala.<sup>15</sup> In Acholiland, 22 interviews were conducted with 17 traditional leaders – some of which I met multiple times. Interviewed leaders belonged to seven different chiefdoms, namely Koro, Patongo, Paicho, Payera, Pawel, Patiko, and Puranga. Among them there were five *rwodi moo* ruling a chiefdom (and thus also at the head of their clan), two sub-clan *ladit kaka* and one executive, two chiefdom Prime Ministers, three ministers of the Ker Kwaro Acholi (KKA) government, five elders belonging to councils of traditional institutions or anyway considered key-informants. In addition to this, recorded interviews with key-informants comprehended two Kamwokya LCI officials, plus four Acholi managers of a community-based organisation in the Kisenyi slum in Kampala; in Gulu District, they included a clan chief from the Lango ethnic group, the LCV of Gulu District, an important trader in Gulu Town, and the Fratello Elio Croce, a renown missionary who has spent 40 years in Acholiland – including the war period.

In-depth interviews were carried out on both individual and group bases. Generally, I preferred to organise meetings with individual respondents with the idea that this would protect their privacy and enhance their comfort. Nonetheless, on some occasions the number of participants at a meeting was aleatory, as participants invited their fellows to join the conversation since they felt ‘to have nothing to hide’. In such cases, I switched to focus group interviewing as a method of data collection, triggering discussion among participants on the checklist topics. This was particularly frequent among migrants in Kamwokya: meetings were usually arranged well in advance and participants had the time to spread the word among their peers. Being most interviewees individual migrants, it was not their household members but other Acholi neighbours and friends to take part to the focus groups.

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<sup>15</sup> Collection was considered complete at this point as data quickly reached saturation.

Conversations were conducted in a semi-structured manner. Semi-structured interviews are based on a flexible checklist of topics tackled during the conversation and consist of consecutive, open-ended questions, exchanges, and discussions. This kind of method is particularly appropriate to collect data on the interviewee's opinion on beliefs, norms, relationships, constraints, practices, behaviours, and choices compared to close-ended questions. Interviews were conducted at agreed upon venues and at times convenient for the informants; they were carried out in places where the respondents could feel at ease and their privacy safeguarded: most often, they were carried out at their home or workplace, and sometimes at restaurants and bars where they usually hanged out.

Interviews usually started with me presenting the purpose and scope of the research, the core topics I desired to discuss, as well as explaining the informed consent clauses (see the *Ethical considerations* section below) and asking for permission to record. Usually, in order to put the informant at ease, I started the conversation asking to trace his/her biography, then gradually digging into the main issues of interest. I decided not to take notes during the interviews, as since the very beginning I realised respondents did not welcome it and felt uneasy; instead, the natural flow of the conversation and continuous eye-contact – together with the assurances on confidentiality – seemed to overcome the potentially unpleasant presence of the recorder in almost cases. Trust, familiarity, and confidence were also built through small acts of courtesy, such sharing refreshment and cigarettes during the interview.<sup>16</sup>

The length of interviews was mainly determined by the time participants

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<sup>16</sup> Besides being an act of courtesy, the provision of refreshment and transport reimbursement to respondents was also explicitly required by the Uganda National Council for Science and Technology issuing the research permit. About cigarettes: in spite of the heavy anti-tobacco campaigns pursued by the government and civil society actors (e.g. see Robertson *et al.* 2018) and contrarily to most residents in Kampala, I observed that many older Acholi men have conserved this vice – also as a legacy of their service in the military, according to some informants. Nowadays, smoking is increasingly subject to social stigma and the soaring cost of cigarettes has become prohibitive for many people in Uganda; hence, in accordance with that sort of world-wide principle of spontaneous solidarity among smokers, the act of sharing some Sportsmans (the most widespread brand) together instantly built a bond between giver and taker on a more amicable, less formal ground.

had available, as well as by their ‘talkativeness’. In general, the checklist was refined to cover about 45-60 minutes of conversation; however, in several cases and especially with more informed and extroverted participants, interviews lasted up to five hours in a row. Interviews were carried out in either English or Acholi; in the latter case, I was assisted by local research assistants who spoke the local language. Assistants for each research site had a good knowledge of the local community and good command of English; prior to the fieldwork, each assistant was trained on the research methods and the ethics of conducting an interview.

#### *Documents retrieval*

During the fieldwork, several documental resources were retrieved from participants. This mainly occurred in Acholiland, where several traditional leaders provided me with documents produced by their institutions such as organisational diagrams of the clans, written by-laws and statutes, registers on the administration of traditional justice, project proposals and plans written to attract donations, and other materials of various nature. Moreover, other archival documental sources from the colonial period were acquired mainly through online databases, as well as archives at Makerere University and the headquarter of The Uganda Society.

#### *(Embedded) observation*

Throughout the fieldwork, observation substantially occurred as an embedded process of data collection. During encounters and interviews, the observation of peoples’ practices and interactions allowed to grasp untold aspects of social and power dynamics that could not emerge during formal interviews. Moreover, it also allowed to unveil hidden symbolisms and repertoires that could not emerge in their truest form during interviews. Observing the pleasantries between elders when I was introduced to a new traditional leader and the ‘rituality’ of sharing meals at the participants’ homes,

for instance, allowed me to have a better understanding of the data I was collecting through interviews.

*Ethical considerations: informed consent, confidentiality, and reimbursements*

Throughout the fieldwork, I always devoted myself to the creation of genuine relationships based on trust, mutual respect, and comprehension with all my informants. In order to do so, it was crucial that the subjects understand the nature of the researcher's work. Hence, I carefully informed the interviewees about the object, scope, and tools of the research, as well as the measures adopted to protect their privacy and the confidentiality of the interview. Moreover, I informed them that they had the right to deny answers to any question and to decide to interrupt the interview at any moment. Then, before undertaking any interviewing activity, I asked for consent from the subjects to conduct and record the interview.

My first concern was to respect and safeguard the participants' well-being, privacy, security, individual autonomy, and health. Moreover, I was highly respectful of the social environments I analysed, and I was careful not to tread on the informants' feelings or desecrate what they deem sacred. In order to protect the interviewee's privacy, interviews were conducted in a place of their comfort. Privacy and confidentiality will be also guaranteed through several measures: a) a phony name is used to address the informant in this dissertation, as well as in any written document that will rely on such sources in the future; b) information about the place of interview is limited to the sub-county/division level; c) in the direct quotations from interviews, any information that may reveal the informant's identity is omitted. No subject received any compensation for having been interviewed, but all informants were offered refreshment. A reimbursement for transportation was considered for informants that had to travel to the agreed place of the interview.

### *Thesis outline*

This dissertation is structured in five Chapters. Chapter I frames the historical and political background of the research and concentrates on three main topics. First, it discusses the socio-economic, institutional, and ethno-political trajectories of post-independent Uganda from the first government of Milton Obote to the war in Northern Uganda between Museveni's government forces and Joseph Kony's Lord's Resistance Army (LRA), with particular attention to the role played by long-term ethno-political cleavages in such processes. Second, this Chapter analyses the state-led revival of traditional authority in Uganda promoted by Museveni's regime, which lifted the ban of traditional authorities enacted by Obote in 1967. This part discusses the contemporary legislation of the Ugandan state on customary leadership, the instrumental role of the revival in the President's consolidation of power, and its interplay with broader political, electoral, and administrative dynamics. Third, the focus shifts to the historical trajectory and contemporary socio-economic characteristics of the quarter of Kamwokya in Kampala, where a relevant portion of the fieldwork was carried out.

Chapter II analyses the narratives and the formalisation dynamics that have characterised the revival of customary authority in late- and post-war Acholiland over the last two decades. In the beginning, it scrutinises the narratives fostered by mainstream international donors and humanitarian agencies on traditional authority and reconciliation mechanisms, which elevated Acholi chiefs and elders to the role of pivotal actors in the reintegration of ex-combatants and reconstruction of local communities. This Chapter then analyses the trajectory of a major 'traditional' actor of the peace and reconstruction process, that is the newly created institution of the Paramount Chief (presiding the KKA), and its relations with humanitarian agencies. Moreover, it shows how the KKA attempted to harness the above-mentioned donors' narratives to place itself as the custodian of a reinvented and codified customary law. Particular attention is also devoted to two emerging processes of formalisation of traditional authority in Acholi clans: first, the codification of customary norms into written

‘constitutions’ and ‘statutes’; second, the reshaping of authority hierarchies in formalised state-like organograms. The Chapter highlights the multifaceted shifts in the balance of power within clans related to such processes, as well as the role of the state – both in terms of relevant player and symbolic point of reference. Further, it investigates the patterns of reproduction and reinvention of traditional authority among Acholi migrants in Kampala, the emergence of urban leaders representing the authority of the *rwot* in the city, and it provides the biographical account of one of these ‘representatives’.

Chapter III illustrates the impact of mobile money on the relationships between chiefs and urbanised migrants. Its theoretical framework is based on the studies on the economy of affection elaborated by Goran Hyden (1980, 1983, 2008, 2012) and other later scholars (e.g. Lemarchand 1989; Baker 1992). This approach stresses the fact that, in contexts that do not enjoy the benefits of the welfare state, a certain degree of social security is achieved through communal short-range support networks. In such scenarios, the reproduction of social ties, interdependence, and the sharing of wealth hold higher importance than profit maximisation and production as an end in itself. Building on this, the Chapter provides evidence on the institutions of affection among the Acholi and devotes particular attention to the mechanisms of pooled solidarity contribution in Acholi clans and sub-clans. Second, it analyses the structure of rural-urban remittance networks and the brokerage role played by urban traditional leaders before the advent of mobile money. Then, it debates the transformations triggered by the uptake of such services, especially in terms of disintermediation and changing role of urban leaders. In particular, the Chapter brings evidence that the usage of mobile money for fundraisings has sharply increased the accountability and trust towards traditional leaders (both rural and urban) as the technical features of these services reduces the risk of embezzlement, enhancing in turn migrants’ proclivity to participate in solidarity fund pooling.

Chapter IV investigates the mechanisms of enforcement of customary law in Acholi clans and especially upon Acholi migrants in Kampala. The analysis harnesses a theoretical framework grounded on the studies on state weakness and alternative, mediated and hybrid governance in Sub-Saharan Africa.



According to several scholars, African states' failure to project their monopolistic power over their territories has paved the way to the emergence of alternative forms of governance where local non-state actors ensure a certain degree of order and provide public goods. In particular, In mediated and hybrid governance scenarios, the sub-contracting of key public functions is often accompanied by problematic dynamics of formal recognition and legitimate use of the force by non-state actors (e.g. Englebert 1997; Vlassenroot, Raeymaekers 2008; Engel, Nugent 2009;. Hagmann, Péclard 2010; Lund 2006a, 2006b). Following these theoretical underpinnings, this Chapter firstly presents in detail the institution of the *askari* - the Acholi clans' 'police' at the service of traditional leaders emerged in post-war Acholiland. The analysis then shifts to the mechanisms of law enforcement upon migrants, underlining the complex articulations of rural-urban and inter-clanic relations, and showing how the uptake of mobile money has solved an array of coordination and information constraints that used to affect the enforcement system. Moreover, this Chapter critically analyses the relationships between traditional authorities and state institutions in terms of the state's recognition of customary law enforcement and coercive practices as a form of sub-contracting. In the end, the last part of the Chapter scrutinises the discourses and dynamics of social legitimisation of these emerging mechanisms of enforcement forwarded by both traditional leaders and state actors.

Chapter V deals with the 'economic side' of the reinvention of tradition, that is the emergence of new forms of resource extraction in Acholi clans. This Chapter is grounded on the historical studies on the pre-colonial and colonial socio-economic trajectories in Acholiland, with particular regard to the traditional and state institutions that governed accumulation, redistribution, tributing, and taxation (e.g. Girling 1960; Atkinson 2010). The first issue here analysed is the contemporary socio-economic changes in the post-war scenario, with emphasis on how the exhaustion of the Acholi social fabric, the disruption of the agrarian basis of society, and massive rural-urban migrations have led to the vanishing of the old forms of tributing in kind to traditional chiefs. The Chapter then critically surveys the contemporary Ugandan state laws that

regulate the funding of traditional institutions and the outcomes of the prohibition on the imposition of taxes and tributes. Nonetheless, in spite of such regulations, it is here shown that Acholi traditional authorities are circumventing the ban by new disguised forms of taxation – namely membership and meeting fees and fines – that recall several features of the colonial ones and are often enforced through the deployment of the *askari*.

## CHAPTER I

### SETTING THE SCENE: HISTORICAL AND POLITICAL BACKGROUND OF THE RESEARCH

#### 1.1 *Obote and the Buganda Crisis*

When Apollo Milton Obote came into power as Prime Minister of independent Uganda in 1962, he inherited a country with huge internal disparities. First, the new Constitution was negotiated and largely influenced by the British, and established an asymmetrical quasi-federal regime in which the Kingdom of Buganda enjoyed major self-government, tax revenue, and judiciary prerogatives compared to the other regions.<sup>17</sup> Second, the same colonisers' preferences towards Buganda had produced in the long term severe economic structural imbalances between the wealthy heartland of the Protectorate (the South) and the underdeveloped North and North-East, treated as labour reserves and conscription zones for the army in virtue of the alleged 'martial skills' of the northerners (Glentworth, Hancock 1973; Nsibambi 2014). In addition to political and economic disparities, what Roberts (1962) called 'the sub-imperialism of the Baganda' during colonialism had left widespread resentment among other

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<sup>17</sup> In the context of the decolonisation negotiations, these constitutional arrangements were largely instrumental to defuse pressures within Buganda to decolonise the Kingdom as an independent state detached from the other regions. However, the new Constitution *de facto* mirrored the long-term predilection of the colonisers towards Buganda, which they always considered as a civilised quasi-Western Kingdom in opposition with the backward polycephalous societies inhabiting the North and the East.

populations.<sup>18</sup>

Obote ascended to power thanks to a post-electoral pact between his Uganda People's Congress (UPC) and the Buganda-based Kabaka Yekka (KY; 'King only' in Luganda); the UPC-KY agreement provided Obote to be Prime Minister, while the Kabaka Edward Muteesa II would be elected President of Uganda. From the symbolic point of view, this would represent the beginning of a reconciliation between the two 'souls' of the country: the North was represented by Obote, himself a northerner from the Lango ethnic group, while the South was embodied by the monarch of Buganda (Gingyera-Pinyewa 1978). In a more subtle way, the two leaders also incarnated the two main domains of the state power: since colonial times, the bulk of the army was composed by Nilotics from the North – especially Langi and Acholi; the civil service, on the contrary, was monopolised by southerner Bantu ethnic groups (Sjögren 2013; Nsibambi 2014). However, the two actors found themselves in a difficult position. On the one side, the Kabaka was in the uncomfortable double role of being both the ceremonial head of state embodying the 'general will' of the country, and the sacred King of a dominant ethnic group with its own specific interests.<sup>19</sup> On the other side, Obote and the UPC represented 'nationalist' and

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<sup>18</sup> Starting from the early colonial era up to 1920-30s, Baganda agents were widely enlisted and posted as substitute-chiefs throughout the country, as the chronically under-staffed Administration often struggled to find local chiefs enough educated to be co-opted within its ranks. Endowed with coercive powers in order to maintain order, collect taxes, exercise administrative control and educational activities among other duties, Baganda agents formed an alien élite that was also instrumental to reshape local traditional institutions along the Buganda model – which the colonisers deemed more advanced and efficient. As Twaddle (1969, 196) notes, this protracted policy of *bugandisation* "stimulated 'tribalism' by providing an ostentatious 'reference group' with which the indigenous peoples [...] could compare themselves".

<sup>19</sup> A simple example can be brought here: throughout his presidency, Muteesa II never visited Uganda outside Buganda as the Kabaka, according to the Baganda traditions, can never travel beyond the borders of his Kingdom (Kabwegyere 1995).

‘anti-tribalist’ instances<sup>20</sup> that *de facto* aimed at downsizing the political-economic primacy of Buganda – not by chance, UPC drew the bulk of its social support in the marginalised North and the East (Dinwiddy 1981).

In a few years, the UPC-KY alliance turned out to be ill-fated. Between 1962 and 1966, the relationships between Obote and the Kabaka progressively deteriorated in a context of conflicting and unfulfilled appetites from the different sub-regions, as economic growth and the expansion of public social services satisfied them only partially. The structural weakness of the central state – whose expenditure capacity was constrained by the financial autonomy of the country’s economic core, Buganda - increasingly led UPC élites to pursue factional strategies based on the politicisation of ethnic cleavages. In turn, the constant squabbling within Obote’s party gradually eroded his parliamentary basis, and the Prime Minister sought to stabilise his position through other means – above all, by stuffing the army with loyal northerners and especially Langi officers (Ingham 1994; Karugire 2010).

1964 was the year of no return. Since then, Ugandan post-independent politics had been characterised by intense debate over the question of the ‘lost counties’, two counties the British handed over from Bunyoro to Buganda as a reward during the early colonial period which the former kingdom now demanded to be returned. In October 1963, the Ugandan Parliament decided that the controversy should be resolved through a referendum in the two territories; the Lukiiko<sup>21</sup> opposed to such decision and hence the Kabaka, in his quality of President, refused to sign the bill. Obote did it instead, marking the termination

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<sup>20</sup> Nationalism and anti-tribalism constituted dominant paradigms in early post-independence Africa, as they incarnated that ideal of ‘modernity’ upon which national sovereignty and international recognition were built. As Anna Maria Gentili (2008, 339-340) writes, “the claim over nation within the state was linked to the great emancipatory revolution of modernity, to the triad of freedom (from subjects to citizens), equality (racial, social, and economic) and solidarity (intended as recovery of the African communitarian tradition). In the national project, state modernity as a political programme could not but prevail over the fragmentation fomented by the colonial policy of *divide et impera*, which had fostered ethno-tribal division and conservatism. Referring to the nation-state became the most influential message outwards, the only one entitled to be heard in international *milieux* such as the Assembly of the United Nations [...]. So, it is in the name of the people, without ethnic, tribal, religion, or class distinctions, that nationalisms of the first hour defend, or better claim the state, albeit in its existence as a territory defined by colonial partition”.

<sup>21</sup> The Lukiiko is the parliamentary institution of the Kingdom of Buganda.

of the UPC-KY alliance in August 1964 (Doyle 2008; Peterson 2015).

In order to sustain the government and retain their positions within the state apparatus, most KY and several opposition MPs passed to the UPC; however, even though this shift determined the substantial marginalisation of the other parliamentary groups, it added further layers of fragmentation in the already heavily factionalised ruling party. However, from 1965, the divisions within the UPC consolidated along politicised ethnic cleavages: on the one hand Obote, supported by the army, was at the head of the 'Nilotic' faction; on the other hand, the 'Bantu' group gravitated around the UPC Secretary General Grace Stuart Katebairwe Ibingira, an Ankole prince who had attracted the sympathy of the southern Kings – and especially the Kabaka (Nsibambi 2014). Growing tensions within the UPC culminated in early 1966, when the financial documents of an army officer close with Obote, Idi Amin, were leaked. The records attested Obote and others' involvement in illegal gold and ivory smuggling along the border with Congo; hence, his opposers took the chance to oust him from power by advancing charges of corruption. As a response, counting on the support of the army, the Prime Minister put his opponents under arrest, suspended the 1962 Constitution, and replaced it with an interim one that abrogated the federal structure in favour of a unitary, centralised one. Further, the interim Constitution deprived Muteesa II of his position as head of state, as Obote assumed the office of Executive President. Clearly, such a change was directly aimed at depriving Buganda of its autonomy and power, and thus clipping the wings of Obote's enemies (Mujaju 1987; Otunnu 2016).

As a result, the Prime Minister's move revamped Buganda's secessionist stances. On May 23, the Lukiiko assembly deliberated that the unlawful Obote's government with its offices had to leave the territory of Kingdom by the end of the month; clashes occurred in the streets of Kampala and several police stations were assaulted, while the Baganda in Kampala rallied to the Kabaka's palace to protect their King (Hancock 1970). The following day, Obote ordered the army to assault the royal residence; after 12 hours of fighting on the slopes of Mengo Hill, the troops led by Idi Amin troops managed to penetrate within the palace and set it afire. However, the Kabaka had already fled; exiled from his Kingdom

and country, Muteesa II died in London in 1969 (Otunnu 2016).

Obote's rule over Uganda between 1967 and 1971 increasingly took the shape of a fragile dictatorship. The new chart confirmed the centralisation of the state power started with the interim one: districts, now the units of local governments, had limited powers and public officials were appointed and dismissed by the President; also, he had the power to adopt ordinances having the same force of parliamentary act. Article 21 of the Constitution also authorised the President to declare the state of emergency, a condition in which Buganda remained until Obote's overthrow in 1971 (Kabwegyere 1995).

The new 1967 Constitution banned once and for all kingship from the socio-political Ugandan landscape and the monarchs' properties were expropriated. As article 118 stated (Republic of Uganda 1967, 72):

“1) The institution of King or Ruler of a Kingdom or Constitutional Head of a District, by whatever name called, existing immediately before the commencement of this Constitution under the law then in force, is hereby abolished.

2) Notwithstanding any provision of this Constitution, the immediately preceding clause shall have effect from 24th May, 1966, in relation to the Kingdom of Buganda. [...]

4) Notwithstanding any provision of this Constitution, Parliament may take provision for the devolution of any property held by any person to whom clause (1) of this article applies by virtue of this office or by any other person or authority, being property connected with or attaching to the institution of King, Ruler, or Constitutional Head.”

Here, it has to be noted that the ban explicitly targeted kingship, and not traditional authority in general: “those ethnic groups that were stratified horizontally, in a system of equal clans”, as Quinn (2014: 37) notes, “were unaffected by this decision, as their structures of governance were allowed to remain in place.” This choice was probably dictated by the distribution of different traditional institutions in relation to the contemporary political geography of the country: kingship was *de facto* the form of traditional leadership of Obote's Bantu enemies in the South. Conversely, the North and the East were inhabited by populations having polycephalous or acephalous

structures. As Obote's support basis still came from such regions – especially in terms of ethnic composition of the army – it would not have been advisable to disgruntle a multitude of traditional leaders who, despite being locally influent, could individually pose no threat to his rule. Moreover, at that time, the North with its structure of administrative chiefs inherited from the colonial regime was still in place and directly put under the command of the central government.

### *1.2 There and back again: from Obote I to Obote II*

During the late 1960s, Obote's regime was increasingly put under pressure by deteriorating economic conditions. As in the case of many other African countries, the government's interventionist economic policies had been based on the assumption of ever-growing global demand and inflows of direct investments. However, the crisis of international markets at the turn of the decade led to protracted economic stagnation, which turned in social unrest, which turned in political crisis (Sjögren 2013). Obote proved unable to control of an increasingly unstable country even after the ban of opposition parties following an assassination attempt in December 1969, and increasingly relied on the loyalty of the military to retain power.

However, the ethno-political cleavages within the army itself and the conflicting appetites of various high-rank officers represented another front of instability. Indeed, the 'Northernization' of the military harboured overlapping loyalties and rivalries. In spite of being the dominant ethnicity since the late colonial era and accounting for a third of the soldiers, the Acholi were divided by clanic and kinship affiliations and loyalties; although Langi soldiers were massively recruited during Obote's rule to balance the Acholi supremacy, they both belonged to the Nilotic cluster and thus strongly supported Obote. On the contrary, the Lugbara troops, who were Sudanic as the Kakwa but had "a strong acculturation to the Nilotes" (Martin 1972, 109), coalesced with Amin because of their enmity with the Acholi – and so did the Nilotic Alur for the same reason. While the army was dominated by potentially antagonistic Nilotes, Amin secured the loyalty of the Military Police through the mass recruitment of Madi,



Kakwa, Lugbara, Alur, and Nubians since its inception in 1967 (Omara-Otunnu 1987; cfr. Mazrui 1978).<sup>22</sup>

Tensions between pro-Amin and pro-Obote officers escalated after the 1969 assassination attempt, as the President suspected Amin of having orchestrated the murder and thus mobilised his fellows to oust the popular Chief of Staff of the Ugandan Army. In this respect, a famous incidence is represented by the killing of the Acholi Brigadier Pierino Yere Okoya, who was Amin's deputy and potential successor. In spite of being close friends with Amin, Okoya forwarded harsh criticisms against him during a secret meeting held after the attempted murder; on 25 January 1970, Okoya and his wife were shot dead by unidentified hitmen in his home in Koro Village (Martins 1972; Agyeman 1988; Roessler 2011; Daily Monitor 2020).

Okoya's murder had the effect to precipitate Amin-Obote relations: in the following months the former came under investigation as instigator of the killing, an issue that summed up with another ongoing inquiry on the mismanagement of defence funds. Amin feared that Obote could leverage his uncertain position to demote him or bring him to trial, and thus hastened with the coup preparations (Agyeman 1988). At last, when the President attempted to downsize the role of his popular Army Chief of Staff by 'promoting' him to a more ceremonial position (Atkinson 2010), he found out the latter had a different opinion on his own career prospects. On 25 January 1971, while Obote was in Singapore for a Commonwealth summit, Amin ordered troops loyal to him to take control of Entebbe Airport and Kampala. Broadcasting on the frequencies of Radio Uganda, the General announced that the military government would remain in power as an interim regime until new elections, to be kept as soon as normality would be restored.

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<sup>22</sup> Outside the military, Amin was able to gain the sympathy of many Baganda, Obote's sworn enemies, who started to look at him as the lesser evil. For example, in 1970 he started exploiting the political cleavage in the Muslim community by attending the public events of a Baganda-dominated organisation. At the same time, Amin increasingly became a point of reference for many Christian religious leaders who opposed the President's socialist policies, and harnessed the divisions between the Anglican and Catholic congregations – which were symbolically associated to the (Baganda) South and (Acholi) North of the country. See Hansen (2013), Pirouet (1980), Mittelman (1975).

Things, nevertheless, went otherwise. Amin's regime lasted eight horrible years and still represents one of the darkest pages in the history of Uganda. In the span of a few weeks after the coup, he started consolidating his grip on the military by purging the army from Acholi and Lango northerners, deemed potentially loyal to Obote (Ravenhill 1974; Omara-Otunnu 1987).<sup>23</sup> Endemic violence quickly became structural to the regime's and exercised in brutal, erratic ways; the underground structures of Lubiri Palace on Mengo hill were transformed in torture chambers. By the end of the regime, it was estimated that between 300,000 and 500,000 people had been killed, mainly for belonging to specific ethnic or religious ethnic groups, potentially 'dangerous' social and professional categories such as students, intellectuals, journalists, bureaucrats, and public officials, or just at will (Keatley 2003; Decker 2014).

Together with this, the country progressively reached the verge of economic collapse. In late 1972, Amin pursued the 'Africanisation' of national economy by expelling 50,000 Asians residing in the country, which since the colonial era constituted a class of traders, businessmen, and professionals (Mamdani 1993). Their expropriated properties were handed out to consolidate regime's support among the business community, army, bureaucracy. Combined with the tolerance towards mismanagement and misappropriation of state resources by political and economic élites, this processes destructured and destabilised the state economy giving rise to "a rapacious state-created, state-protected stratum of big proprietors" (Mamdani 1990: 434). In a few years, in a context of fallen state and socio-economic institutions, patronage, and institutionalised plunder, the informal economy virtually became the only existent one, and smuggling an everyday form of trade (Sjögren 2013).

For the wretched Ugandan society plagued by Amin's regime, salvation came in 1979 in the form of Tanzanian tanks. In November of the previous year, having lost most of his supporters and surrounded by an increasingly hostile populace, the Ugandan dictator attempted to invade Tanzania – where thousands of armed Obote supporters and other groups of anti-Amin exiles had found

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<sup>23</sup> Although a northerner himself, Amin belonged to another small ethnic group, the Kakwa.

shelter – to distract the military and the public from the ongoing domestic crisis. Unfortunately for Amin, Julius Nyerere’s army was better equipped and trained (Roberts 2014). In January 1979, the Tanzanian People’s Defence Forces together with Ugandan rebel groups reunited in the Uganda National Liberation Army/Movement (UNLA/M) pushed back Amin’s troops and penetrated Ugandan territory. They eventually conquered Kampala on 11 April 1979, while Amin was fleeing into exile (Mwakikagile 2012).

Generalised rejoicing did not last long, however. Factionalism beneath the appearances of post-Amin ‘national unity’ became again the everyday mechanism between and within the reformed parties. From April 1979 to May 1980, two Presidents with weak political mandates succeeded at the country’s lead, until an army coup led to the formation of an interim Military Commission that guided Uganda to elections in December of the same year (Omara-Otunnu 1987). Elections were celebrated under the supervision of the Presidential Commission of Uganda, chaired by a high-tier UPC politician, Paulo Muwanga, who declared Obote to be the winner in the face of the apparent victory of the Democratic Party. Substantial irregularities triggered rage among UPC’s opponents and undermined Obote’s credibility since the beginning of his mandate, in addition to the everlasting hatred of many southerners for the kingdoms’ ban in 1966-67 (*ibid.*).

Above all, the accusation of irregularities was used by Yoweri Museveni, the Banyankole leader of the competing Uganda Patriotic Movement (which then became the National Resistance Army/Movement – NRA/M), to rise up in arms against Obote’s government. Since February 1981, rebellion deflagrated at the doors of Kampala: the NRA/M was quartered less than 60 kilometres north of the capital in an ethnically mixed Banyankole and Baganda area then renown as the ‘Luwero Triangle’, which became the main battlefield. At the same time, Baganda groups connected with other opposition parties or the old Kingdom’s circles started guerrilla activities in the urban area of Kampala (Kasozi 1994). In order to curb the widespread social support NRA/M enjoyed in Central Uganda and especially in the Luwero triangle, Obote endorsed a strategy of brutal repression in the area with extensive sacking and atrocities on civilians, which

resulted in the death of hundreds of thousands of people and the internment of others in concentration camps over the course of what will be called the ‘Bush War’ (Otunnu 2017).<sup>24</sup>

Lasted from 1980 to 1985, the Obote II government followed the same trajectory of the first one: an economic crisis led to a political crisis that peaked in a military coup. Having inherited an economically disrupted country, Obote turned to the financial support provided by the international financial institutions (IFIs), which however implied the adoption of comprehensive structural adjustment programmes (SAP). As in the case of many other African countries accepting IFIs’ conditionalities, Uganda experienced the extensive withdrawal of the state control from the economy with liberalisations and privatisations, reduction of trade barriers, currency devaluation and exchange rate adaptations.<sup>25</sup> Nonetheless, even though reforms led to a temporary stabilisation of macroeconomic indexes, the government did not pursue any strategy addressing socio-economic imbalances. On the contrary, reforms became the occasion to lavish benefits in turn of short-term support, especially in the circles gravitating around the UPC, and privatisations were cannibalised by narrow élites with access to the state power and patronage networks (Kabwegyere 1995). At the bottom of the state apparatus, Obote II reforms sow discontent and

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<sup>24</sup> The Obote II government denoted itself for generalised brutalities against the civilian population in continuity with Amin’s Regime. For instance, apparently Obote remained impressed by Amin’s torture chambers in Mengo Hill and decided to keep them running for his own ‘enemies’. In total, it has been estimated that between 320,000 and 500,000 were killed during the Obote II regime. See Quinn (2005) and Wall (2016).

<sup>25</sup> On structural adjustment policies in Uganda, see for instance Mamdani (1990), Kayizzi-Mugerwa and Bigsten (1991), Holmgren *et al.* (1999), and Kingston (2011). Throughout Sub-Saharan Africa, the adoption of SAPs as an aid conditionality followed the shift towards a neo-liberal development agenda that characterised the IFIs since the early 1980s. In 1981, a World Bank report called *Accelerated Development in Sub-Saharan Africa. A Plan for Action* (The World Bank 1981, better known as ‘Berg Report’), advocated that economic growth in the continent was hampered by the pervasive states role in domestic economies, which distorted markets and prevented the development of the growth-pulling private sector. Macroeconomic stabilisation and recovery thus passed through a) the reduction of external and internal deficits by currency devaluation, increased exports, limiting money, inflation, and credit growth; b) removal of import quotas and tariffs, price control, subsidies, and protectionist policies; c) reduction of public expenditure through privatisation of public services and state-owned (mainly inefficient) firms (Weissman 1990). As Ravallion (2009) and Adedeji (1999) argue, SAPs profoundly depressed African economies with widespread and prolonged recessions and, by the mid-1990s, percentage of poor soared with almost half of the African population living below the 1 dollar-per-day threshold.

furtherly weakened support to the government, as soldiers and civil servants experienced losses in purchasing power that the restricted and war-drained state budget could not compensate with wage raises (Sjögren 2013).

By 1985, widespread resentment had grown in the military. Not only the Bush War was going badly for the UNLA, but Acholi troops (forming 40% of the army) increasingly blamed the government for using them as cannon fodder in the bloodiest battles while substantially sparing the Langi soldiers and other ethnic groups (Behrend 1991; Allen, Vlassenroot 2010). In July of the same year, a group Acholi UNLA officers staged a coup d'état overthrowing Obote once again, after which the Acholi General Tito Okello Lutwa took the presidency.<sup>26</sup> The new military junta quickly proved unqualified to govern the country and to turn the tide of the war. Attempts to make peace with the NRA/M substantiated in a peace agreement signed in Nairobi in December 1985; Museveni however, having victory at hand, decided to carry on the armed struggle until he would seize power once and for all.

### 1.3 *The war goes North*

In January 1986, the NRA/M troops entered Kampala, marking the end of six years of war in the bush of the Luwero triangle and the end of the short-lived Okello presidency. The defeated soldiers of the UNLA, who were mostly northerners and Acholi above all, abandoned Central Uganda and fled north sacking the countryside along the way. At that point, the strategy of UNLA was largely based on the hope to receive generalised support and elicit rebellion of the local population against the new NRA/M government, none of which eventually occurred (Atkinson 2010). The remnants of what had been Obote's and Okello's army thus largely melted as most soldiers attempted to hide among civilians. Nonetheless, other contingents marched further north and found sanctuary beyond the Sudanese border where they re-organised in the 3000-4000

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<sup>26</sup> For a detailed contemporary account of the coup, see Mapolu (1985). In the aftermath of the coup, reproducing the endless loop of retaliations, Acholi troops exploited the occasion to take revenge on both Langi soldiers and civilians (Weber 2003).

men strong Ugandan People's Democratic Army/Movement (UPDA/M), led by former ministers in the Obote and Okello's regimes (Allen, Vlassenroot 2010).

In Acholi rural society, the return of soldiers to their homeland marked the beginning of a profound crisis. As Behrend (1999, 24) points out, soldiers came back as strangers accustomed to the 'high life' granted by plundering and terrorising peasants; "the elders tried to enforce their own authority over the soldiers by referring to 'Acholi tradition' (*Acholi macon*), but they seldom prevailed in the ensuing power struggle." Above all, most of them refused to undergo the traditional practices of cleansing necessary to appease the spirits of those who had been 'sinfully' killed during the Bush War, thus attracting misfortune upon the Acholi. In the popular perception of the conflict in Northern Uganda, such unfulfilled appeasement with the spiritual world and the consequent wrath of the dead were read as the cause of the sufferings brought by the war (Human Rights Watch 1997; Jourdan 2018).

When the NRA/M forces crossed the Nile and entered in Acholiland in February 1986, they expected to face a generalised rebellion and, although there was no one, Museveni's army enacted widespread counterinsurgency tactics. Moreover, for his mainly Baganda and Western Ugandan troops, the invasion of the North represented the welcome occasion to reciprocate all the abuses and brutalities perpetrated by UNLA northerner soldiers during the Bush War in Luwero (Dubal 2018). Counterinsurgency and revenge thus translated into widespread, gross human rights violations with tortures, rapes, abductions, killings, and detentions at the expenses of both former soldiers and civilians. Further, NRA/M troops pillaged far and wide, sacking much of the Acholi wealth and property; above all else, hundreds of thousands of heads of cattle were rustled by soldiers as well as Karamojong cattle raiders from the east, who harnessed turmoil in the region to take their share of loot (Finnström 2008). As a result, in a few months, the NRA/M forces gave shape and impetus to that very insurgency they did not face in the first place as their devastations produced generalised hatred in the local population. Disgruntlement and counterinsurgency thus fuelled one another in a feedback loop dynamic, especially after the return of UPDA/M to Acholiland in August 1986.

This early phase of the war was rather chaotic in terms of relationships between the actors involved in the conflict: Northern Uganda in fact hosted a variety of rebel groups pursuing different strategies and often clashing among themselves.<sup>27</sup> Between 1986 and 1988, UPDA/M largely lost its early social support among the population, especially because of its incapability to attain military successes, the increasing attacks against civilians for foraging, and the increasing losses caused by the attacks of the emerging Lord's Resistance Army (LRA) led by Joseph Kony; eventually, in June 1988, its leaders signed a peace agreement with Museveni's government and many UPDA/M troops left the bush to join the NRA/M ranks (Atkinson 2010). However, others did not and decided to blend into other rebel groups – and especially the 'Holy Spirit' ones.

Since 1985, before violence would become a daily reality in Northern Uganda, a young woman called Alice Auma became increasingly famous among her fellow Acholi as a prophetess, cleanser, and healer possessed by a powerful spirit named Lawkena ('messenger' in Acholi, which also became Alice's nickname) and other minor ones. Alice's Holy Spirit Movement (HSM) initially took the shape of a peaceful movement based on egalitarian mixture of Christian and traditional-spiritual principles mainly focused on ritual healing and cleansing (Allen 1991). In 1986, as violence mounted in the North, Alice claimed Lakwena had ordered her to take up arms against NRA/M and cleanse Uganda from evil, witchcraft, and sorcery, and the prophetess became the military commander of the Holy Spirit Mobile Forces (HSMF) (Behrend 1991, 1999; Atkinson 2010). Alice Lawkena's "universal message of redemption, love, and unity beyond earthly differences" (Finnström 2008, 76) attracted widespread support to her movement and considerable fractions of other rebel groups progressively joined her ranks; for combatants, joining the HSMF also meant to be relieved from their sins, as they were cleansed through initiation rituals.<sup>28</sup> Support around her grew as she also proved to be a valuable commander who

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<sup>27</sup> According to Finnström (2008), by 1988 there were 27 active rebel groups struggling against Museveni's government.

<sup>28</sup> Behrend (1991) provides a detailed description of the articulated religious/spiritual universe of the HSMF.

won several major battles against the NRA/M; however, when Alice led the rebel army towards Kampala in October 1987, the HSFM was irreversibly defeated in Jinja and she fled to Kenya, where she died in 2006 (Engelke 2007). Remnants of the HSFM, as well its spiritual legacy, were reaped by Joseph Kony – alleged second cousin to Alice Lakwena – and his LRA.<sup>29</sup>

#### 1.4 *The war against LRA*

After a decrease in hostilities following the HSFM collapse, Museveni waged a new violent campaign against the remaining rebel groups after the peace with the UPDA/M in 1988; his scorched-earth strategy brought a new wave of violence against civilians and their evacuation of hundreds of thousands of people into camps, as well as the destruction of food stocks and herds. In 1991, the new counter-insurgency campaign Operation North virtually sealed off Acholiland from the rest of the country and the NRA continued with its large-scale gross violations of human rights (Westbrook 2000; Dolan 2000b). Moreover, thousands Acholi were mobilised with the formation of paramilitary ‘Arrow Groups’ in support of the NRA troops, and its militiamen were lightly armed with bows, spears, and machetes. Then, as soon as the army changed its mind and decided Arrow Groups could take care of themselves in the fight against rebels, the LRA brutally massacred thousands of them as an example to those who decided to support the government (Atkinson 2010).

Throughout the 1990s, the war was characterised by three main trends. First, violence and warfare ebbed and soared again several times, especially in correspondence of peace talks and their failure in 1994 and 1999-2000 (Atkinson 2009). The civilian population was target of atrocities perpetrated by both the NRA (then renamed Uganda People’s Defence Force – UPDF with the 1995 Constitution) and LRA; the latter, in particular, progressively intensified abductions (especially children, cfr. Eichstaedt 2009), maiming, killing, and

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<sup>29</sup> For a brief period, Alice’s father Severino led a fraction of former HSFM rebels, but he eventually surrendered in August 1989. See Jourdan (2018).



plundering on civilians. Second, since 1996, the UPDF scorched-earth strategy escalated into the mass displacement of civilians into ‘protected villages’ – then renamed Internally Displaced People (IDP) camps in early 2000s – in order to curb the LRA’s chances to resupply. The attribute ‘protected’ quickly proved to be a lie as, in many cases, the army did not place any garrisons at the protection of civilians, thus abandoning them to the brutalities of the LRA fighters (Allen, Vlassenroot 2010). For instance, a 2001 unpublished document by the Gulu Archdioceses reported:

“[between July 1966 and January 1997] the rebels of the LRA loitered around the villages of Lukung and Palabek in Lamwo Sub-County [and then assaulted them on 12 January]. They killed people by chopping them with pangas, while others were beaten to death or burnt alive in their huts. The dead amounted to 412 including men, women, and children. [...] The UPDF soldiers arrived later that day, and there was suspicion that their negligence in acting promptly prevented people’s lives to be saved. In that period, the commander of the 503rd Brigade quartered in Pajimu barracks [nearby Kitgum] was Lt. Col. Edson Muzoora, who had just gone on a leave. People remember that he had a friendly heart towards Kitgum’s inhabitants and cry that if he had been on duty death would have not occurred as it did, because he would not have delayed but hurried to save people’s lives” (Gulu Archdioceses 2001, 11).

Third, the conflict became increasingly intertwined with broader regional dynamics. In the context of ill diplomatic relationships between Uganda and Sudan, South Sudan became the LRA’s operative base for its activities in Northern Uganda. Kony was indeed able to establish a *do ut des* relationship with the Khartoum government: his troops effectively helped it in the fight against the South Sudan-based rebels of the Sudan People’s Liberation Army/Movement (SPLA/M, backed by Museveni). In turn, Khartoum heavily supported the LRA with supplies and armaments (Schomerus 2012; Dubal 2018).

Between 2000 and 2002, a shift in Museveni government’s strategy occurred. In January 2000, the Amnesty Act granted virtually universal amnesty to all rebels willing to leave the bush and surrender to the UPDF (Afako 2012).

Moreover, Museveni exploited his strong alliance with the United States, which he had been nurturing for years. As Anderson and Fisher (2016) explain, Kampala's security liaison with Washington had grown stronger since 1994, when the Rwandan genocide and the failed American intervention in Somalia triggered a major shift in Western countries and the UN's approach to African affairs. Increasingly concerned by the "practical and reputational dangers of direct involvement" in the continent's crises (*ibid.*, 77-78), they adopted a new doctrine of 'African solutions to African problems' based on the empowerment of regional actors as surrogates. Since the very beginning, Museveni leveraged such change to place Uganda as a mediator and peacekeeping force at the service of Western interests in the region, a move that awarded him international prestige, regional influence, and conspicuous military aid (Fisher 2013; Boyle 2020).

After 9/11, in the context of the emerging 'war on terror', the Ugandan President embraced the new doctrine and skilfully depicted both Khartoum and the LRA as agents of terror in the eyes of US officials. As the American administration labelled the two as terrorist actors, Museveni took the chance to join the cause and then opened negotiations with the northern neighbour. Put under increasing international pressures, Khartoum allowed the UPDF to penetrate into Southern Sudan to pursue the rebels and rescue the children abducted by the LRA (Branch 2007, 2008). As long as the war waged by SPLA/M in Southern Sudan lasted, LRA continued nonetheless to remain a resourceful ally for Khartoum; however, when a peace agreement between the two was signed in 2005, the Sudanese government drastically reduced its support to Joseph Kony. Although carried out on a massive scale, the UPDF's Operation Iron Fist in Southern Sudan had the main effect to boost LRA attacks throughout Northern Uganda. As a response, on 4 October 2002, the army announced that all Acholi had 48 hours to abandon their homes and move within or nearby IDP camps, after which they could be considered UPDF targets if found in the open field. In the span of two days, generalised forced displacement sealed 1.2 million Acholi (over 90% of the population) into concentration camps, where they remained until 2006 (Atkinson 2009, 2010; Nsibambi 2014).

In 2006, as war faded, people were allowed out of the camps. Twenty years of war and atrocities had disrupted societies and material wealth in Northern Uganda and left undying scars. In addition to the scarce protection provided by the army against LRA raids, the UPDF soldiers themselves were guilty of widespread abuses and gross violations of human rights in IDP camps.<sup>30</sup> Moreover, since 1996 and especially after 2002, camps became increasingly overcrowded and the conditions of their inhabitants atrocious. As ‘villages’ congested and mud huts progressively filled all interstices, the already risible cultivated plots completely ceased to exist, while chronically insufficient provisions by the government led to widespread malnutrition and famine. Equally, basic services such as the provision of water, education, healthcare, as well as sanitation infrastructures were often dire. Conditions of rampant poverty, dependency on aid, everyday insecurity, and the dull and miserable life in the camps led to soaring alcoholism, crime, prostitution, domestic and sexual violence, and ultimately to the unprecedented disruption of social and cultural capital.<sup>31</sup> In the Acholi-inhabited Gulu and Kitgum districts, a 2005 survey on IDP camps reported that more about 50% residents (and 40% children) had been abducted at some point, about 50% had witnessed the killing of a relative, and 20% had suffered injuries, mutilation, or maiming.<sup>32</sup>

In February 2006, preliminary peace talks started again.<sup>33</sup> Negotiations between the government and the LRA saw the participation of Acholi traditional leaders, the semi-autonomous government of South Sudan, and the UN as mediators, and already in August 2006 produced a Cessation of Hostilities Agreement. However, they revealed to be a troubled process. Between 2006 and 2008, peace talks interrupted and restarted several times, as both the LRA (now quartered in the Garamba Forest at the border between Southern Sudan and the Democratic Republic of the Congo - DRC) and the government/army leaderships

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<sup>30</sup> Nsibambi (2014) reports that, at the peak of the conflict, there were more than 200 IDP camps in Northern Uganda with a population between 10,000 and 60,000 each.

<sup>31</sup> On the situation in the camps, see for instance the reports by the Norwegian Refugee Council (2002, 2004) and Human Rights Watch (2005).

<sup>32</sup> Data reported in Atkinson (2010, 304).

<sup>33</sup> Peace talks were characterised by the activism of the KKA leaders as mediators; their role is discussed in more detail in Chapter II.

were characterised by internal divisions and manipulations (Atkinson 2009; Allen, Vlassenroot 2010; Dubal 2018). Eventually, on 29-30 November, Joseph Kony failed to present himself at the convened meeting at Ri-Kwangba in Southern Sudan, where the final agreement should have been signed. As the deadline expired, Museveni launched the UPDF in the pursuit of the LRA in DRC and Southern Sudan, determined to wipe out Kony once and for all. Twelve years later, they are still looking for him.

### *1.5 The revival of 'cultural institutions' in Museveni's Uganda*

On 1 May 1993, the people of Buganda cherished the advent of a new era. After 26 years since the 1966-67 Obote's ban of traditional institutions that wiped out the Kabaka as well as all other kings and chiefs from the social and political arena, Yoweri Museveni announced the restitution of all alienated properties to Buganda. In July of the same year, the National Resistance Council passed the Traditional Rulers (Restitution of Assets and Properties) Act (1993), which handed back to Buganda not only an array of symbolic palaces and places, but also sizeable economic assets – e.g. 350 square miles of land, among others. The act reserved the same treatment to all dispossessed leaders, returning properties, assets, lands, and royal regalia. In 1995, the state-led traditional 'revival' substantiated in Article 246 of the Constitution that, among other principles, poses the basis for rules on funding traditional institutions:

“(1) Subject to the provisions of this Constitution, the institution of traditional leader or cultural leader may exist in any area of Uganda in accordance with the culture, customs and traditions or wishes and aspirations of the people to whom it applies.

(2) In any community, where the issue of traditional or cultural leader has not been resolved, the issue shall be resolved by the community concerned using a method prescribed by Parliament.

(3) The following provisions shall apply in relation to traditional leaders or cultural leaders:

(a) the institution of traditional leader or cultural leader shall be a corporation sole with perpetual succession and with capacity to sue and be sued and to hold assets or properties in trust for itself and the people

concerned;

(b) nothing in paragraph (a) shall be taken to prohibit a traditional leader or cultural leader from holding any asset or property acquired in a personal capacity;

(c) traditional leader or cultural leader shall enjoy such privileges and benefits as may be conferred by the Government and local government or as that leader may be entitled to under culture, custom and tradition;

(d) subject to paragraph (c) of this clause, no person shall be compelled to pay allegiance or contribute to the cost of maintaining a traditional leader or cultural leader.

(4) The allegiance and privileges accorded to a traditional leader or a cultural leader by virtue of that office shall not be regarded as a discriminatory practice [...]; but any custom, practice, usage or tradition relating to a traditional leader or cultural leader which detracts from the rights of any person as guaranteed by this Constitution, shall be taken to be prohibited under that article.

(5) For the avoidance of doubt, the institution of traditional leader or cultural leader existing immediately before the coming into force of this Constitution shall be taken to exist in accordance with the provisions of this Constitution.

(6) For the purposes of this article, "traditional leader or cultural leader" means a king or similar traditional leader or cultural leader by whatever name called, who derives allegiance from the fact of birth or descent in accordance with the customs, traditions, usage or consent of the people led by that traditional or cultural leader.

The strategy enacted by Museveni's government in the early-mid 1990s represented a huge turn with regard to the NRM previous ideological positions. Since its formation, in fact, the Movement had been characterised by radical leftist positions and a generalised hostility towards the politicised ethnicity represented by the old kingdoms, which was seen as an intrinsic source of unwelcome sectarianism and endless squabbling around backward instances. Moreover, since the bulk of NRM political and military cadres came from Western Uganda, the reinstatement of kings in the area would have entailed the negotiation of new alliances opening a 'new front of loyalty' in the core support basis of the Movement (Sjögren 2013).

With this first move, Museveni undertook his new strategy of power consolidation by building a network of traditional leaders who could ensure the social basis for his rulership (the President has the power to confirm or not the

cultural leader) and, mainly, compensated Buganda for its crucial support during the Bush War and calm down the rising neo-federalist stances (Nsibambi 2014). However, the new traditional rulers were conferred nothing of the power the 1962 Constitution bestowed upon them. The ‘cultural’ institutions and leaders the 1995 chart refers to are formally depoliticised and neither enjoy administrative, fiscal, or judiciary powers nor are integrated within the state apparatus anyhow. By all means, the confinement to the cultural-ceremonial domain was indigested in Buganda, with the consequent revamp of federalist and self-government demands and the utter deterioration of the relationship between the Kabaka and Museveni, which sometimes reached the edge of a violent crisis (Doornbos 2001; Paine 2014).

Together with Kabaka Ronald Muwenda Mutebi II, the 1993 Act reinstated the *mukama* in Toro and Bunyoro kingdoms, and the *kyabazinga* in Busoga. However, as soon as attempts to restore the *omugabe* in Ankole were made, the government refused to recognise the new ruler with the excuse that the coronation was not endorsed by the district councils of the Ankole region. In doing so, Museveni (and the emerging Banyankole state élite with him) cut short the emergence of a new centre of power that could become potentially divisive of the President’s own ethnic group – and Ankole has remained without a king up to the present day (Reid 2017). The case of Ankole, nonetheless, responds to a more generalised pattern in which the President chronically interferes with the affairs of the various cultural institutions in order to exercise his control over them, especially by hetero-directing or hindering the process of enthronement of new rulers. For instance, the *obusinga* of Rwenzururu was reinstated just after several years of negotiations between Kampala and the prospective subjects of the Kingdom, and “the President’s commitment letter to attend to the request by the pro-Obusinga group stated that the people of the region should vote for the President in order for him to consider recognising their kingdom” (Komujuni 2019, 58). More recently (Beevor, Titeca 2018), the government accused the *obusinga* Charles Wesley Mumbere Iremangoma of being responsible for violent clashes that caused 150 deaths, which were allegedly carried out by the King’s ceremonial guards regrouped in an independentist rebel group. The King

has been under house arrest ever since while the Queen Mother has claimed her right to the throne, backed by the government that recognises her as her son's replacement.

Nonetheless, the state-led revival has represented the occasion for a plethora of more or less 'traditional' actors to claim their right to be recognised as cultural institutions of their people, even where there were no pre-colonial precedents of centralised polities. Not only colonial institutions created *ex novo* by the British have been revitalised – such as in the case of the Ker Kwaro Acholi, thoroughly treated in the next Chapter –, but also 'commoner' outsiders have raised themselves to the rank of kings. A very recent case is represented by Caesar Mulenga, a little-known tycoon who has declared himself 'King' of the Bafumbira, a small ethnic group at the border with Rwanda that was never characterised by similar institutions before (Denoon 2018). Although backed by Museveni and being himself a declared NRM supporter, Mulega's claim has resulted largely unwelcome among the Bafumbira, and even the Diocesan synod of Kisoro has taken a clear-cut stand against the kingship as it would divide the community. Nonetheless, the new kingdom office in Kisoro is reported to receive dozens of visits per day by people who desire to pledge allegiance to the new businessman-king.<sup>34</sup>

Further, Museveni has established control over cultural institutions – and ethno-political claims, more in general – through a strategy of *divide et impera* nested within the broader process of decentralisation. Since the Bush War period, the NRM had established a new local government system based on a five-tier structure of Resistance Councils (RCs) – renamed Local Councils (LC) in the 1995 Constitution – respectively operating at the village (RCI), parish (RCII), sub-county (RCIII), county (RCIV), and district levels (RCV). Initially, general elections were held only at the village level, then RCI members would elect the components of the RCII and so on; then, in 1997 the Local Government Act introduced direct elections for all LCs. Further, the same Act operationalised the government's decentralisation policy, and local governments were attributed the

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<sup>34</sup> On the issue of King Mulega, see Kiggundu (2016), Kushaba (2015), Tugume (2015).

delivery of most services (e.g. healthcare, education, sanitation, and agricultural extension), the power of hiring and firing personnel, budget and by-laws making and revenue-raising powers. In addition, LCs budgeting was supplemented with a “system of grants from the central government [that] originally envisaged a high degree of discretion”, since the bulk of basic services was funded through “unconditional grants, supplemented by equalization grants, and conditional grants for jointly agreed programmes funded by the central government” (Williamson 2010, 312; Saito 2003).

In this context, the creation of new districts has thus become a valuable mechanism for Museveni’s patronage network: as Green (2008, 2015) discusses, the birth of a new district entails the creation of thousands of jobs at the local level and thus enhances voters’ support to the NRM. Moreover, while a number of demands for the creation of new ethnically homogeneous districts has been advanced along the years, the government’s demarcation of old and new boundaries has been conversely carried out in order to *balkanise* ethnic groups in different administrative units. As Crook (2001, 10) wrote about the decentralisation process:

“The intention is very clear; it is to diffuse and fragment any institutional bases around which ethnic or sub-national political identities could re-form themselves. Even the District boundaries have been demarcated in such a way as to sub-divide traditional ethnic ‘political fiefdoms’ or kingdom areas. The decentralisation policy is therefore part of a strategy aimed at emphasising national unity and denying the relevance of ethnic and religious identities.”

Between 1995 and 2007, the number of districts soared from 39 to 80 (Williamson 2010) and, at present, 112 of them are in place.<sup>35</sup> This, however, has not entailed that decentralisation has calmed down ethnic conflict; on the contrary, in many cases, it appears to have actually driven to soared levels of ethno-political tensions, and the appeal to the creation of a new district has become an everyday claim in ethnically heterogeneous districts. Nonetheless,

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<sup>35</sup> For an updated number, see website of Government of Uganda: <https://www.gou.go.ug/content/local-governments>.



these conflicts are predominantly played and mediated within the parcelled political arenas created by decentralisation and the LC structure, thus preventing them to gain momentum on a broader scale (Green 2008). Seen from the other end of the spectrum, decentralisation has hence led cultural leaders to have to deal with a plethora of public officials and politicians reproducing their authority and incumbency in a multitude of local political arenas, often squabbling one against the other. In other words, while cultural leaders have now to push their agenda through multiple, fragmented political-administrative bodies, their subjects across different units can now be mobilised against each other by local politicians as a way to gain consensus.

In 2009-2011, the Ugandan government undertook the operationalisation of Article 246 of the Constitution by advancing *The Institution of Traditional or Cultural Leaders Bill* (Government of Uganda 2010), which consolidated in the homonymous *Act* (Government of Uganda 2011). This new piece of legislation comprehends several important provisions: first, it has established a regime of privileges and benefits by the government to recognised cultural leaders.<sup>36</sup> Second, it links the legitimacy of a cultural leader to define him/herself as such to the recognition by the government, which can also withdraw it in case the leader violates constitutional or the Act dispositions. Third, it makes cultural leaders personally liable for any civil wrongs committed by themselves or the agents acting on their behalf. Fourth, it forbids leaders to take part to politics, under penalty of destitution:

“(3) For the purposes of this section a person joins or participates in partisan politics when that person—

(a) becomes a registered member or card bearing member of the political party or political organisation;

(b) allows a member of a political party or political organisation or individual for purposes of political activities to articulate views, aspirations and interests of that political party or political organisation or individual;

(c) knowingly attends a rally or debate where the views, aspirations or interests of a political party or political organisation are articulated;

(d) allows a person in the employment of the traditional or cultural

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<sup>36</sup> This aspect is thoroughly discussed in Chapter V.

institution of which the person is a leader to engage in any of the activities referred to in paragraphs (a) to (c).

4) A person who knowingly involves a traditional or cultural leader in partisan politics commits an offence and is liable on conviction to a fine not exceeding twenty-four currency points or imprisonment not exceeding twelve months or both” (art. 13 in Government of Uganda 2011, n.a.).

Such limitations are even more draconian once considered the Act’s definition of partisan politics, which include:

“a. promoting, or supporting a political party or political organisation or an individual in respect of political activities;

b. making statements against Government or opposition policies or programs;

c. making statements or comments on Bills or motions under consideration by Parliament with a view to influencing their outcome” (Government of Uganda 2011, n.a.).

The Act was hurriedly passed close to the 2011 presidential elections and, as it drastically confines cultural leaders and their institutions to a largely symbolic and ceremonial role, it elicited strong protests from Buganda, which intended it as a direct and deliberate attack to the Kabaka (Murison, Lwanga 2012; Bagire *et al.* 2017). More broadly, a variety of commentators has remarked how its provisions *de facto* wipe out cultural leaders’ freedom of speech on any national issue, thus making them ‘halved citizens’ if compared to any other Ugandan (Mulira 2010; Semuwemba 2011). In Buganda for instance, as Sjögren (2020) notes, the law has imposed tight restrictions on the topics that can be promoted and discussed in broadcastings of those radio stations tied to Mengo Hill, which now experiences a much harder time in directly communicating their demands and preoccupations.

All in all, it emerges that the state-led revival in Uganda has configured as a strategy based on the principle of the ‘carrot and stick’. While Museveni has allowed the rebirth of the old institutions to appease the ‘traditionalist’ pressures from multiple sectors of Ugandan society, he has proved his will to tame them since the very beginning. Probably mindful of the lessons of history on the power

kings and chiefs can deploy in politics coming from his predecessors, the President has pursued policies aimed at manipulating, disarticulating, and entangling traditional authority institutions to stabilise his regime and prevent new, unwelcome ‘Buganda crises’.

### 1.6 *The Kamwokya quarter in Kampala*

The site of research in Kampala is the slummy quarter of Kamwokya (pronounced *kam-oh-tcha*, literally ‘the sun is burning him/her’), which extends over the administrative units of Kamwokya II Parish and Bukoto Mulimira Zone.<sup>37</sup> The quarter is delimited south-eastwards by Kira and Old Kira roads, Mawanda Road to the south-west, the Northern Bypass Highway northwards, and Mojo Close Road to the east. To the south, east, and west, the quarter lies on the lower slopes of Mulago, Kololo, and Bukoto hills (whose tips host much wealthier neighbourhoods),<sup>38</sup> which downgrade to the north in a swampy plain where newer slums have grown up to the Bypass.

The settlement started around 1960, when the area was still outside the city administrative borders, and began with the construction of mud buildings in the proximity of Old Kira Road then to expand in a totally unplanned quarter. At that time, the lower swampy parts of the area were still occupied by royal plantations Africans would not pass through, and those who dared used to say ‘*nsige nsooba*’ (literally ‘I have come tip-toeing’; Wallman 1996). Nowadays, *Nsooba* still informally indicates such lower area of the quarter as well as the drainage channel that has been built – *de facto* an open-air sewer. The settlement grew considerably from 1970s onwards because of the inflow of people displaced by decades of turmoil in the country, which gradually filled the gaps

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<sup>37</sup> From the administrative point of view, Mulimira Zone falls in Bukoto I Parish, Nakawa Division, while Kamwokya II belongs to Central Division, and the border is marked by the Nsooba drainage channel. However, there is no socio-spatial discontinuity between the two banks of the channel, as Mulimira Zone constitutes the expansion of the Kamwokya slum northwards up to the Bypass.

<sup>38</sup> For instance, Kira road spatially marks the division between Kamwokya and the affluent neighbourhood of Kisimenti, where the Acacia Mall – the most luxurious one in the capital – is located.

between the earlier scattered settlements. In 1991, the census recorded about 12,000 dwellers with a density of 26,000 inhabitants per square kilometre (*ibid.*). In 2014, the new national census recorded a 50% population increase with 18,640 people dwelling in Kamwokya II (Uganda Bureau of Statistics – UBOS 2014).<sup>39</sup>

Nowadays, Kamwokya largely presents itself as an urban patchwork. Multiple-stories buildings, mostly concentrated along border and passable roads, coexists side by side with poor houses and shacks. Especially along the borders of Kira and Mawanda roads, the area has been experiencing a process of gentrification with the construction of new higher-income residences and commercial buildings in continuity with the better-off neighbourhoods of Mulago and Kololo; moreover, in the inner shanty areas, enriched dwellers have expanded their land plots and built fancier homes with curtain walls. However, the typical Kamwokya house single-story houses made with adobe bricks or mud and wattle walls, cement-screed floor, and an iron sheet roof. Most often they belong to the *muzigo* kind, a building made by single/double room tenements built in a row and hosting multiple households. The poorest homesteads, as well as the multitude of petty traders' shops, usually are shacks made with metal, wooden planks and poles. In most cases, poor houses suffer the absence of proper drainage and sanitation: toilet facilities usually take the shape of pit latrines, which are often shared by the tenants of the same landlord; nevertheless, in the

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<sup>39</sup> No UBOS statistics are available for the northern part of the slum in Mulimira Zone, as the Bureau provides data up to the parish level and thus data from Mulimira is aggregated to much wealthier neighbourhoods within the same administrative unit. However, a private research by a real estate agency estimated to be about 3,000 housing units over an area of 63,000 square meters. Even assuming just one inhabitant per house, this would entail a population density of about 47,600 per square kilometre (Pornchokchai 2018). In any case, statistics on unplanned settlements should always be taken with a grain of salt: for instance, Batte *et al.* (2015) mention a population of 40,000 in Kamwokya, probably taking from a 1996 study by Williams and Tamale (1996) - which is mentioned in most literature on AIDS/HIV issues in Kamwokya. In addition, for a detailed history of Kamwokya since early colonial times, see Nkurunziza (2006, 2007). According to the same author, the northwards expansion of the settlement on the swampy plains has been largely possible thanks to corruption and abuse of power by public officials. Formally, valley wetlands are government lands inalienable for development, as they are troublesome for constructions and present high risks for dwellers (particularly floods). Nonetheless, Local Council officials have been unlawfully selling plots of lands by exploiting their position as state representatives responsible for the general administration in the area under their jurisdiction.

lack of space to build new pits and the impossibility of emptying trucks to reach the existing ones,<sup>40</sup> open-air drainage ditches and channels have increasingly become open-air sewers for the disposal of faecal waste. Together with the lack of access to water, which is usually gathered at common wells and fountains with no cleaning systems, this determines precarious hygiene conditions that sometimes degenerate into outbreaks of typhoid fever, malaria, cholera, and other diseases.

From the socio-economic point of view, Kamwokya configures as an entry point for rural migrants seeking to conquer a bit of urban wealth. Inside the quarter, major economic activities are represented by petty trade businesses such as the sale of charcoal, vegetables, fruit and ready food by street vendors, shops selling foodstuff, booze, and household products, hair salons, tailors, butchers, shoemakers, carpenters, mechanics repairing *boda boda* motorbikes, as well as the ever-blooming businesses of phone repair, telecom and mobile money agents. Not infrequently, petty businesses are created by taking possession of a chunk of urban space, for instance by building an extension of the house or a corrugated iron or wooden shack besides an outer wall. In other instances, such petty activities are conducted in the homesteads' front verandas. In the evening, main streets become markets burgeoning with street sellers of any sort – ready food and snacks, above all. At the same time, Kamwokya residents working outside the quarter are employed in a variety of sectors: although the most part find a job as labourers in industries and construction sites, the quarter hosts a number of teachers, health workers of the nearby Mulago Hospital, public and private employees. Further, a sizeable number of male residents are engaged in the *boda boda* business, either as a full-time or side source of income.

However, for thousands of Kamwokya inhabitants and the young ones in particular, employment is a mirage: according to the 2014 census, unemployment rates were around or above 30% for almost working age classes

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<sup>40</sup> This is due to the totally unplanned, overcrowded structure of the settlement where there are only a few passable roads, while most houses can only be reached through narrow alleys; moreover, only a few roads are tarmacked, so Kamwokya's streets often become impassable pools of mud during heavy rains.

in both Kamwokya II and Bukoto I parishes; among youths aged 18-30, official employment rates reached just 64.9% in the former parish and 62.6% in the latter. The chronic lack of job opportunities in and outside the slum has led to widespread criminality: the slum has progressively become the hotspot for every form of crime and shady business, ranging from drug dealing to prostitution, contraband, handling stolen goods, and robbery, as well as being a sanctuary for thugs and wanted people. Police reluctantly steps inside the slums and patrols can be hardly seen around, especially outside the main passable roads and at night, thus leaving free reign to youth criminal gangs.<sup>41</sup>

As in the case of many migrants' neighbourhoods throughout Sub-Saharan Africa, the Kamwokya community has structured in enclaves based on ethnic belonging (Nkurunziza 2006).<sup>42</sup> For instance, in the south-western part of the quarter nearby Mawanda Road, the Bafumbira community has so grown in size throughout the decades to have two administrative zones named after itself, Kifumbira I and II. The bulk of the Acholi community in Kamwokya was instead found to be established in the lower parts of the settlement and especially in the *Nsooba* channel area – which has thus become the preferred spot for investigation within the slum, as indicated in Figure 1 (next page).

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<sup>41</sup> See for instance Shabomwe (2020) and Vision Reporter (2013). In addition, the dire slum life and the lack of prospects of change among the youth have become fertile soil for the growth of a new political leadership. In the last years, Kamwokya has become the political laboratory of Robert Kyagulanyi Ssentamu, better known as Bobi Wine. A musician who grew up and built his artistic career in the slum, then an entrepreneur and philanthropist, Wine has become famous for vehiculating social and political messages through his songs and engaging in humanitarian work. In 2017, he entered politics as an independent MP candidate and largely won the elections against his NRM opponent. Since the very beginning, Bobi Wine with his growing People Power movement has posed himself in open opposition against Yoweri Museveni, a choice that has resulted in his arrest on several occasions and President's manoeuvres to cut him out the political arena. Being the core ideological and social *milieu* of Wine's movement, Kamwokya as increasingly become a battleground for clashes between People Power supporters and the police trying to repress demonstrations. The rise of Bobi Wine is indeed a complex phenomenon in contemporary Ugandan politics, which is however not relevant to the issues investigated by this thesis; on the topic, see for instance the recent works by Osiebe (2020) and Muzee and Enaifoghe (2020).

<sup>42</sup> The clustering of migrants in urban enclaves is a well-established phenomenon in the literature, see for instance Weisner (1976), Cohen (2004), and Zach and Estifanos (2015). This topic is thoroughly discussed in Chapter II.

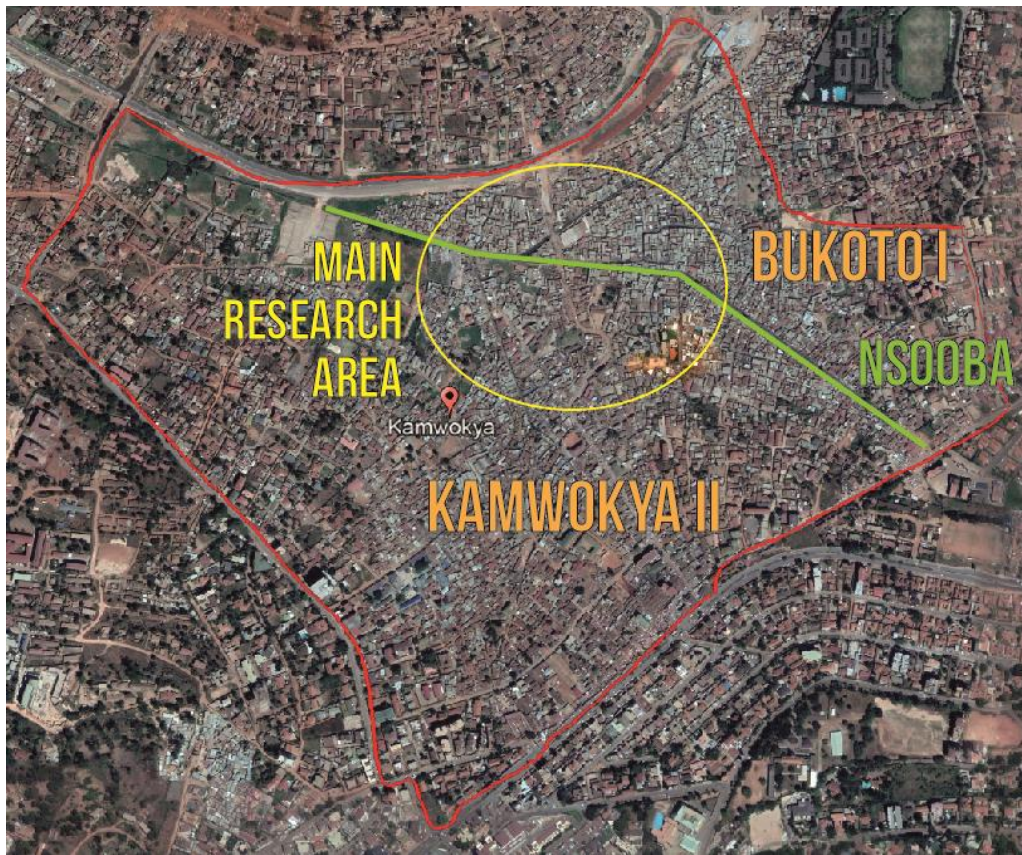


Fig. 1. Map of Kamwokya slum and the surveyed area. Source: the author (elaborated on a Google Earth satellite image).

## CHAPTER II

### **‘MODERN CLANS’: CHANGING NARRATIVES AND THE FORMALISATION OF CUSTOMARY LAW IN ACHOLILAND**

#### *2.1 The reinvention of traditional justice and the role of external actors*

The conflict in Northern Uganda was the first important case entrusted to the International Criminal Court – ICC. On 29 January 2004, Museveni by his side, the Chief Prosecutor Luis Moreno-Ocampo held a press conference in London to announce his intention to investigate the war crimes committed by the LRA. In May 2005, at the ICC pre-trial chamber, Moreno-Ocampo presented the collected evidence on the LRA’s atrocities and requested the issue of warrants for the arrest of Joseph Kony and four of his top-tier officers – which were released two months later (Peskin 2009). In October of the same year, when the warrants were unsealed, the Prosecutor stated that:

“The issuing of the first arrest warrants is also an important element in the creation of a new international justice system. The International Criminal Court was established to demonstrate the determination of the international community to put an end to impunity for the perpetrators of the most serious crimes. Civilians in Northern Uganda have been living in a nightmare of brutality and violence for more than nineteen years. I believe that, working together, we will help bring justice, peace and security for the people of Northern Uganda” (Moreno-Ocampo 2005).

However, while the UN Secretary General Kofi Annan hailed such decision (United Nations 2005), on the ground the ICC received harsh critiques by a variety of local actors, among which several NGOs and traditional and religious leaders. Criticisms mainly articulated along three lines: first, the ICC’s ‘lapse of



memory' about the atrocities committed by the UPDF during the war raised doubts on its objectivity. Second, its warrants were seen as the imposition of a Western form of retributive justice over the local mechanisms for reconciliation and conflict resolution and,<sup>43</sup> in the following months, the debate around the warrants degenerated about who was actually entitled to speak on behalf of the war-torn civilians, represent their best interest and well-being.<sup>44</sup> Eventually, the *Agreement on Accountability and Reconciliation* (United Nations 2007) signed between the LRA and the Ugandan government recognised the incorporation of traditional justice measures to manage the peace process – but the Juba talks eventually derailed mainly because of the persistence of the ICC warrants (Atkinson 2010; Macdonald 2017). Third, as Adam Branch noted, the warrants undermined the Amnesty Act promulgated by the government in 2000 and generally backed by the Acholi civil society, which was the main driver for peace and thus fast-paced return and social reintegration of LRA combatants and abductees (Branch 2007; cfr. Hovil, Lomo 2000).

Indeed, since the late 1990s, the issue of the re-socialisation of returnees

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<sup>43</sup> As Armstrong (2010, 31) explains, “retributive justice is typically associated with more Western legal forms of justice that seek punitive measures against perpetrators in order to obtain accountability. This stands in contrast to restorative forms of justice that can include measures such as restitution to the victim and rehabilitation for the perpetrator with the aim of rectifying and preventing future crimes and healing societal rifts brought about by the event”. As restorative justice aspires to heal all damaged relationships, it aims to hold culprits accountable to those communities that have been affected by their wrongdoings and make them to accept their responsibilities and seek forgiveness (Robins 2009). Over the last decades, this justice paradigm has been adopted in several African scenarios, such as the *Gacaca* tribunals in post-genocide Rwanda, the Truth and Reconciliation Commission in post-apartheid South Africa, the Ghanian National Reconciliation Commission on human rights violations between 1957 and 1993, the Kenyan Truth, Justice, and Reconciliation Commission on the 2007 post-electoral violence, the Truth and Reconciliation Commission in post-war Sierra Leone, and the reconciliation process in Northern Uganda detailed below (International Peace Institute 2013).

<sup>44</sup> The ICC involvement in Sub-Saharan African affairs has undergone strong criticism over the years. In particular, its critics have pointed out that: a) ICC's independence has been constantly compromised by the external interference of UN bodies, states, and global powers pursuing their own agendas; b) the institution chooses prosecutions selectively and does not follow consistent standards; c) its indictments can hamper ongoing peace negotiations, as well as the activities of peacekeepers and humanitarian agencies on the ground. In this respect, a notorious case was the ICC indictment against the Sudanese President Omar al-Bashir for crimes against humanity during the Darfur conflict. The issue of a warrant in 2009 undermined the ongoing international peace talks and severely affected the security conditions of UN-African Union forces and NGOs operating in the region, as they became targets of attacks by the regime's soldiers and militias (Gegout 2013; Duursma, Müller 2019).

through traditional mechanisms had represented a crucial issue in the late and post-war scenarios, and most humanitarian agencies and NGOs on the ground embraced the reconciliation-based positions of local religious and traditional authorities much before the ICC's entrance on the scene. In particular, the 1997 report by Dennis Pain decisively shaped the mainstream approach to peace and reconciliation for the next decade. Evocatively called *The Bending of Spears*,<sup>45</sup> the Pain (1997) report was based on the perspectives on reconciliation and peace from an array of so-called 'acknowledged opinion leaders'. Its underlying ideas were that the "Acholi traditional resolution of conflict and violence stands among the highest practices anywhere in the world" (*ibid.*, 2), but this order had undergone a social breakdown over the previous 30 years, during which "the elders have failed to take on the responsibility which they should have taken. For example, a young man joins the army and then appears to have significant income; if this is from stealing, the elders should have rejected this, but the elders were poor and were compromised by allowing wrong to occur" (*ibid.*, 78). Moreover, he conceived that since LRA combatants came from all clans, "all clans (and sub-clans) are both victims and perpetrators" and thus traditional leaders should come together to "discuss and come out with a common agreed solution" as they have always done traditionally, with the conviction that "as with any idea in Acholi, if the proposal is good, all will accept and Acholi can then speak with one voice" (*ibid.* 79).

Hence, Pain argued that a community-based approach grounded on Acholi institutions, customs, and values<sup>46</sup> was the only effectively way for peace, advocated for the state amnesty, and raised the *mato oput* to the role of pivotal reconciliation ritual followed by the *gomo tong*. Moreover, to do so, he forwarded that the *rwodi moo* should be entrusted to manage these processes in virtue of their intact moral authority, and that donors had to vehiculate funds to

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<sup>45</sup> The 'bending of spears' (*gomo tong*) is a form of Acholi reconciliation ritual that is done to reconcile two groups after a clash or a war.

<sup>46</sup> Quite interestingly, despite addressing Northern Uganda, the Pain report never makes mention of interviews with opinion leaders from other equally war-affected ethnic groups besides the Acholi – such as the Langi, the Teso, and the Madi. This vacuum derives from Pain's biased view that both the LRA and the affected communities were entirely made up of Acholi (Dolan 2000a).

provide compensations for the victims as well as to support the traditional leaders. In addition, he fostered several propositions that represented *tout-court* reinventions of both the Acholi customary law and the power arrangements between traditional leaders. For instance, the payment of the compensations received by the elders should then be channelled through District administrations to build local primary schools and memorial centres for the disabled victims of the war. The *rwodi* should have codified a common approach to deal with violent offences against the person via traditional means and the *mato oput* process and establish a simplified compensation scheme. Further, the Payera clan was identified as the prominent Acholi clan, and its *rwot moo* was described as a *de facto primus inter pares* among other chiefs.

Indeed, Pain's work has attracted harsh critiques. An early butchering of the report was carried out by Dolan (2000a, 15), who defined it as "littered with cultural and political land-mines" and reproducing a sentimental picture of the Acholi culture rather than "really attempting to assess either the extent to which that picture is accurate or whether the cultural institutions identified are up to the task of bringing peace in Northern Uganda." Dolan attacked the report from many sides, but most importantly underlined that the essence of the Acholi reconciliation mechanism is that all clan members contribute to compensate the family of the victim to show their shared responsibility, guilt, and cleansing; on the contrary, the injection of external money directly breaks the social dimension of reconciliation.

Branch (2011, 158) argues that the report a-historically reduced the conflict to an internal social crisis caused by the breakdown of Acholi traditional authority and framed it "only as a cleavage between the LRA, as the most recent generation of rebellious, violent youth, and the Acholi represented by Acholi elders as arbiters of tradition." Further, he points out that the crisis could not just be resolved through the reconstruction of chiefly authority, because it was also the result of the obliteration of the Acholi political middle class that had served as a nexus between the local and national political power. In addition, Allen (2006, 2007, 2008) argues that Acholi reconciliation and compensation mechanisms are far from being unique as other societies in the region are

characterised by similar practices, and that *mato oput* has become an umbrella term to address disparate rituals. Moreover, he criticises that Pain forwarded a mix of two rare rituals: *mato oput* is done after a killing within a single community, while the *gomo tong* is a ceremony symbolising the end of hostilities between two clans, but it does not entail compensations.

Nonetheless, among the humanitarian actors involved in activities in Northern Uganda, the Pain report was much more warmly welcomed. Since the end of the '90s, the *mato oput* narrative became popular among several NGOs and international donors, which started channelling funds for the celebration of rituals and the provisions of compensations (e.g. Afako 2002; LIGI 2005; JRP 2007). Building on the same perspective, since the mid-2000 new researches and reports started to forward more articulated perspectives on reconciliation accounting for the variety of rituals characterising the Acholi customs (Schotsmans 2015). Other organisations, however, produced much more sceptical reports on the primacy of the *mato oput* and the elders and traditional chiefs' capacity to manage this process, as well as on the social support among the Acholi towards the 'Pain-based' approach – which however remained largely ignored (e.g. ACORD 2000; ICTJ 2005).

In the first years of the new millennium the hostilities largely slowed down the execution of rituals, but by 2005 they were performed by the dozens and attended by international staff and journalists. Above all, their officiation rapidly intertwined with broader processes of revival and reinvention of chiefly authority, and in particular with the rise of the Ker Kwaro Acholi (KKA) cultural institution presided by the Paramount Chief Rwot David Onen Acana II (Allen 2007).

## 2.2 *The Ker Kwaro Acholi*

In Acholi society, the presence of pressures for the creation of an apical post of traditional authority somehow resembling the *kabaka* of Buganda is not a new phenomenon. During the colonial period, since the mid-1940s, the colonial chiefs sitting in the District council started advocating for the creation of a

secretary general and an Acholi District judge as part of a broader campaign aimed at expanding the powers of the Acholi African Local Government and thus their own authority (Gertzel 1974). Their demands were eventually accepted in 1950 and two posts were created: the *lawirwodi*, chairman of the District Council and senior executive of the local government, and the *langolkop madit*, the chief judge, both elected by the county chiefs within the District Council. Although the colonial administration defused the chiefs' pressures to equate the former post to a sort of hereditary kingship, the Lawirwodi's growing prestige and importance in the administration enhanced chieftdom rivalries, and especially between the chiefs of Payera, Padibe, and Pajule who also enjoyed the status of *rwodi moo* (*ibid.*).

At the same time, however, chiefs were not fully satisfied of such reforms, and the demands for the appointment of a paramount chief who could stand as equal in front of the Kings of the South persisted in local politics. Eventually, after years of negotiations, in 1959 the post of *lawirwodi* was abolished and replaced with the one of *laloyo maber*, a ceremonial head with no executive powers elected on a five-years term, an institution that was also sanctioned by the post-colonial governments (Amone, Muura 2013; Paine 2014). Nonetheless, the appointment of the new *laloyo* became a field of intense political struggle where chiefs' rivalries intertwined with local and national party politics, and it was not resolved until 1965 with the instalment of Rwot Adonga of Pajule, but the post was abolished under Amin's dictatorship.<sup>47</sup>

During the 1990s, in the framework of the state-led revival of traditional authority fostered by Museveni (see Chapter I), the issue of having a head of the Acholi resurged in Northern Uganda. According to the extensive work by Paine (2014), since the early 1990s the new Payera Cultural Association started seeking financial assistance from the District government. Moreover, a group of

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<sup>47</sup> The analysis of such articulated struggles goes beyond the purpose of this paragraph; for details see Leys (1967), Gertzel (1974), and Laruni (2014). On the historical trajectories of the traditional authority structures of other ethnic groups that share strong similarities with the Acholi, see Southall (1995, 2004) and Browne (2018) on the Alur, Atim and Proctor (2013), Uzoigwe (1973), and Tosh (1978) on the Lango, Owor (2012) and Quinn (2014) on the Jopadhola.

*rwodi moo* councillors called Kal Kwaro, chaired by the same Rwot of Payera Godfrey Acana, advocated for the peaceful resolution of the conflict and the issue of a general amnesty that would quickly cease hostilities and allow the return and reintegration of the LRA combatants. Over the years, these traditional leaders increasingly carved themselves a position as mediators between Kampala and the rebels, and the Kal Kwaro thus emerged as a relevant actor in peace negotiations that enjoyed the recognition by the international community, religious leaders, and the government.

In this process, the Pain report played a crucial double role: on the one side, it legitimised traditional justice as a crucial domain for the achievement of peace and bolstered an approach based on the involvement and support to traditional leaders by international donors and NGOs. On the other side, it fostered the falsified conception of the Payera as holding a position of primacy among other Acholi clans. Although the Kal Kwaro was far from representing all *rwodi* (as many of them had been displaced or had died during the conflict; ACORD 2000), it portrayed itself as the institution unifying all Acholi traditional leaders. Hence, harnessing the donors' focus on traditional authorities, the Kal Kwaro managed to draw support for a ceremony to be held in 2000, during which several *rwodi* would have been officially reinstated and the Rwot of Payera would have been installed as Paramount Chief (Lawirwodi).

However, Godfrey Acana fell sick and died in 1999, leaving instructions that his son David Onen should have taken his place as Rwot of Payera; consequently, the council of the Kal Kwaro deliberated that David should also take his father's place as Paramount Chief. It was agreed that the post had to rotate among the chiefs every five years, that the Paramount Chief's role should have been to represent and coordinate the chiefdoms, but also that he had no right to interfere in their internal affairs (Paine 2014). Nonetheless, despite such agreements, in the following years the Rwot of Payera manoeuvred to consolidate his position as a lifetime ruler of the then renamed Ker Kwaro Acholi. In 2005, a large and sumptuous coronation ceremony was held in Gulu with the aim to elevate him as a peer of the other traditional monarchs of Uganda: Rwot David Onen Acana II was installed as Lawirwodi, and any doubt about his kingly position was

removed by assuming the attribute of ‘his royal highness’.<sup>48</sup>

Since its establishment, the KKA has configured as a controversial institution and, in all respects, it represents a glaring case of reinvention of traditional authority. While the Acholi pre-colonial history was never characterised by the emergence of a centralised polity, since the late colonial rule the posts of *lawirwodi* and *laloyo maber* were nested within the administrative system of the District Council, and anyway were institutions connected to the structures of appointed colonial chieftaincy rather than the *rwodi moo*. Yet, the KKA has always presented itself as the ‘cultural institution’ embodying the collective will of the Acholi, and it is recognised by the central government as such; nonetheless, whereas it has affirmed as an important socio-political actor in Northern Uganda, it has also been subject to widespread contestations by other *rwodi* (Steinl 2017).

Over the last two decades, the KKA leadership has been able to draw support from different actors by playing multiple roles. In the early years of this institution, the foremost playing fields were represented by the peace talks with the LRA and reconciliation. Godfrey Acana’s role as peace mediator was inherited by his son once installed as leader of the KKA, and Rwot Acana II played a significant part during the Juba peace talks, both in trying to bring the LRA to the negotiating table and in drafting the *Agreement on Accountability and Reconciliation* (Rose, Sattarzadeh 2005; ICG 2006; Olupot 2007; *Lira Declaration* 2007). At the same time, the organisation of public ceremonies for reconciliation and rehabilitation of returnee rebels represented a primary driver of mediatic exposure towards both humanitarian actors and the Acholi themselves.

In this respect, the KKA harnessed the *mato oput* narrative to position itself as the ultimate custodian of customary law, which was codified and reinvented with the assistance of external actors. In 2001, the cultural institution published a document named *Law to Declare the Acholi Customary Law*, also known as

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<sup>48</sup> Donations for the ceremony came from individuals, international donors, and the very President Museveni. However, a large part of the funds was actually used to renovate the old colonial buildings where the KKA had installed its offices (Paine 2014).

the 'red book' because of its cover, with the support of the Danish International Development Agency (KKA 2001). Designed in a legal format, the document thoroughly codifies a vast array of crimes and taboos, establishes the procedures and requirements for the *mato oput*, and fixes the compensation that must be paid as reparation for each felony – in animals and their monetary equivalent. Originally, the pamphlet was redacted to serve a twofold purpose: on the one side, the codification of a homogenous customary law for all clans would provide a workable format for NGOs and donors, which provided financial support for the performance of reconciliation rituals and the payment of compensations. On the other side, the monetary equivalents were designed as symbolic sums that were much lower than the livestock market prices. This choice embodied the KKA's will to prioritize acknowledgment and reconciliation over full restoration, as proper *culu kwor*<sup>49</sup> could not be easily paid in a context of widespread destitution (Ogora 2009; Enomoto 2011).

Although the red book was not widely adopted by Acholi clans (Hopwood 2015a), it nonetheless incarnated the KKA's attempt to establish itself as a new apical body of traditional authority in Acholiland. Such a claim is powerfully embodied by the document's general provisions on application and enforcement, which state:

“(1) This law shall be binding and apply to the wrongs committed within the jurisdiction of the Ker Kal Kwaro Acholi irrespective of whether the person(s) who committed it/them is/are Acholi or not.

(2) This law shall be enforceable by the Ker Kal Kwaro Acholi Chiefs and the Council of Elders or any other person(s) delegated or designated by the Ker Kal Kwaro or council of elders to enforce it” (KKA 2001, 1)

Whereas the Law recognised the role of chiefs and local councils of elders

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<sup>49</sup> The *culu kwor* ('blood compensation') is a crucial institution in the traditional system of restorative justice. In the case of a killing, the whole clan of the murderer is bound to refund the deceased's family for its loss. In a few words, the restoration entails not only that the latter will not seek vengeance, but also that all murderers' fellows accept the cease of all hostilities even in the future by sharing part of the burden. Money is usually collected by entrusted elders, who also manage the execution of reconciliation rituals. The compensation and rituals are crucial to appease the spirit of the dead, which will attack whoever attempts to misappropriate part of the sum that must be delivered.



in administering traditional justice, it framed the KKA as the ultimate depository of ‘customary’ justice. According to article 47 and 48, those who were not satisfied with the decisions of their clan leaders could appeal to the committee of the Ker Kwaro, which could ultimately enforce its sentence through civil authorities. Indeed, this not only represented a reinvention of traditional justice, but also an outright prevarication of the position of individual *rwodi moo* as ultimate rulers within their clans, an issue that drew strong contestations from many traditional leaders.<sup>50</sup>

The rise of the KKA as an important institution in the late and post-conflict Acholiland was also intimately connected to its activity as an NGO-like institution, as the KKA was able to propose itself as a platform coordinating traditional leaders that could channel aid funds and act as an intermediary between the government, NGOs, and local communities. According to Komujuni and Büscher (2020, 109):

“Between 2003 and 2013, KKA positioned itself as a key institution in the aid economy. For example, in 2005, the institution was appointed as the main actor in the CRCM component (Community Reconciliation and Conflict Management) of the World Bank funded NUSAF programme (Northern Uganda Social Action Fund). KKA coordinated *rwodi* to perform rituals or take part in NGO programmes and workshops. Furthermore, it was through the institution that donor funding would be passed on to individual *rwodi*. Apart from funds, KKA also channelled information. Calls for projects from donors and NGOs would only reach the *rwodi* through the institution. As such, KKA played a central role in chiefs’ access to donor funds, and the prestige that came with it.”

As a result, the KKA gatekeeping position had a direct impact on the reconstruction of traditional leadership in Acholiland. In those years, it was essential to *rwodi*’s to align themselves to the Ker Kwaro to get access to external resources, which were then crucial to build their own authority and legitimacy as leaders who were capable to channel resources towards their communities. Moreover, those chiefs who managed to carve themselves a position in the inner

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<sup>50</sup> Interview with an elder and Ladit pa Rwot of Koro clan, Omoro District, October 2019.

circle of the Paramount Chief and the KKA secretariat were furtherly advantaged, as they could establish direct connections with donors and thus tap into their resources and support (Komujuni 2019).

The KKA also nurtured its prestige and legitimacy by posing itself as a vocal actor in local governance. As the state laws prevented cultural institutions to step into politics, the KKA engaged in campaigns on ‘cultural issues’ such as gender-based violence and alcoholism, which were presented as undesired outcomes of urbanisation and camp-life that were in contrast with the Acholi ‘traditional values’. For instance, in 2016, the KKA successfully pressured the Gulu District Council to issue an ordinance implementing measures of alcohol restrictions (Büscher *et al.* 2018).

Another main area of intervention has been represented by land issues. Since the 2000s, the KKA has advocated for the creation of an Acholi Land Trust, an institution that would become a trustee of all land in the sub-region. According to such proposal, the Trust would operate as both a court on land matters and a clearing house mechanism for all land transactions (Hetz *et al.* 2007; Tumushabe *et al.* 2009). Moreover, it would undertake a comprehensive land mapping programme to demarcate borders without titling plot as private land, which should be based on the clan leaders reaching a consensus on the boundaries of clans’ lands (Kligerman 2010). According to the Ker Kwaro leadership, the creation of the Land Trust should be vested in the KKA itself, which would protect the land of the Acholi from land grabbing and wrangles. Indeed, such an arrangement would attribute a considerable power to the cultural institution, which would become the *de facto* gatekeeper of all private initiatives in the region by holding the authority to vet all potential investors (Langol 2019c). Although the Land Trust has never come to light, the KKA has nonetheless made land issues a focal point of its activity. In 2008, with the support of the Norwegian Refugee Council, the institution published a booklet named *Principles and Practices of Customary Tenure in Acholiland* (KKA 2008) in the attempt to codify customary norms on communal land tenure. Whereas the pamphlet did not get into widespread use in Acholi clans, the norms it contains are applied by the Ker Kwaro elders to administer traditional justice on tenure

disputes (Burke, Egaru 2011; Nakayi 2013).

The ‘days of glory’ of the Ker Kwaro Acholi, however, rapidly came to an end in the 2010s because of a set of intertwined factors. Above all, the fall of the KKA’s legitimacy was determined by corruption and embezzlement scandals involving some of its apical figures. For instance, in 2013, the KKA leadership faced the allegation of having misappropriated 230 million shillings (about 60,000 US dollars) from the 1.3 billion fund earmarked by the Dutch Demographic Governing Facility, which was intended to sustain the cultural institution’s peacebuilding and conflict resolution activities. The traditional leaders of the KKA accused the Lawirwodi of protecting the corrupt members of his staff, and directly accused him and his Prime Minister Kenneth Oketa of embezzlement – as they were both signatories of the institution’s bank account. While Oketa took the bullet for both and resigned, the Paramount Chief held his position but largely lost support from the *rwodi*. In the meantime, the Embassy of Netherlands demanded the immediate refund of 230 million by the KKA and jointly announced the suspension of the partnership (ACC 2013; Komujuni 2019). Embezzlement scandals dramatically undermined the credibility and legitimacy of the cultural institution among traditional leaders, the general Acholi public, and international and humanitarian actors; most agencies interrupted their support to the KKA, which had heavily relied on external funding since its establishment. Donors’ exit determined the breakdown of the institution’s operative capacity and the impossibility for its leadership to redistribute resources in return for support by traditional leaders (Büscher *et al.* 2018; Komujuni, Büscher 2020).

### *2.3 ‘Modern clans’: changing vocabularies and the formalisation of traditional authority*

In late and post-conflict Northern Uganda, the resurgence and reinvention of customary authority has extended far beyond the emergence of the KKA. In 1999, the Belgian government provided funds to ACORD, an international NGO, to do research on the current state of chieftaincy in Acholiland and

traditional leaders' capacity to be pivotal actors of the agenda based on the Pain report (Allen 2007). During what became known as the 'ACORD process', the NGO engaged in a quest to establish who of the many individuals claiming a chiefship position actually held the right to be reinstated; in particular, the agency's efforts were aimed at distinguishing between *rwodi kalam* and *rwodi moo*, the only 'rightful' Acholi traditional leaders of pre-colonial heritage. To do so, ACORD relied on the existing documentation on the history of chiefdoms, but these sources were often based on contradictory oral sources; moreover, material evidence of chiefship such as the royal regalia had often gone lost during the war (Paine 2014). Such a complicated and flawed identification process generated contestations between and within clans, some of which have continued to the present day. Nonetheless, since 2000 the ACORD process led to the reinstatement of 54 anointed *rwodi moo*; their instalment, heavily funded by the Belgian government, occurred in the form of highly mediated ceremonies aimed at publicising the 'return of the chiefs' and bolstering the Acholi's trust in traditional leadership (Komujuni, Büscher 2020).

The role of traditional leaders, nonetheless, was not confined to reconciliation ceremonies. As international agencies targeted them as crucial brokers of their humanitarian and peacebuilding agenda, chiefs received training in several domains such as human rights, land wrangles resolution, gender issues and equality, health, and education – often through the channels of the KKA. As thoroughly investigated by Komujuni (2019), the *rwodi*'s engagement in the NGOs environment produced several unprecedented changes in the features of traditional authorities. First, chiefs rapidly appropriated humanitarian narratives and reshaped their repertoires with 'buzzwords' such as participation, reconciliation, non-violence, accountability, and reintegration, mainly as a way to align themselves to the dominant narratives of the moment. Second, the massive training offered many chiefs the opportunity to become a sort of grassroots humanitarian experts, and they were hence able to enact extraversion strategies aimed at both tapping into NGOs' resources for local development projects and finding a remunerative employment in such agencies (Branch 2011; Meier 2013; Paine 2014, 2015). For instance, clan elders received training in

gender and peacebuilding programmes supported by agencies such as War Child Canada and Oxfam (Komujuni, Büscher 2020). Similarly, a host of organisations trained traditional leaders on transitional justice, reconciliation, mediation, and protection of vulnerable groups, and relied on them for tasks ranging from censuses to land conflict management (e.g. Dolan 2009; UN Women, UNICEF 2016; ZOA International 2019; Betge *et al.* 2019).

Third, as a setback, several chiefs became increasingly regarded as ‘corrupt’ by their subjects, a perception that encompassed two dimensions. On the one hand, those *rwodi* who were deeply involved in the affairs of the KKA saw their legitimacy undermined by the corruption scandals, as people equated their membership with unlawful enrichment. On the other hand, the chiefs’ adherence to Western values was often perceived as a betrayal of the ‘original’ Acholi traditional way of life. The Westernisation of chiefs’ repertoires, nonetheless, represents just a portion of broader changes in the structures of Acholi traditional authority. Over the last two decades, the resurgence of chiefship has been characterised by two relevant and intertwined processes that present similarities to the KKA trajectory: the codification of customary law and the formalisation of hierarchies.

Historically, Acholi traditional structures have always been characterised by the presence of bodies of customary law that shaped and regulated social life; whereas the conflict resolution mechanisms based on reparation and reconciliation presented common patterns across clans, each of them had its own norms, taboos, rituals, and compensation rates. As the reproduction of customary law was based on oral transmission, the elders represented the depositories of such body of knowledge: throughout their life, they had the chance to both being taught by their predecessors and to assist to numerous trials and mediations (Girling 1960; Baines 2007; cfr. Ajayi, Buhari 2014).<sup>51</sup>

Since the late war period, however, customary law has increasingly experienced a process of formalisation and codification in written by-laws, also

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<sup>51</sup> A detailed account of these conflict resolution and reconciliation mechanisms is provided in Chapter IV.

often referred as ‘constitutions’ or ‘statutes’. Articulated in a legal format, by-laws are adopted at either the village, sub-clan, and clan levels, and regulate several domains of aggregate life. Mainly, these documents include detailed lists of felonies and taboos and fix the compensations that must be paid by the offender, for instance:

- “Someone who has murdered another person purposely will pay 10 cattle and 3 goats.
- If the killing occurred accidentally, the offender will pay a compensation of 5 cattle and 3 goats.
- Someone who has negligently caused the death of a child will pay 3 cattle and 3 goats.
- If you kill another person in self-defence, you will pay compensation of 5 cattle and 3 goats.
- If you elope with a girl and she dies while being in your hands, you will have to pay compensation of 5 cattle and 3 goats.
- Someone who has eloped with a married woman will have to pay a compensation of 10 cattle and 3 goats to the official husband of the wife, if the woman dies while in his hands.”<sup>52</sup>

Moreover, by-laws provide rules on non-criminal domains. In particular, they often include dispositions on the convocation and frequency of general meetings, the fees that must be paid by community members for the organisation of gatherings and funeral functions, and the individual yearly contributions to the clan or sub-clan coffers.

According to all interviewed traditional leaders, the design of by-laws generally adheres to the following process. At first, the issue of whether adopting a ‘constitution’ or not is presented and discussed during a general meeting. Once a consensus is reached, the document is drafted by the council of elders in cooperation with selected community members having some type of background in law. In case of sub-clan by-laws, the *rwot kaka* is also consulted to receive advices; however, in line with the historically limited power of Acholi chiefs, their opinion is most often non-binding and sub-clan by-laws do not have to be

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<sup>52</sup> These examples are parts of by-laws translated by the Psychosocial Support Program of the Caritas - Gulu Archdiocese (2005, 9).

ratified by the *rwot*. Once the writing process is concluded, the draft is presented and discussed in a general meeting, during which community members can propose and approve amendments. Then, the by-law is submitted for approval to several state institutions, such as the district Police Commander, the Chief Magistrate, the chairpersons at various LC levels, and the Resident District Commissioner. In the words of various traditional leaders:

“The constitution was signed by all sub-clan leaders and elders and then delivered to the Chief of Justice.”<sup>53</sup>

“We must be careful not to have problems with the police. People must sign the constitutions, but if you did not it is difficult to come and approach you with strength as if he bring us to court we shall be defeated. [...] It is not easy to enforce the customary law because we are always very cautious about the law, we should not go against it.”<sup>54</sup>

“We wrote a constitution that was approved by the government and went through lawyers that checked its accordance with the law. [...] The constitution was promulgated in 2014-15. There was a draft of constitution by my grandfather, of which we struggled to get the draft, which was made in 2004 and we followed what was started... We sat down with three lawyers from the clan – one working in the court in Mbale (a lady) and two gentlemen from here. We drafted the constitution and they went through it, then it was approved by the Resident District Commissioner.”<sup>55</sup>

As it will be seen in Chapter IV, seeking such clearance is crucial to the enforcement of customary law: in case a disgruntled person sues his/her traditional leaders in front of a state court for having been unjustly punished, the latter can claim to have operated according to the customary law of the clan/sub-clan, that is exercised with the approval of the state itself. Nonetheless, state institutions appear to play a rather uneven control over the ‘lawfulness’ of by-laws. Although some interviewed *rwodi* asserted that public officials required them to make adjustments to the submitted documents, many clan constitutions include caning as a form of punishment for some offences. Whereas it is often

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<sup>53</sup> Interview with the *Rwot* of Patongo, Gulu District, October 2019.

<sup>54</sup> Interview with the *Rwot* of Pawel, Gulu District, October 2019.

<sup>55</sup> Interview with the sub-clan leader of Pangora, Payera clan, Gulu District, October 2019.

described as a traditional practice, corporal punishment is outlawed by the Ugandan laws. In addition, it needs to be noted that the human capital institutional designers can rely on has a significant impact on the drafting process and, when traditional leaders cannot count on skilled advisors, the outcome can be grotesque. For instance, the article 18 of the by-law of the Poromoy/Adilo sub-clan (Appendix 2), which has received clearance, states: “laziness is not allowed: if you have been proved that you are lazy, you will be warned twice and for the third time you will be taken to police in order for you to learn not to be lazy.” Indeed, these examples pose major questions on the commitment of the state to monitor the administration (and re-invention) of traditional justice.

At the same time, the codification of customary law has been accompanied by the reconfiguration and reinvention of traditional leadership hierarchies, which has occurred through the adoption of a new state-like design: nowadays, from the sub-clan level upwards, *ludito pa rwot* and *rwodi* are often surrounded by a ‘government’. The vocabulary used to address such figures is rather variegated; while at the sub-clan level they are usually referred as *executives*, at the clan level they are often referred as *secretaries* or *ministers*. In the first case, organograms tend to have a lower complexity: usually, the *ladit pa rwot* relies on a secretary who cares for the clan’s bureaucracy,<sup>56</sup> a treasurer, and executives responsible for specific domains (e.g. youth, women, education, etc.). At the clan level, instead, hierarchies tend to be much more articulated.

A noteworthy example is represented by the organogram of the Paicho Chiefdom, reported in Appendix 1. Among the Paicho, the *rwot* is sided by a Prime Minister and a Deputy, who act as his operative arms and preside the activities of the chiefdom’s government. The latter is constituted by nine posts with their own deputies, including a General Secretary and the Secretaries of finance, information, education, health, land, culture, youth, and women, plus other advisors. Moreover, the governance structure is denoted by the presence of a speaker and a deputy speaker who, similarly to the ones in the Ugandan

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<sup>56</sup> This usually includes redacting the minutes of meetings, as well as recording in written form the administration of traditional justice.



Parliament, chair all the sittings of the government and the council of elders without taking part to the debate. Downwards, each sub-clan has its chairperson, who is also part of the chiefdom's council of elders and has his own executives. Finally, for each area in which the *rwot's* subjects are settled, a local elder (*wegi komi kwo*) is appointed by the council as the responsible person for the collection of money among clansmen (e.g. for the payment of reparations after a killing).

These structures are usually characterised by diverse mechanisms of leadership selection. At the sub-clan level, the *ludito pa rwot* are generally elected on a five-year renewable mandate during a general meeting and their position is ratified by the *rwot kaka*. The selection of sub-clan executives may occur in two ways: in some cases, candidates are invited to stand and are elected during the same general meeting; in other instances, they are appointed through a consensual process within the council of elders, and the same usually goes for the clan and chiefdom governments. Executives and ministries, however, are not always elders themselves: in many cases, it was found that they were selected because they held a specific technical background or anyway a high education level. Further, for those positions that entailed the handling of money, the prominent selection criterion is often that the appointees must be better-off and with a stable employment, as they are perceived as ideally less inclined to embezzle funds.

These two formalisation processes appear to be the outcome of several overlapped dynamics. First, at least to a certain extent and similarly to the KKA trajectory, they are the result of an NGO-driven revival. This is particularly true for the codification of the customary law: as humanitarian agencies engaged in the quest for the 'true traditions' in collaboration with elders, they fostered the writing down of the customary law that was orally kept by the latter. For instance, the Ker Kwaro Acholi itself, the Gulu NGO Forum, and the Caritas of the Gulu Archdiocese supported several traditional leaders in stipulating by-laws and provided support for their redaction in both Acholi and English (Caritas-Gulu Archdiocese 2005; LIGI 2005). At the same time, the codification of customary law appears to respond to another necessity. According to several interviewed traditional leaders, their clans decided to adopt a constitution to safeguard

tradition from the peril of getting lost. In their view, the death of many ‘wise’ elders during the war and the prolonged displacement had blocked the circuit of oral transmission from one generation to the next; since such knowledge nowadays rests in the minds of very few and aged people, it has been deemed necessary to solidify it in a written form.

These new formal arrangements, however, also have much more mundane purposes related to the search of a new balance of power within Acholi traditional structures. On the one side, the codification of customary law responds to the communities’ will to drastically limit the arbitrary application of customary law. In this respect, the main concern is that if clans’ rules are orally kept by elders, they can easily manipulate it and exploit their position as monopolistic depositories of knowledge for their own personal purposes; on the contrary, the codification is perceived to guarantee that the traditional justice is dispensed evenly and transparently.<sup>57</sup> On the other side, the formalisation of hierarchies respond to the attempt to circumscribe the power of the *rwodi* and prevent any sort of authoritarian drift in their exercise of traditional authority. As the Prime Minister of Paicho stated:

“[We needed an administrative structure] because the chief would wake up and say ‘today you are my representative in this sub-clan, tomorrow you are not and this will be the new one’... ‘people must bring me gifts’ – we said ‘this cannot be’. You cannot just wake up and bully people and say you are the chief. There must be somebody who the whole clan recognises as the Prime Minister. Actually, I called a meeting as I was drawing this structure [of a formal hierarchy], the chief himself accepted. It was to balance, to streamline, to stabilise. Today you dress smartly in a shirt and you go to the chief and say ‘hey I am the leader of this sub-clan!’ [laughs]. Who appointed you must be the sub-clan members, not that you are their leader!”<sup>58</sup>

These institutional changes, moreover, have been accompanied by the interiorisation and manipulation of different narratives that encompass the domains of both ‘modernity’ and ‘tradition’. In the first respect, Acholi

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<sup>57</sup> Interview with an elder and Ladit pa Rwot of Koro clan, Gulu District, October 2019.

<sup>58</sup> Interview with the Prime Minister of Paicho, Gulu District, October 2019.

traditional leaders have adopted the symbols, procedures, and the vocabulary of the state: documents are validated with ink stamps and redacted in a legal format, by-laws are named ‘constitutions’, the personnel governing the clan assumes the same titles of the most prominent figures of the state apparatus. This, however, does not appear to be an attempt to create a state within the state. Rather, the state-like design relates to the interiorised need to dignify the clan by elevating it from the ‘savageries’ of the past to the contemporary international standards set by the mainstream narratives on ‘civilisation’ and ‘development’. For instance, when I asked the sub-clan leader of Pangora if they had to change some aspects of the customary law because it was conflicting with the Ugandan state ones, he replied:

“Somehow, but the way we have put it... You know lawyers are very bright, they know the Constitution of Uganda well so they guide us, even though in our constitution there are some parts which we have put – like if you don’t want to be part of the family or [...] you are not active on doing things according to the clan interest, they won’t force you. In [our] constitution we have put it. But you know, those days, when you failed to commit the interest of the clan or you are somebody who is the big-headed in the family... so they call you, they put you down, they said a lot of words that can guide you to be a good person. But if you didn’t want to listen, so they put you down and cane you seriously [...]. If you still refuse, they got the big people, youths who beat you seriously until you get up and say ‘from now, this is too much, I’m not going to continue, I’m going to respect the clan.

But in the constitution, no... now that the world is changing, this thing of being ‘global village’, now you are here in Uganda and you can even see what is happening outside in the world in a minute or in a second depending on the device you have. So, we realised that the pure traditional behaviours should be changed according to other developmental countries of which we are following. And when we are in our meetings, we also tell the young ones and the people who has not gone so far with education that Uganda is changing, the world is changing. So now we have moved from caning to how to behave and how to stay in a good environment, so that our clan be respected outside. That is what we need most.”<sup>59</sup>

On the side of ‘tradition’, the transformation of repertoires has mainly

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<sup>59</sup> Interview with the sub-clan leader of Pangora, Payera clan, Gulu District, October 2019.

related the adoption of symbols and vocabularies of the kingdoms of the South and Buganda in particular. In many cases, interviewees referred to the chief as ‘our *kabaka*’ or ‘our king’ as a way to underline that he stood on the same ground of the King of Buganda – the most powerful monarch of the country. On the same tone, several chiefdoms have totally appropriated a kingly vocabulary: for instance, the organogram of the Pajule chiefdom is evocatively titled “the royal structure of the Pajule monarchy” (see Appendix 2). Nonetheless, this pomp is often an ineffective attempt to mask the weakness of the authority and legitimacy of such traditional leaders. Barbara Meier, who had the chance to meet the late Rwot Lugai of Pajule, evocatively described their meeting as follows: “when the author accompanied Rwot Lugai of Pajule to a local pub in Pajule, nobody bothered to get up and greet their *rwot*, let alone find a chair for him to sit. It was evident that he could not expect any special respect or treatment from his ‘subjects’” (Meier 2013, 238-239).

In addition to titles, and similarly to Rwot Acana II (Paine 2014), several chiefs have re-invented their image by adopting symbols of the southern kingships such as robes, royal regalia, and thrones as representations of their position; and, in this process, the domain of the ‘sacred’ has been profoundly re-imagined and manipulated. An anecdote from the field perfectly highlights this dynamic. In October 2019, I travelled to Pader District to meet the Rwot of Puranga and his Prime Minister in their palace; we agreed I could come along with a professional photographer – an Italian volunteer working in Gulu – in order to shoot some pictures of the place. As we arrived at the palace, we were welcomed in the main room where a thick, finely sculpted wooden throne stood against a wall; the chief however left it empty after a while, and sat with us on one of the plastic chairs. At the end of the interview, my fellow stood to take some pictures, but as he leaned nearby the throne, he inadvertently brushed it. While the *rwot* glared at him silently, the Prime Minister warned him with a laugh: “*mzungu*, if you were an African, we would fine you with a bull!”<sup>60</sup>

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<sup>60</sup> Interview with a Prime Minister and Rwot of Puranga, Pader District, October 2019.

## 2.4 *The reproduction of traditional authority in Kampala*

Among the Acholi, the rule of the clan extends far beyond the area of origin, and the structures of traditional authority are reproduced and re-invented in the urban landscapes. Over the last decades, the growing communities of migrants in Kampala have experienced the rise of urban traditional leaders. Historically, leadership in urban areas has been bestowed upon elders as it did in the rural areas; more recently, in the framework of the formalisation of Acholi clans, new figures have emerged and nowadays many clans and sub-clans have their ‘executives’ or ‘representatives’ in Kampala.

Although urban representatives are often elders who have spent a long part of their life in the city and are deemed ‘wise’ in virtue of their age, their selection mechanism diverges from the principle of eldership *per se*. According to all interviewees, the appointment of urban executives is done through elections held among the migrants of a specific clan/sub-clan,<sup>61</sup> who gather in a meeting in Kampala during which candidates can stand and are voted – either by show of hands or secret ballot. In many migrants’ view, eldership plays a secondary role in their preferences, and the important thing is that the person must be *latela* (‘leader’) with high integrity, self-discipline, patience, mediation skills, good reputation, consciousness and respect of the tradition and the Acholi ‘moral order’.

The relationships between *rwodi* and migrants, instead, present some degree of variability across clans. Concerning the creation of the post, the issue of having a formal representative in Kampala is sometimes presented by migrants themselves through a letter to the *rwot* or *ladit pa rwot*, or during the annual general meeting held in the rural home that must be attended by all community members. In other cases, the rural leaders themselves encourage migrants to assemble and select a person of their preference in order to have a direct point of reference among their urbanised subjects. Whatever the case, the

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<sup>61</sup> During the fieldwork, it was not found any case of a clan having representatives at both the clan and sub-clan levels, and thus the possible hierarchisation of urban leadership could not be investigated.

influence the rural chiefs can exercise over this process appears to be limited and circumscribed to the ratification of the election results. Furthermore, another variable dimension relates the *rwot*'s faculty to depose an urban executive: whereas some chiefs claimed to have the right to do so even against the will of the migrants' assembly, others asserted that they could only take notice of a possible no-confidence vote of the assembly against a non-performing representative. Again, others stated that such power lied in the hands of the council of elders – in which urban representatives usually seat. From the collected data, however, the variability across clans appears to be due to the fact that this new dimension of authority still needs to be negotiated in practice, as no interviewed traditional leaders nor migrants could mention a case in which an urban leader had been deposed.

In the everyday unfolding of urban leadership, the relationship between the urban and rural leaders presents a relevant degree of autonomy granted to the former, which is balanced by the frequent delivery of updates and the dispatch of the minutes of meetings in Kampala. For instance, as it will be shown in detail in Chapter IV, urban leaders are entrusted with dispute resolution among migrants by mediating and reconciling the quarrellers; however, if they are defied or the issue is too serious (e.g. a killing), the case is deferred to the rural leaders. In other words, in many respects, urban representatives are the eyes, ears, and mouth of the *rwodi* in Kampala, which is testified by the duties they are bestowed with.

An important part of the executive's work is to keep track of all urbanised members of the clan/sub-clan. Urban leaders usually have a registry where all individuals coming and moving out of the city are recorded, together with their location, contacts, and family and marital status. The recording is instrumental to two purposes: on the one side, as executives are responsible for the well-being of their urban community, migrants need to be easily retraceable in case of any incident and to check their current living conditions. On the other side, urban leaders represent the 'long arm' of rural traditional justice: as a person committing a crime in the village may attempt to escape punishment by finding sanctuary among his fellows in Kampala, clan representatives can retrace them

by contacting the potential protectors. The functioning of this registration mechanism is thus ensured by the duty for prospective migrants or their families to inform their rural leaders about their movement, and the communication is then channelled to the executive.

In addition, urban leaders carry out a variety of other functions, some of which will be thoroughly discussed in the following Chapters. Among them are the responsibility to regularly call meetings of migrants, support the rural leaders in the enforcement of customary law, helping the newcomers to find housing and employment, the organisation of resource pooling among migrants in support of a distressed fellow, and the coordination of remittance networks. Lastly, an important role connected to urban leadership is connected to the educational role towards the youth, especially when representatives are also elders. This aspect of social life in Acholi clans has become particularly relevant over the last decades. In the recent past, the displacement caused by the war and the following structural lack of job opportunities in post-conflict Northern Uganda has pushed an unprecedented number of Acholi to migrate to Kampala in search of either fortune or shelter. While two generations of Acholi have grown in IDP camps out of touch with those elders who were traditionally supposed to educate them (Atkinson 2010), a similar process has occurred in the city. In this case however, the lack of elders in the city<sup>62</sup> has coupled with the exposure to both a more Westernised and individualistic lifestyle and the culture and ways of life of the Baganda. Consequently, as an urban elder stated:

“The ones who have been unable to understand the culture, we are bringing them slowly, so that they fit the community, that’s why I’m here. Who is not, we must bring them back, they should learn and we should teach how to behave, how the culture is carried out. So, they have failed to learn from long time elders, civilisation has forced them, but now my duty is specific that I bring these boys who have failed to understand the traditional, learning in the culture in the clans. I must teach them. I will never stop from teaching until they learn the culture of our clans and the culture of Acholi in general.”<sup>63</sup>

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<sup>62</sup> As in many cases throughout Africa, the migrants’ permanence in the city often concludes with retirement (if not before), after which they return to their areas of origin.

<sup>63</sup> Interview with urban elder, Kamwokya slum, Kampala, August 2019.

The war in Northern Uganda also had an indirect impact on the current configuration of Acholi urban traditional leadership. When the conflict arose and refugees flocked to Kampala, they could rely on the support from migrants that had been settled there for a long time – for instance because they were employed in the civil service or the military – and thus had a sizeable social capital that could be harnessed to find shelter and jobs to the displaced newcomers. This process, which has taken place since the 1980s, turns out to be an unprecedented fertile *milieu* for the formation of a then middle-aged urban leadership. As a result, the primacy of elders as contemporary urban executives does not seem to be much related to the perpetuation of a gerontocracy, but instead to the fact that the solidarity effort these persons showed during dire times has bestowed them not only with competence and knowledge, but also with a hardly challengeable charisma and reputation among migrants and in their clans more in general. The next paragraph reports the story of one of them.

### *2.5 Portrait of an urban representative*

Within and beyond the borders of the Kamwokya slum, Owot is a sort of grassroots celebrity. As the slow-paced 73 years old elder enters the veranda of the restaurant we picked for our meeting, the space separating us becomes suddenly crowded by customers wishing to greet the *mzee*, who reciprocates with warmth and attentive questions about them and their families. It is not that Owot does anything to draw others' attention; on the contrary, he appears kind of shy and embarrassed of unexpectedly getting in the limelight: as he will later describe himself, "I'm an introvert, but to win the love in my people I must be extrovert."

In all our meetings, Owot always approaches thanking me for the opportunity to talk together and he almost looks in a hurry to share his story and knowledge of the Acholi culture before it is too late. His repertoire reflects the self-representation of his eldership position as a fatherly figure: Acholi migrants are mentioned as 'the children of the clan' or 'my children'. The more we get acquainted, the more he addresses me saying 'my son' and engages our



conversations in the same manner in which Acholi elders are used to teach the younger members of the community about the story and customs of their own people. When he talks about ‘his’ people and the way in which the Acholi *need* to govern themselves, his vocabulary is punctuated by words such as ‘love’, ‘unity’, ‘happiness’, and ‘peace’, and it is not uncommon for him to get touched. When the topic turns to his personal past, his face often gets crossed by the placid expression of someone who has gone through a lot of things and survived all of them “because God was on [his] side” and, given his biography, such claim seems plausible.

Born in 1946 in Kalongo, located in what is now Kitgum District, Owot grew up in close contact with the Catholic environment of the Comboni Verona Fathers, Italian missionaries who have managed an important hospital in the village since 1934.<sup>64</sup> In a country with a median age of 15.7 years old (CIA 2020), the *mzee* is one of the few people with a living memory of the end of the colonial rule in 1962: “When at independence we were seeing the flag of the Union Jack going down and the one of Uganda and the crane coming up, the Governor was looking down with tears down his face, the rule has ended! [laughs].”

After completing secondary school in the 1960s, he joined the Uganda Police Force as thousands of Acholi did under Milton Obote’s rule; he was posted to a station in Kampala and was quickly promoted to the rank of overseer thanks to his high education. However, as soon as Amin seized power, Owot became a victim of the new regime’s purges aimed at cleansing the military from any potential supporter of the earlier President now exiled. As soon as we end up in the topic, he lifts his shirt to show long scars all over his arms and chest and points more the more rounded marks left by various bullets:

“This was the Bennett [a rifle model]... because of being an Acholi!  
I was there in Moyo [prison], I was overseer in the police so [they thought]  
I was taking information to Obote... so came the allegation against me even

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<sup>64</sup> At the beginning, the missionary presence started with a dispensary run by the Comboni Missionary Sisters where midwifery, paediatric and medical services were also provided. The creation of a full-fledged hospital occurred in 1956-57 thanks to the commitment of Father Giuseppe Ambrosoli, an Italian missionary and physician.

if I did nothing... But if it was not that the great God made me survive, I would have been dead. But God allowed me... I was even pushed to Makindye...<sup>65</sup> But then I was removed, nobody knows [why] and I was transferred to Kabale in 1972.”

In the utter erraticness of the regime, Owot was exculpated, reintegrated in the police force, and posted in Kabale, a town in South-Western Uganda at the border with Rwanda. Five years later, nonetheless, his life came again under serious threat. On 5 February 1977, the Acholi-born Archbishop of Uganda Janani Luwum was arrested by Amin’s soldiers under the allegation of being involved in a conspiracy to overthrow the regime and killed 12 days later. While Luwum’s death sanctioned the almost complete isolation of Uganda at the international level as well as the galvanisation of the internal and exiled opposition to Amin, the latter tried to stabilise his own regime through an escalation in the ethnic cleansing of the Acholi and Langi (Mamdani 1983; Omara-Otunnu 1987). Having realised what was going to happen, shortly after Luwum’s murder Owot took his chance to run away from his post in Kabale: he took off his uniform and flee to his home village in plain clothes. He joined again the Uganda police in 1980 after Amin’s overthrow by the UNLA and the Tanzanian Army and was posted again in Kampala.

When we engage the topic of the war in Northern Uganda, the first figure that comes up to his mind concerns what he lost because of Karamojong cattle-raiders who pillaged his rural home in 1998: 150 cows, 90 goats, five sheep, and all the stored foodstuffs. Nonetheless, from 1986 onwards, the soaring social disruptions caused by the conflict put the basis for Owot’s rise as an Acholi urban leader. Because of his position as a well-connected police officer in Kampala, he increasingly became a point of reference for his clan members – as well as other Acholi – who were fleeing to the capital in search of shelter and occupation. His capacity to provide assistance was largely driven by his strategic position in the

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<sup>65</sup> Makindye barracks were an infamous prison during the Amin’s rule where prisoners were exposed to all sorts of abuses, tortures, and arbitrary killings. As it happened to other facilities, the Obote II regime decided to keep it open for its own victims. On the Amin’s period see the report by the International Commission of Jurists (1974), on Obote’s one see the one from Amnesty International (1985).

capital. For some years, he had been posted at the police station in the Wandegeya quarter, a bustling trading centre bordering with the Makerere University campus swarmed with commercial activities, small businesses, and markets:

“I have assisted a lot of children [escaping from the war]. When the war was going on, I was by then with the police at Wandegeya... People ran away from the brutal Kony and Lakwena... they have no shelters, they have no food, but they hear the word that our brother is in Kampala... They called me as being a clan brother in Kampala... So, when they come, instead of eating I must share whatever little with those people, I looked for all means! I must for accommodation for them, I must get employment for them... By that time employment was not like this time, there was still better time for employment. Because when somebody came, even if he doesn't understand building and brick layering, he can work as a porter. So, I could fix all those people on duty in different capacities, and when they are on duty on different capacities, I looked how to manage them. I took calling the meetings, I talked to them saying ‘things will be better, you just be like that’. And that's how others have survived because not from my clan alone, from other clans they came so I assisted them looking for their shelter, where to fix them on duty. After this time, they still remember me! [...] So my work as I am here, I must really help our people.”<sup>66</sup>

It emerges here that the emergence of Owot as an urban leader occurred as a spontaneous process related to the voluntary engagement in solidarity support, which made him an informal point of reference for many refugees, rather than as the result of an organised process. Moreover, his role was not connected to traditional authority in terms of eldership since, in 1986, he had just turned 40. During the following twenty years, in a context of complete disruption of traditional governance structures and virtual impossibility to have communications with the traditional leaders in the North, Owot continued autonomously his work as an urban leader, eventually aging into an elder. The formal recognition of his position eventually came only after the end of the war, when the chieftaincy of Rogo clan was reinstated and its by-law was drafted. In

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<sup>66</sup> Although my interviewee did not make it explicit, it can be hypothesised that his efficiency in ‘fixing’ people largely derived from informally harnessing his ascendant as a police officer to mobilise his network of acquaintances in the economic environment revolving around Wandegeya.

2010, the clan decided to endow itself with an urban representative, which has to be elected by clan members dwelling in Kampala every five years on a renewable mandate. Since then, he has been elected twice, and always stood as an unopposed candidate.

## 2.6 Conclusion

This Chapter has discussed the complex patterns of resurgence of the traditional authorities in the late- and post-war Acholiland. Contrarily to other ethnic groups in the country, the revival in Northern Uganda has been largely shaped by the looming activism of international and humanitarian actors. In particular, the 1997 Pain report put the basis for a generalised misconception of the Acholi traditional authority in the mainstream actors' agendas, which have produced a sort of spurious revival grounded on a sort of 'modernisation of tradition'. Indeed, reinstated traditional leaders at all levels – as well as newly created ones, such as the KKA elite – have been primary proactive agents in such processes of reinvention. Whether in a quest for power, greed, or sincere devotion to their communities, over the last decades many Acholi chiefs have embraced and interiorised the humanitarian agendas to both legitimising their leadership and access resources otherwise unavailable.

Nonetheless, the affirmation of Westernised repertoires and ideologies has produced outcomes that may not be always welcome to apical leaders. In particular, the codification of customary norms and the formalisation of hierarchies have somehow limited the potential discretionary exercise of power by the *rwodi*. On this matter, this Chapter has highlighted two main issues: on the one side, it has shown that Acholi clans' leadership is far from being monolithic and absolutist, coherently with long-term historical trajectories. In this sense, the formalisation and codification processes can be understood as a new step of the long-dated dynamic for which second-tier traditional leaders have always posed limits to the *rwodi kaka*'s rule. On the other side, the interiorisation of exogenous narratives has not only regarded Western ideals, but also those of other ethnic groups. In particular, the introjection of kingly

representations of power mainly relates to the attempt to associate oneself with the Kabaka of Buganda, the most influential traditional leader of Uganda.

Finally, this Chapter has shown that the reinvention of traditional authority has extended far beyond the borders of Acholiland and has encompassed migrants' communities in urban areas. In particular, it has demonstrated that the emergence of Acholi urban leaders in Kampala is strongly related to the outcomes of two decades of conflict in the North, firstly as a way to coordinate and provide assistance to urbanised refugees. While such urban leaders enjoy a consistent degree of autonomy, their existence appears to be highly functional to the reproduction of rural chiefs' rule over increasingly trans-local communities.

## CHAPTER III

### MOBILE MONEY, ACCOUNTABILITY, AND THE ORGANISATION OF AFFECTION IN ACHOLI MIGRANTS-CHIEFS RELATIONSHIPS

It is well known that, in many contexts of Sub-Saharan Africa, outmigration from the area of origin does not entail the cease of a migrant's relationship with his or her community of provenance. As a wide literature has shown, migrants tend to remain strongly attached to the social life in the areas of origin and remain largely bound to the set of norms and expectations from their communities – especially in terms of remittances (e.g. Weisner 1976; Cohen 2004; Zach, Estifanos 2015; Lohnert 2017; Groth, May 2017; Magidimisha *et al.* 2018; Steinbrink, Neidenführ 2020). Although they may try to negotiate and balance such demands with the necessities of their own urban livelihoods, fulfilling them is a crucial issue: not meeting the kin's expectations would not only damage their status as effective members of the community, but also lose their main harbour of social security and support in the rural home (Gugler 2002; Hyden 2012).

According to Geschiere and Gugler (1998), 'rural-urban connections' throughout the continent share a common pattern. While the rural pole provides social security to urbanites, the latter have the function of bridgeheads to the outer world and are expected to provide support to their rural fellows when they come to the city; at the same time, the position of urbanised migrants depends on the links with the home fellows living in the city. In turn, the reproduction of these ties cements the loyalty towards the community of belonging, and "the language of kinship and solidarity is often evoked to reaffirm the self-evidence of the moral obligations that connect members of a community, whether they are in the city or in the rural home area" (*ibid.*, 311).

Following this, migrant networks can be defined as "sets of interpersonal ties that connect migrants, former migrants, and non-migrants in origin and

destination areas through ties of kinship, friendship, and shared community origin” (Massey *et al.* 1994, 728). Migrant networks are thus spatially-based social relations that connect two or more areas, and whose core functions are preserving the migrant’s involvement in the affairs of the rural village, supporting his/her adaptation to the new place of residence, and providing assistance to aspiring migrants (Gelderblom, Adams 2006). Indeed, such connections extend beyond the borders of nuclear families and structure in articulated networks, both in the case of internal and international migrations (Kusimba *et al.* 2015, 2018b; Adepoju 2008; Estifanos 2013).

In many African contexts, the outcome of the spatial nature of migrant networks is the urbanites’ tendency to cluster in enclaves of fellows coming from the same area of origin, and often sharing the same ethnic affiliation. Such a spatial proximity to peers in the city facilitates the access to information, resources, and job opportunities, as well as the reproduction of social ties through interaction and reciprocal exchanges. In addition, in many cases, joining the enclave may also constitute a collective expectation towards the new-comer, as refusing to do so without justification means to put spatial - and thus social - distance from one’s peers in the city (e.g. Weisner 1976; Luke, Munshi 2006; Rigon 2014).

For several decades, the understanding of migration phenomena in Sub-Saharan Africa has been profoundly shaped by the historiographical studies on Southern Africa, and particularly on the experience of colonial and post-colonial South Africa. This strand of literature has been based on a model of ‘circular’ migration having three core features: a) the predominant movement of men towards urban areas, who leave their families in the rural homes; b) the tendential short-term nature of labour migrations and frequent return to the villages, with high workforce turnovers in destination areas; c) the preservation of ties with the rural fellows and, in case of long-term migration, the return to the village after retirement (Bates 1976; Henlund, Lundahl 1983; cfr. Ferguson 1990; Núñez

2009; Potts 2010).<sup>67</sup> In the past decades, however, several scholars have criticised the hegemony of this ‘South African model’ in the studies on migration and have thus devoted their efforts to highlight country-specific dynamics. For instance, Cordell *et al.* (1998) and Sunseri (1996) show that colonial Burkina Faso and Tanganyika were characterised by strong rural-rural circular movements rather than rural-urban ones, and that a sizeable portion of them was constituted by women. Moreover, scholars focusing on Western Africa have highlighted the long-term presence of a ‘movement and settlement model’ in the region, in which, as the name suggests migration is undertaken by entire families from the area of origin to the new one– which then becomes the home from which to depart (Giles-Vernick 1999; Konseiga 2005).

In addition, the variety of dynamics across scenarios furtherly enriched by soaring international migrations, widespread movements of refugees, and especially the changing attitudes of hosting states towards the newcomers. Samir Amin highlights in this respect that “the strategy of the host society counts as much, if not more, than the will of the migrants. For generally the groups of unskilled, unqualified migrant labourers, condemned to subordinate status and position, though a crushing majority, will be neither assimilated, nor accepted on equal footing, due to the opposition of the host country” (Amin 1995, 39). At the same time, the partisan behaviour of the states of origin against outflowing migrants and refugees sticks forces the people on the move between the two opposite barriers of state borders (Zolberg 1989; Akokpari 1999), or to ‘live in a limbo’ of endless bureaucratic procedures (Jourdan 2020).

As the largest part of the population in Sub-Saharan African contexts has historically concentrated in rural areas and given the circular nature of many movement dynamics, land has often constituted the crucial variable in the analyses on rural-urban migrations and relationships between migrants and the area of origin – whether in terms of colonial labour systems, ecological changes,

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<sup>67</sup> The persistence or not of circular migration in post-independent Southern African states had been object of debates among scholars; as new evidence was added over the years, it is now acknowledged that it has persisted up to the present day and particularly strengthened in the last decades. For an overview of this debate see Ferguson (1990) and Potts (2010).



areas of settlement, land pressure and conflicts, or impact of remittances on agricultural investments and rural development (Baker, Aina 1995; Bryceson, Potts 2005; Huggins *et al.* 2005; Potts 2010; Kaag *et al.* 2019). Detaching from this ‘tradition’, this Chapter leaves the questions over land in the background and instead raise mobile money transfer services to the role of core variable.

In particular, it tackles the issue of how Acholi traditional leaders in both rural and urban areas have played crucial roles in rural-urban transfers, and how the increasing adoption of mobile money has reshaped their position and accountability during the last years. It focuses on leaders’ position as brokers of financial flows related to migrants’ contributions to a set of community-related occurrences such as burials, grassroots development projects, and solidarity initiatives. In order to do so, this Chapter uses the lenses of Goran Hyden’s (1980) concept of ‘economy of affection’, which is analysed in the first paragraph – followed by a literature review on the contemporary evidence on mobile money. The third paragraph provides an extensive account on how the above-mentioned communal activities are managed in Acholi society and the role of traditional leaders in such processes. The fourth paragraph analyses the structuring of remittance networks among Acholi migrants in Kampala, it highlights the issues and constraints to urban-rural transfers and discusses how the adoption of mobile money has reshaped such networks towards disintermediation and atomisation. Finally, the fifth paragraph analyses the impact of mobile money on the organisational arrangements related to community occurrences and discusses how these services have enhanced the accountability of traditional leaders and migrants’ trust towards them.

### 3.1 *The economy of affection: trust, accountability, and brokerage*

In various works, Goran Hyden (1980, 1983, 2008, 2012) has advanced the idea that institutional landscapes in Sub-Saharan Africa are characterised by the salience of informal *economies of affection*, “constituted by personal investments in reciprocal relations with other individuals as a means of achieving goals that are seen are otherwise impossible to attain” (Hyden 2012, 75).

Although profit plays a role in motivating economic action, individual decisions are embedded in a set of social considerations based on the presence of benefits and opportunities that cannot exist “where modern capitalism and socialism prevails [over pre-capitalist arrangements] and formalized state action dominates the process of redistribution” (Hyden 1980, 19). These systems bloom in contexts where the social security provided by welfare state institutions is absent and the access to markets is uneven, such as rural peasant societies dominated by subsistence production. Here, uncertainty and scarcity of resources are coped with through short-range support systems such as familiar, neighbourhood, or community networks of support; hence, the reproduction of such social ties is emphasised over production as an end in itself.

The social logic of the economy of affection is thus based on in-person reciprocal interactions to attain goals otherwise unachievable, and it is grounded on three principles: first, personal acquaintances are more important than an individual’s knowledge and information. Second, the share of individual wealth is more rewarding than the allocation of resources for business initiatives; and third, providing support to others generates returns in the future (Hyden 2012). Informal reciprocal exchanges are based on a ‘dual utility’ that refers to both individualistic interests and the valorisation of reciprocal exchange relations with others (Hyden 2006). Whereas the *homo economicus* of Western descent is a self-interested, self-maximising, autonomous individual, the rationality of Hyden’s *homo reciprocus* blends social and economic aspects, and is “socially embedded in the sense that it presupposes personal interdependence” (Hyden 2012, 83).

As it goes for any social environment, an economy of affection is characterised by collective expectations towards individuals, which in this case entail the engagement into reciprocal exchanges and the sharing of wealth. Such relations are mostly non-negotiated, there is no bargaining involved in the exchange process, and they evolve as a sequence of rewards or punishing outcomes of each interaction (Polanyi 2001; Mauss 1990). The exclusive pursue of individualistic interests especially at the detriment of others, on the contrary, entails the community’s reprisal through social isolation, ostracism, punishment,

or ritual prohibitions and witchcraft (Mvungi 2008). Within a given social group, reciprocal relations as a predominant pattern of interaction hence become closely associated to the idea of creation of a ‘common good’, to which members of the community are bound to take part to by informal social norms (Hyden 1983). However, devotion towards the community is not a static reality, and the scale can tip towards self-interest in case of exogenous changes. This is not only the case of overall social disruption and insecurity posed by occurrences such as war: for instance, Dolan (2008) found that the prolonged slump of tea market prices drove Kenyan farmers towards the forsake of redistributive solidarity practices for the sheer maximisation of personal profit.

In the economy of affection, trust represents a crucial element: whereas formal arrangements such as contracts can overcome mistrust between actors as they are ultimately enforced by the state, informal interactions based ‘on a handshake’ hardly enjoy the same degree of protection (North 1990). Trust is intended here as “a set of expectations shared by all those involved in an exchange” that encompasses both “broad social rules” and “legitimately activated processes” (Zucker 1986, 54). Trust, as well its lack, entails a prediction on the behaviour of another actor (Putnam 1993) that influences one’s own actions before knowing the outcome of the interaction (Gambetta 1988). As authors such as Fukuyama (1995) and Uslaner (2002) have demonstrated, trust is essential to individuals’ engagement in their communities, as expectations towards others govern the decision to provide support and collaboration as opposed to one’s own narrow interests – that is, to sacrifice personal resources for the ‘common good’.

In this respect, the literature on the economy of affection is plenty of examples from African contexts. For instance, Maghimbi (2008) explains that traditional water management in semi-arid arid Maasailand is based on the norm that those pastoralists whose wells dry out can rely on other clan members’ sources, and in turn must provide their help in maintaining the well clean – which guarantees the preservation of both herds. Among the Gurage people in Ethiopia, the *ikub* are rotating savings associations where each member monthly pays a fixed sum into a fund and then a lottery is done to see who should receive the

money; a member cannot win again until all other *ikub* members have won once. This system allows small traders to obtain capital to expand their businesses without having to sustain the weight of interests and collaterals for a bank loan, and it is based on mutual trust and on the confidence that one will not pull out once he has won (Baker 1992). Studying the Shama coastal community in Ghana, Anokye *et al.* (2015) found that fishermen organise in support networks based on gifting and redistribution to those who have a bad catch, cannot go fishing, or in situations of precarious livelihoods. The community is led by two traditional leaders, a chief fisherman and a queen of fish traders, each one surrounded by a council of elders, who settle disputes and authorise prospective operators to join such activities.

Elaborating on Hyden's work, Jordan (2010, 248) has forwarded the concept of *affective accountability*, that is the idea that "public figures are responsible for, and thus answerable for, actions that protect the good of the leader's community", which differs from patronage in terms of "political ontology, communal epistemology, and economic tradition that justify the former but not the latter." Affective accountability is usually exacted through face-to-face interactions in which members of the community directly call others to account for their morality, performance, and their actions in support (or not) of the group. Performance, in particular, "may not [only] be measured in terms of output of products or service unity", and mainly entails "satisfying the humanist norms of the population and reifying those norms that underpin the procedures that do exist" (Jordan 2010, 251; cfr. Landemore 2020). According to the author, affective accountability finds its roots in the notion of personhood and the way in which individuals are socialised in many African communitarian contexts. As Mbiti (1989, 106) writes:

"Only in terms of other people does the individual become conscious of his own being, his own duties, his privileges and responsibilities towards himself and towards other people. When he suffers, he does not suffer alone but with the corporate group; when he rejoices, he rejoices not alone but with his kinsmen, his neighbours and the relatives whether dead or living. When he gets married, he is not alone, neither does the wife 'belong'

to him alone. So also the children belong to the corporate body of kinsmen, even if they bear only their father's or mother's name. Whatever happens to the individual happens to the whole group, and whatever happens to the whole group happens to the individual. The individual can only say: 'I am, because we are; and since we are, therefore I am'. This is the cardinal point in the understanding of the African view of man."

In other words, the individual is socialised with a sense of solidarity and belonging towards a large circle of acquaintances and kin where mutual obligations and rights unfold in a system of reciprocity. The community represents the natural extension of the family, and a person's basic value and self-consciousness lies in the fusion with the group (Peltzer 2002; Musana 2018); forgoing individual interests for a communal purpose thus ensures that the community "will not disown one and that one's well being will be its concern" (Gbadegesin 1991, 67).

Reciprocal exchanges, nonetheless, often do not occur between equals and often "arise in situations where a person badly needs a thing of value and it is ready to rely on someone else to provide it" (Hyden 2008, 24); power thus resides in the asymmetry of reciprocal exchanges between actors, and accountability configures as relation of reciprocity and inequality between ruler and ruled (Lemarchand 1989; Chabal 1992). Such an asymmetry is at the basis of patron-client relations, where the actor who "enjoys a structural advantage in this exchange will over time typically obtain more rewards at lower cost. [...] By withholding rewards – and either intentionally or unintentionally punishing them – they exercise power over these other actors" (Hyden 2008, 24). However, the pursue of individual interest in violation of social norms can be severely punished, both in the case of ruled and ruler: for instance, when the latter repeatedly fails to reciprocate the exchange with his subjects, their support will progressively fade over time (Hyden 2006).

In line with all seminal works, Hyden's economy of affection also had its share of critics. Lemarchand (1989) highlights that the loose borders of Hyden's definition, which ends up encompassing a broad range of different dynamics, from solidarity and reciprocity to patronage and mobilised ethnicity, thus posing

relevant problems to its empirical verification. Moreover, forwarding the reverse idea of *economy of disaffection*, Lemarchand stresses that the state is far from being a remote entity and it actually has a crucial role in the creation of intergroup conflicts and rural class differentiations.

Kasfir (1986) argues that Hyden's conceptualisation suffers an imaginary of African peasantry as homogeneous, self-sufficient, and autonomous from the state. On the contrary, the scholar highlights that many African scenarios are indeed characterised by social and class differentiations between poor and rich peasants, which are actively exploited by the state and the ruling economic élites. In a similar vein, Cliffe (1987), Williams (1987), and Hirschman (1990) show that capitalism and the state have in fact deeply penetrated and reorganised African peasantries in many contexts, providing evidence against the generalizing tendency of Hyden's approach. More recently, Sugimura (2008) has underlined that the homogenizing tendency of the economy of affection is furtherly challenged by the transformations triggered by globalisation processes, which have increased the differences between African societies. Further, Mkandawire (2001) points out that it is not clear whether and how the state-society relationships evolve in response to development processes, or instead if the African economy of affection is a historical peculiarity of the continent that "can only be transcended in the *longue durée*" (*ibid.*, 299).

In studies on the economy of affection, brokerage has been predominantly investigated in verticalized networks, where certain actors hold gatekeeping positions between two 'worlds'. Discussing corruption and patronage networks in Africa, Olivier de Sardan (1999, 37; cfr. Chabal 1992) defines brokerage as designating "social actors situated at the interface of two sociocultural universes, and endowed with the capacity to establish links among themselves, be they symbolic or economical, material or political." Following this definition, with regard to traditional leadership, typical examples of brokerage are the position of chiefs as political gatekeepers that ensure the community's political support to a candidate in turn of future patronage flows of state resources (Shilaho 2018), or their role as development brokers interfacing with the state and NGOs to attract (and manage) developmental initiatives at the local level (Baldwin 2016).

On a different register, Geschiere (2003) and Alpes (2017) found that for Cameroonian rural villagers enriched urbanised migrants holding positions of power represent crucial points of contact with the unpredictable ‘modern’ outside world. These actors gain authority in their communities by providing support to new migrants, as well as channelling development initiatives and government facilities to the village.

On the contrary, brokerage *embedded* ‘within one world’ is a rather under-investigated issue, although this dynamic punctuates social relationships throughout the world. A relatable, clear-cut cross-cultural example is represented by solidarity initiatives within Christian parochial communities. In these social *milieux*, priests are embedded actors who are used to receive requests for aid from specific members of the community and to mobilise their other followers in support of the distressed, coordinate the processes of resource pooling and support provision (Baum 2011; Bledsoe *et al.* 1995; Gifford 1995). The relationship between supplicant and priest is clearly unequal, but the latter does not act as ‘patron’ as such: rather, he operates as a broker between a range of more endowed givers and a poorer taker. Patronship thus unfolds as a diffused relation within the community intermediated by a pivotal actor eliciting donations within the same ‘world’, who holds this position in virtue of social and religious norms and preside the relation of reciprocity between the group and the individual.<sup>68</sup>

Traditional leadership in Sub-Saharan Africa often respond to a similar figure. In the history of rural African landscapes, elders and chiefs have enjoyed the position of embedded brokers (as well as patrons), as they have historically located themselves at the centre of reciprocity and redistribution networks in their communities. As Swidler (2010, 159) writes, “if villagers are to act collectively in their own behalf, it is the chief who organizes that cooperation.” Moreover, as seen later in Chapter V, chiefs’ accumulated wealth was largely result of acts of gifting and tributing according to custom, which also provided

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<sup>68</sup> Daring to push the line a bit further it could be stated that, at least in those parishes that entirely depend upon donations of their members, the direct utilisation of church funds by the priest for the matter represents a very similar form of brokerage.

norms on the sharing of such resources. Traditional leaders have also been widely responsible for the administration of traditional justice, the mediation of disputes, as well as the religious and ritual aspects related to reciprocal exchanges, and they have configured as key mobilisers of their communities for a variety of purposes (Baldwin 2016).

This Chapter will show how Acholi traditional leaders play a crucial role as affection brokers, with particular reference to their relationships with urbanised migrants. For the purpose of this analysis, it is here adopted a definition of broker that expands Olivier de Sardan's (1999) understanding of the concept with the purpose of encompassing the two types of brokerage described above. In particular, affection brokers are here defined as *actors who, in virtue of context-specific social norms and legitimately activated processes, are entitled to operate as intermediaries between the 'giving' and 'taking' members of the community, and are endowed with the capacity to establish links between them – of either material, economic, political, or symbolic nature.*

### *3.2 Migration, mobile money, and institutions: a literature review*

Over the last 13 years, the marketization of mobile money transfer services has dramatically reshaped the socio-economic landscapes of many Sub-Saharan African countries. Simply put, mobile money are financial services provided by mobile telecommunication companies and consist in a paperless account linked to the phone number, through which users can safely deposit, withdraw, and dispatch money instantly from an account to another. These services have neither entry nor running costs, and fees are only applied on withdrawals and transfers. Moreover, they are designed to work on any kind of phone either via app or USSD menu and every order is secured by various steps of confirmation, including the insertion of a PIN.

Since the launch of M-Pesa on the Kenyan market in 2007, mobile money has become one of the main means for value transfer – often far more than bank services. At the present day, it is estimated that less than a third of adults in Sub-Saharan Africa owns a bank account, while over 60% holds a mobile money



account. In Kenya, in 2017, the rate of financially included adults stood at 73% but only 29% of them had a bank account, while 98% used mobile money (European Investment Bank 2017; GSMA 2019; Financial Inclusion Insights 2018). In the same year, only 16,7% Tanzanians had access to bank services, while 60% had access to mobile money (Mattern, McKay 2018; United Republic of Tanzania 2017) In Ghana, between 2010 and 2016, the financial inclusion rate soared from 41% to 58%, almost solely driven by the uptake of mobile money by the unbanked (Republic of Ghana 2018). Such ‘achievements’ of mobile money are nonetheless unevenly distributed across the continent, and several countries show much lower adoption rates. For instance, South Africa and Seychelles already had strong banking infrastructures and high rates of financial inclusion; conversely, “sleeping giants” such as Ethiopia and Nigeria have been characterised sectoral policy environments that have discouraged investments, competition, and innovation in the mobile money sub-sector – as well as in the telecom industry more in general (GSMA 2019, 11). In Uganda, between 2013 and 2018, formal financial inclusion rose from 52% to 58% driven largely by mobile money, which is used by 56% Ugandans – against 11% having a bank account and 5% being member of a saving and credit cooperative (Alliance for Financial Inclusion 2019).

Not by chance, Safaricom’s M-Pesa 2007 launching slogan was “send money home”: since the very beginning, mobile money was designed to fulfil the latent demand for financial services of the unbanked poor, and internal migrants in particular. Throughout Sub-Saharan Africa, indeed, formal financial sectors have historically been denoted by virtually no outreach in rural areas, as well as high entry barriers and running costs. Consequently, hard cash has been the most widespread mean for currency circulation among migrants (especially rural-urban ones), and the act of remitting usually occurred through parental, communal, or fellowship networks (Poulton *et al.* 2006; Djurfeldt *et al.* 2011; Vaughan *et al.* 2013). Indeed, such a system for value transfer entails a set of costs and risks. First, migrants face sometimes relevant information costs: on the one side, they need information on who is going to travel back to their area, as they cannot always bring the money home themselves. Second, and

consequently, they need information on the deliverer's reputation and trustworthiness. Third, the physical delivery of cash must be arranged and the remitter may have to negotiate the delivery fee with his 'couriering' fellow. Fourth, as cash are delivered physically, travel costs are relevant and the sum could be pickpocketed along the way – or embezzled by the courier. Fifth, the remitter incurs in additional information costs to check that the correct amount of money has been dispatched to his family: as we will see later, migrants' accounts brim with stories about quarrels on embezzlements and misplaced cash.

As mobile money allows the instantaneous dispatch of value across long distances that can be easily turned into cash – withdrawals are carried out at telecom agents' kiosks, which are much more capillary widespread than post and bank branches –, their usage determines a dramatic reduction of information, coordination, and transaction costs, as well as risks of theft/loss during the travel. On the one side, these services produce an atomisation of the single acts of remitting: sender and recipient are now linked directly bypassing intermediaries, thus making cash-based remittance networks increasingly obsolete institutions. On the other side, they allow individuals to mobilise money through social networks more quickly and efficiently, in the form of either borrowing, remittance or solidarity relief (Rea, Nelms 2017; Munyegera, Matsumoto 2016; Maree *et al.* 2013; Riley 2018).

By all means, value exchange between people is a defining moment of social relationships: bonds are reproduced, redefined, or even undermined not only through transfers of value or their denial, but also through the adhesion to context- and cultural-specific 'etiquettes'. While exchanges *per se* usually occur between individual agents, in fact, they take place within a framework of socially constructed sets of norms, rules, and expectations. Since mobile phones and mobile money facilitate communication and value exchange, they compress time-space constraints to human interactions and thus trigger changes in social rules, norms, and customs, as human agency is then based on new technological arrangements (Maurer 2012a, 2012b; Maurer *et al.* 2013). For example, the previous researches on migratory networks have shown that these new ICTs let urbanised migrants to participate to the social life of their communities of

provenance: Guma *et al.* (2014) and Kusimba (2018a) found that the dispatch of funds to support the organization of ritual ceremonies becomes a proxy of the migrant's presence. Similarly, earlier studies on changes in intra-family power relations (e.g. Morawczynski 2009; Morawczynski, Miscione 2010) highlighted that rural families can exercise more control on migrants' economic 'debauchery' and improve the in-flow of remittances thanks to mobile money while, at the same time, women are empowered in the management of the family – and their own – finances.

### 3.3 Contributions, traditional leaders, and the organisation of affection

Among the Acholi, social life is punctuated by a variety of occurrences such as burials, funeral rites, marriages, sub-clan and clan general meetings and traditional rituals (such as the enthronement of the *rwot kaka*). All these events unfold not only in their ceremonial aspects *per se*, but also involve feasting during which all assembled participants share food and drinks. They represent defining moments where the whole community 'comes together' in joy or sorrow, affective and reciprocal ties are reproduced, care and closeness are demonstrated – that is, where the sense of belonging is forged.

In all cases, Acholi customs define precise and strict sets of norms defining whether things have been done *properly* or not, and violating such prescriptions can directly entail serious consequences. In particular, in Acholi culture the issue of pending offences against the spirits represents a powerful explanatory category of the misfortunes of the living and, in this respect, death makes a noticeable example. For instance, in her study on proper and improper burials, Kembel (2015) explains how the dead have to be inhumed outside the door of the house to show to their spirits that they are still considered part of the family and duly remembered. Traditional funeral rites are carried out in multiple stages - the last one even years after the burial - and require substantial resources for ritual items, animal sacrifices, as well as the upkeep of the large number of guests who come to homage the deceased and pay their condolences. Conversely, improper burials will anger the spirits, whose *cen* ('ghostly vengeance') can

cause “disease, sickness, death, infertility, possession, nightmares, poor crops, and bad luck” (*ibid.*, 6), not only to the desecrator but also to his/her family. Moreover, Kembel (*ibid.*, 79-80) also explains that:

“[During the war] The spirit seemed to understand that the situation was simply too dangerous [to carry out rituals]. If disturbances from spirits are in part due to survivors’ psychological anxiety of not fulfilling obligations, then perhaps this defensible grace period arose from the living knowing that there was nothing that could be done. However, as soon as security within the region improved this justification for inaction was no longer tenable. The absence of resources necessary to conduct proper burials did not seem to be a legitimate excuse in the eyes of the spirits. Despite the problems this brought, many families reported that they had not yet done burials or rituals because they lacked the capacity or were in the process of organizing for the event. Families that could raise the funds and had conducted a culturally appropriate reburial or calling-of-the-spirit ceremony reported that they were no longer experiencing problems.”

Nonetheless, as a migrant in Kampala put it, “even the poorest person must be able to be buried properly.”<sup>69</sup> Hence, in a situation of chronic lack of means in post-war Northern Uganda, financial support among community members turns out to be crucial, and new organisational mechanisms have emerged in the Acholi economy of affection in order to ensure the mobilisation of sufficient resources.

Nowadays, the realisation of events is increasingly ensured through the establishment of *organising committees* (OCs), which manage and oversee all aspects of ceremonies and feasts. The composition of such committees varies according to the type of event: usually, for marriages and burials, they comprehend village and clan elders as well as close relatives (in the former case, belonging to the clans of both spouses). In the case of clan and chiefdom businesses, OC members are formed as a task force within the council of elders

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<sup>69</sup> Interview with male migrant, Kamwokya slum, Kampala, August 2019.

and/or the *rwot*'s cabinet – if present.<sup>70</sup> In those cases where each clan or sub-clan is entitled with a particular role, the OCs are formed by elders and leaders belonging specific lineages: for instance, in the Koro and Patongo chiefdoms, specific clans are responsible for the organisation of the instalment and burial of the chief; moreover, in the latter, another clan has the duty and honour to provide *askari* for the protection of the *rwot*.<sup>71</sup>

Whatever the case, in the composition of OCs, the primary role played by traditional leaders as affection brokers can be attributed to several reasons. First, elders are universally recognised within their communities as *quasi* monopolistic depositories of knowledge about the traditions of the clan, and their involvement ensure the *appropriateness* of ceremonies.<sup>72</sup> Second, individual figures may be bestowed with specific ritual functions: for instance, in the Paicho chiefdom, there is a designated elder for each clan who is responsible to collect the contributions from his fellows in case a *culu kwor* needs to be paid. Third, and hence, OCs do not represent brand-new institutions, but rather a re-adaptation of pre-existing arrangements in a more formalised way, also through the adoption of a more 'modern' vocabulary. This is evident in the way in which OCs operationalise their activities, which will be detailed later: members subdivide responsibilities among themselves by selecting a chairperson, a secretary, a security manager, and a treasurer among the others;<sup>73</sup> design the plan and budget of the event; establish the forms of publicization and fundraising mechanisms;

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<sup>70</sup> In many clanic structures, the *rwot kaka* is not personally involved in the management of finances as such duty is conferred to the treasurer or a similar figure. This arrangement has been put in place to shield his sacrality and authority from possible allegations of mismanagement and embezzlement of funds, but also represents a power sharing arrangement at the top of the clanic structure.

<sup>71</sup> On Koro chiefdom, see also Komujuni (2019).

<sup>72</sup> Also, in the case of marriages, their comprehensive understanding of the lineage ramifications is essential to prevent endogamous unions, which are considered an abomination.

<sup>73</sup> It was often referred that, especially in the case of treasurers and other money handlers, a main criterion for appointment is picking the wealthier persons, under the assumption that they should be less inclined to embezzlement.

and care for the provision of all necessary goods and services.<sup>74</sup> Nonetheless, as seen above, OCs' membership criteria lie outside the perimeter of the institution, and are largely rooted in the roles embodied by different actors according to Acholi customs. Fourth, as it will be discussed in the next paragraph, incumbency over these institutions has often entailed handling sizable amounts of money and thus the possibility to embezzle part of the fund – especially when there are no fearsome spirits of the dead involved in the process.

The genesis of OCs needs to be understood in the framework of broader changes in the material and cultural bases of Acholi society. Whereas community members' contributions have been an historical reality since pre-colonial times, still in the pre-war largely non-monetary rural economy such transfers mainly occurred in kind by delivering foodstuff, animals, and artifacts of various sorts (Girling 1960). Especially after the conflict, conversely, the progressive abandonment of agriculture-based livelihoods for urbanisation and migration has provoked a shift towards money as mean through which contributions are done. Furthermore, the introjection of alien cultural elements and lifestyles has reshaped the desires and expectations on what a feast should look like, as well as how generosity and status are displayed: nowadays, important celebrations often involve setting up stands and booths, music is played by dj sets, and western-style furniture and ornaments make the scenery. As it is adamant that these types of goods and services cannot be gathered

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<sup>74</sup> A noticeable issue in OCs' activities I became aware of through informal conversations and that deserves further research is the need of overbudgeting because of 'gatecrashers'. Especially in Gulu Town and other urban centres, large celebrations such as marriages and clan functions have become the daily target of hundreds of destitute people that attempts to sneak in and merge amidst the crowd to fetch a hearty meal. These intruders most often get to know about the events thanks to the announcements broadcasted by local radios, whose intended purpose is actually to reach all members of a specific social group (e.g. a clan or sub-clan, or all the friends of a deceased). Until recently, the phenomenon was largely tolerated and experienced by hosts as an opportunity display of their generosity, especially towards kids and orphans; however, nowadays it has reached such a magnitude that foodstuff should be budgeted for twice or thrice the number of 'legitimate' guests, as my interlocutors reported. As a countermeasure, ceremonies in urban areas are increasingly taking place in gated compounds and remarkable security is put in place to chase gatecrashers. In case of quarrels with the surveillance staff at the entrance, the elders step in to ascertain whether one has the right to enter or not by counterchecking claims their thorough mental maps of the lineages. I personally witnessed a similar episode in Gulu, as my guesthouse hosted the marriage of a nephew of a prominent chiefdom *rwot* – of which I became an (in)voluntary observer.

through individual donations and, to put it banally, receiving money contributions is much simpler than having to convert tons of beans and cattle into cash. As a result, the growing importance of financial over in-kind resources paired with the complexification of the logistical-organisational aspects of ceremonies have posed new challenges that needed to be addressed.

The trend of OCs and monetisation, however, should not be intended as homogeneous throughout Acholiland nor across different type of occurrences. For instance, it was observed that in-kind contributions are still predominant in the case of meetings and functions in rural communities ‘deep in the village’, while money fees are mainly paid by non-farmers and migrants. Moreover, OCs are usually formed in the case of relevant and articulated occurrences involving sizable participants and/or contributions to be received, while smaller-tier ones such as village meetings are directly managed by traditional leaders. As a migrant in Kamwokya reported:

“Maybe *rwot kweri*<sup>75</sup> has organised a meeting, you don’t come, there is an amount of money you pay [...] because if *rwot kweri* organise a meeting you have to give something to support *rwot kweri*, because he cannot give it from his own alone: when you finish a meeting you need to drink, you need to eat, those kinds of things. Maybe he tells ‘on such a date all of you come with one cup of something, we shall be seating under that tree while two, three, four men and women cook food’. So from here you can send money if you don’t go. Like me, if there is some occasion for *rwot kweri* at home, my brothers are there and they [the leaders] could ask them ‘I see you, but your brother has not come, why?’. So it is a duty, that is home, you must come home [if you can].”<sup>76</sup>

This account also highlights a crucial question, that is the set of social norms and rules that govern such domains of social life. In the above-mentioned occurrences, the acts of participating and contributing by all community members are collectively perceived as a duty in virtue of their belonging to the same social group. Conversely, one’s failure to do so without justification is

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<sup>75</sup> The *rwot kweri* (‘chief of the hoe’) is a small-tier traditional leader at the village/parish level usually elected by the local community, whose main tasks are to mobilise the community for communal and agricultural works and solve land disputes.

<sup>76</sup> Interview with Dixon, male migrant, Kamwokya slum, Kampala, September 2019.

socially experienced as a wilful detachment from the rest of the community, and such behaviour can be sanctioned in various ways. For instance, as discussed later in Chapter V, not taking part to clan meetings is sanctioned through fines; moreover, two migrants' accounts on burials highlight the strength of such norms and the harshness of the social isolation the community can impose on defiant individual:

“I have an example of a neighbour there in the village, he used to stay in Kampala here. When he left the job here, he went back in the village, and he continued with the lifestyle because he grew up here, so he kept the same culture... so information about a burial reaches him and he doesn't come [nor he contributes].<sup>77</sup> Unfortunately, he lost his mother, what happened is not even a single person went to the grave. It was dry season, he could not even reach the knee level, his hands had turned blood, could not now hold the hoe anymore. For three days! People refused to go! Until the elders sat and called the youth to come there and they told the youth ‘he has understood a big lesson, what you do is you go and dig’. Now he's the first person to send the money and show up! When somebody says, ‘somebody has died there’ he's the first because he has now learned.”<sup>78</sup>

“[If] they know that you're financially stable and you refused to contribute within the homestead where the burial takes place, relatives may not talk good about you... so you know, when people begin talking bad about you, it continues and you find in every corner ‘how did he not?!’, so psychologically gives a very bad picture about you. So when you're in the financial position to support, I believe any person who is in a normal sense has to contribute. Because after the burial, or at the graveyard, they always stand and read the contributions and it is also a way to let the spirit know who has contributed. [...] They make the breakdown.”<sup>79</sup>

The latter interviewee mentions a common practice that will turn fundamental in the later discussion on accountability: during all events, a defining moment in the reproduction of affective ties is the public announcement of donations by the OC.<sup>80</sup> The full list of all contributors is spelled out to the

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<sup>77</sup> The interviewee refers to the idea of the ‘individualistic’ lifestyle of the city, as opposed to the ‘togetherness’ of the Acholi way of life; moreover, he refers not to a singular episode, but to repeated violations of social norms.

<sup>78</sup> Interview with male migrant, Kamwokya slum, Kampala, August 2019.

<sup>79</sup> Interview with male migrant, Kamwokya slum, Kampala, August 2019.

<sup>80</sup> Or a traditional leader, in case an OC is not established such as in village meetings.



assembled participants and, unless a fixed contribution has been established,<sup>81</sup> individual names are followed by the donated sum. Moreover, the breakdown of expenses is stated and, in case clan or chiefdom funds have been allocated for such purpose, they are also mentioned in the announcement.

This practice appears to respond to two complementary cultural elements. On the one side, the public display of generosity and the communion of individual wealth have historically configured as core features of status and power dynamics in Acholi society since pre-colonial times; at the same time, the collective expectation is that more endowed members will contribute more, while stinginess is disregarded as an anti-social behaviour. On the other side, public announcements are essential to let the community know the names of those who could not join the venue for various reasons<sup>82</sup> yet have demonstrated their devotion towards their fellows. Indeed, this aspect has become increasingly important in the context of soaring outmigration towards distant areas or even abroad. Similar to the findings of Kusimba (2018) in Kenya, migrants' remittances to their communities for such occurrences become a proxy of their presence:

“For burials we do contribution, because when someone dies you are busy at the place of work, no one can relieve you from your job, so you say ‘please, I’m not coming, let me send some money’. Because that money represents you, so you can send. Now they can just say ‘Thomas has sent his condolences, 30,000. He has decided not to come because of a, b, c, so this is his money’ and people will accept, they will be very happy. That money will support them buying to upkeeping people, foods... You know when you reach for those occasions, you need to give something also to support the family of the deceased, so that’s what we do.”<sup>83</sup>

The mobilisation of resources for community development projects and

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<sup>81</sup> This is again the case of clan meetings, but it also common in the case of solidarity mobilisations – such as the burial of a destitute person. In these instances, single donations are often highlighted in case a community member contributes more than required.

<sup>82</sup> Some interviewees reported that, in some cases, the reasons for individuals' absence are also stated during the public announcement.

<sup>83</sup> Interview with male migrant, Kamwokya slum, Kampala, August 2019. Although this has become a commonly accepted practice in Acholi society, it also has its limits: in the event of the marriage and death of close family members absence is hardly tolerated.

solidarity initiatives in support of specific members (e.g. school fees for poor children and orphans) follows equivalent dynamics. In these cases, traditional leaders here hold even stronger gatekeeping positions: when an instance is brought to them, the issue is discussed in village meetings or council of elders at the clan/sub-clan level according to its relevance, and leaders are then directly responsible to implement any decision made. *Rwodi kweri* are responsible for the mobilisation of local workforce for a variety of purposes, such as realising homesteads for poor dwellers, digging drainage ditches, maintaining roads, as well as for the construction of communal buildings (churches, schools, clan and chiefdom's palace and offices).<sup>84</sup> At the sub-clan and clan levels, elders and chiefs hold the authority to forward, coordinate, and manage grassroots initiatives of more relevant sort – also through the establishment of OCs, which may include professionals in addition to traditional leaders:

“When one needs to do any kind of project, you need to have a system, you don't just come out of the blue and begin doing something. You come out with a team of probably the wise persons [elders] who have come with a certain idea [who] may plan of something they feel is good for their village, their district, or their county. So when they see that is good, they bring it to the attention of the people, so when they try to sell it out people get to like it, they sit down and plan. ‘So this is the plan, what do we do?’, we enjoy doing things together, that's how you handle it. [Question] *So let's say I'm an engineer and I belong to this village, so I go to the elder and say 'I have this idea, can we discuss it together'...* Yes, so when you come with a project and bring it to the responsible persons, they come and sit. When they see that is good development, they forward until it reaches to the authorities that probably have the money. [...] It is a community overseen by its elders, which manage the process as guarantee. Then if it needs the call of the *rwot*, there is also a system that is a guaranteed system within the administration of the *rwot*.<sup>85</sup>

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<sup>84</sup> As a migrant commented: “the catholic school where I studied, the priest went and talked to [the elders] saying ‘please, Christians in this place, I need you to lay for me bricks, I want to build a church’. So *rwot kweri* mobilised his people and got other *rwodi kweri*. So they sat down and maybe say ‘by Monday, I want everybody come with tools making bricks’, and they do. Now there is a very big church. That is volunteer work, anyway.” For similar purposes, *rwodi kweri* can also mobilise financial resources for the purchase of materials. Interview with male migrant, Kamwokya slum, Kampala, August 2019.

<sup>85</sup> Interview with male migrant, Kamwokya slum, Kampala, August 2019.

In these cases of solidarity and development initiatives, however, social norms governing participation and contribution shows a higher degree of variability between different clanic structures and occasions. Whereas the call to communal works by *rwodi kweri* appears to be often binding for rural dwellers, most migrants stated not to be bound by such obligations or anyway ‘represented’ by other members of the family in the village. Moreover, both migrants and traditional leaders from diverse clans have referred to contributions as being either delivered on a voluntary basis or as a ‘duty’, and such discrepancy can be attributed to two factors. On the one hand, clanic structures are characterised by different institutional arrangements and modes in which traditional authority is exercised by incumbent actors. Whereas the by-law of the Poromoy/Adilo sub-clan represents a draconian regulation of associated life that recall the most oppressive days of the colonial period, more ‘democratic’ chiefs manage such initiatives without the exercise of coercive power over their subjects and have fostered voluntary fundraising mechanism. On the other hand, ‘duty’ here becomes a more fluid constraint individuals negotiate depending on their social and financial position in the community as it is not associated to sacred aspects of social life. Although contributing is a crucial manifestation of status and belonging, in a context of widespread poverty Acholi need to balance social pressures with the contingencies of their own livelihoods by prioritising certain donations over others:

“[For a burial] I will send you something for the organising, then when I come next time I will make my condolences physically. Because we are a community, so when someone dies irrespective of the relationship, we are a family already. [...] Participating to fundraising [for development] is voluntarily, though they [the elders] come with an envelope with an invitation to the pledge. Those who do not have financially... mostly they collect material. Like now is harvest season so they don’t have money yet, but they say ‘oh! let me give a sack of peanuts’. It’s not a must, but you feel it because it’s a payback to the community, I give what I have. What I don’t have I can’t give. Now I don’t have the cash, but I give you this and if you can transform it into cash it’s ok.”<sup>86</sup>

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<sup>86</sup> Interview with Florence, female migrant, Kamwokya slum, Kampala, August 2019.

In the last decades, the mechanisms for the publicization of events and initiatives has evolved along with the diffusion of new technologies. More ‘traditional’ forms of communication such as in-person word of mouth, announcements over the radio and during meetings, advertising on newspapers, and the door-to-door delivery of pledge letters done by elders and their delegates have been flanked by first mobile telecommunications (phone calls, SMS) and later instant messaging (e.g. Whatsapp) and social media platforms. These new technologies have drastically reduced the time and coordination costs associated to the mobilisation of funds, as the notice of any event can be now dispatched simultaneously to all those who have access to a (smart)phone. Easier communication also appears to have increased the transparency of such processes as updates and requests for information can be now quickly exchanged, while group communication enhances participation in the organisation process. At the same time, the latter is also becoming instrumental to peer-control dynamics associated to donations:

“With the global change of today we have the Whatsapp system, and most people have many of their relatives contacts. In case of such incidents, a group is created there and then, and communication is done without picking a phone and calling. Obviously, in the flow of communication you will get to know whoever has done donations. And in most groups, you maybe bring out a particular figure, and say ‘fine, now what we need, we need a contribution from everybody of this amount’, then the process, as you send, the names are piled.”<sup>87</sup>

The collection of contributions has also undergone major changes over the past decade. Prior to the widespread adoption of mobile money, the collection from the members of the community was performed by elders who, in case of clan business, then ultimately reported to the *rwot*. In Kampala, such task was again performed by urban elders, who were responsible for the mobilisation of resources from migrants. However, as discussed in the following paragraphs, the

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<sup>87</sup> Interview with James, male migrant, Kamwokya slum, Kampala, August 2019.

handling of hard cash posed major threats to traditional leaders' trustworthiness and accountability related not only to the risk of misappropriations, but also to exogenous constraints to transfers of value associated to the inefficiencies of financial infrastructures in Uganda.

#### *3.4 From envelopes to phones: remittance networks among Acholi migrants*

The Acholi remittances networks follow the dynamics already highlighted by the existing literature on other African contexts. Prior to the widespread diffusion of mobile money services and mobile phones in general, financial flows between migrants in Kampala and their rural kin in Northern Uganda revolved around three means of transfer: bank or post wires, postal envelopes, and physical delivery of cash. In the first two cases, the weakness and limited outreach of financial institutions posed several constraints. All interviewed migrants reported the difficulties related to wiring money up-country: being bank branches and post offices located only in main urban centres, rural dwellers who lived 'deep in the village' were forced to long trips in order to collect the money that could also last an entire day. Structural deficiencies in financial infrastructures constrained transfers with delays, backlogs, and procedural requirements, coupled with the difficulties in communication due to the virtual absence of landlines:

“We used to rely on post office, post and telecommunication... then those telecommunication was very very difficult to access to. [...] So, whenever I sent something through post office it delays, it takes so many days to reach the family, because coordination was not good. Now the banking system, you may have banks in our district, but the distance of the banks from the village its very far so the service could not reach immediately because at times even when I have the amount of money sent there, the kind of withdraw... because I am with the account number... so this money is not going to be disposable for somebody in the village to receive it because they need to book [an appointment at the bank] so that they withdraw the money.”<sup>88</sup>

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<sup>88</sup> Interview with elder and clan executive, Kamwokya slum, Kampala, August 2019.

Postal services presented another major issue: as cash remittances were delivered in envelopes, this exposed them to thefts and misappropriation by post employees. The chronic malfunctioning of postal and banking services determined widespread mistrust in these institutions and the consequent resort to cash delivery in person – which, however, presented its own problems. In this case, the most widespread concern was pickpocketing: as migrants mainly relied on public bus transportation to bring money home, they suffered the risk to be robbed along the way home, and the fear to ‘being given chloroform’ by somebody on the bus emerged during several interviews. The long journey also entailed that urbanites could seldom travel back home because of both the travel cost and the difficulty to take a leave from their post; moreover, as many migrants were (and still are) employed in piece rate jobs, being absent from their directly entailed missed earnings.

As a result, while post and bank wiring predominantly represented individual acts of remitting, in-person dispatches often occurred as a collective process. In this case, an individual migrant travelling back home would be entrusted by his urban fellows with their money, which he had to deliver to the respective families dwelling in the same or nearby villages. Nonetheless, individuals’ trustworthiness represented a main issue in this mechanism. Besides actual robberies, it was not uncommon that ‘couriers’ would be tempted to steal part or the whole sum then to claim to having been pickpocketed or having had problems along the way, for which they had to resort to the cash they had at hand:

“Before mobile money, it wouldn’t reach! You send people, somebody... you cannot trust an individual, me I don’t trust people I trust myself and God, that’s all. People are not reliable! You send the money they’ll say they got an accident along the way – ‘I got a problem and that was the only money in my pocket so I used it’, you see?.”<sup>89</sup>

“We took money on parents to buy food because in the village we

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<sup>89</sup> Interview with Florence, female migrant, Kamwokya slum, Kampala, August 2019.

had land, but you cannot go and dig because war was there. So, I secured my family in Gulu Town and I was here in Kampala working in the meantime, then I'd go check them in the town and then come back [to the capital]. I would stay here two to three months then I needed to go back, because during that time this system of mobile money was not there. We used these post offices, unless somebody come when you have money – say 'this money take it to my mom', then my mom would buy food and pay the rent. [...] I had people who are trusted, but one disappointed me: I gave money for school fees, I said 'you take this money to my sister to pay school fees', [but] the man disappeared with the money. But I know him, he come ashamed 'you know my brother was having problems, problems, problems... then I decided to use the money and I feared to tell you'. I said 'no, why wouldn't you tell me?!', then he was keeping saying 'I'm going to pay the money', but I said 'no, you just leave'. I just forgive him, because getting money was not easy."<sup>90</sup>

Despite trust issues within the community and episodes of embezzlement, physical delivery represented nonetheless the most viable solution among migrants to remit money to rural kin. Such option, indeed, presented much lower coordination costs compared to bank and post transfers, especially given the virtual impossibility to timely communicate via phone, and returning fellows were a much faster alternative. This choice is better understood once considered the hardships posed by the broader conflict and post-conflict scenarios. On the one side, the war entailed the physical destruction and organisational collapse of financial infrastructures throughout Northern Uganda, except for Gulu Town and those few other major urban centres well defended by the UPDF; even in these cases, however, the functioning of banking and postal services in such towns was constrained by the difficulties of movement in the North. On the other side, migrants could travel back home delivering remittances during periods of decrease in hostilities and at the end of the war – even with high risks –, whereas financial institutions could not be reactivated during such short and uncertain breaks.<sup>91</sup> Moreover, in those cases in which migrants' families had found shelter in IDP camps in non-affected regions such as Bunyoro, delivery in person was

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<sup>90</sup> Interview with male migrant, Kamwokya slum, Kampala, 20 August 2019.

<sup>91</sup> This is true for the period before October 2002, when the entire population was ordered to converge into IDP camps; prior to that, mobility in and out of the camps was possible during periods of relative peace.

anyway faster than relying on banks and posts.<sup>92</sup> After the war, the return to the rural villages of origin has again meant to live at a prohibitive distance from financial institutions' branches, especially for those impaired in movement by their age as well as physical and psychological disabilities caused by the conflict.

In Kampala, urban traditional leaders – elders and clan executives, more recently – hence used to represent crucial nodes of the remittance networks as coordination and information brokers. As discussed in Chapters II and IV, they had a comprehensive knowledge of the members of the urban community as they were both responsible to keep track of the members of their clans dwelling in Kampala on behalf of their *rwodi*, as well as to mediate disputes and implement the customary law upon migrants. Their privileged information on the moral attitudes of other migrants thus translated in a 'map of trustworthiness' of the enclave that, before mobile money, was instrumental to identify reliable remittance carriers.

Acholi urban leaders thus used to perform two roles: on the one hand, they were consulted by other migrants on whoever from their area was about to return home, provided information on people's reliability, and were called to mediate disputes over money. Main moments in the organisation of remittance flows were represented by clan meetings periodically summoned by urban elders, during which migrants could retrieve information and the collective dispatch of money was organised. On the other hand, urban leaders coordinated the pooled delivery of remittances, and they personally appointed the person that had to deliver the sum. Such leaders were also directly involved in money collection for fundraisings for traditional ceremonies, rituals, and development projects in the area of origin. As an elder clan executive reported:

“Before mobile money, banks and posts were delaying the movement... If somebody from my clan was in Kampala here, when we collect that money we put it in the envelope and entrusted ‘you take these money, you take it directly to our clan or the different families’. Some used to do, some have

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<sup>92</sup> According to a United Nations report, in 2005, IDP camps in Toro-Bunyoro region hosted 67,000 people; in 2007, only 5% of camp dwellers had already returned to the areas of origin (Office for the Coordination of Humanitarian Affairs 2007)



stolen. Others have reached, others have not reach. It may reach halfway; half is taken away. And they always make an allegation ‘you know, pick-pockets...’. That was a very difficult time, you pray when you give money, you pray that it reaches your family.”<sup>93</sup>

It emerges here how urban leaders actually had a limited capacity to ensure the successful delivery of migrants’ remittances: beyond appointing people who were deemed trustworthy, they could exercise little coercive power against carriers’ more or less truthful justifications. Unless the latter pleaded guilty, elders were seldom able to ascertain the circumstances of the theft and sentence accordingly. Even in such cases, during the war they could hardly enforce compensative expropriations upon poor migrants that *de facto* had no properties, especially since the conflict had both disarticulated and blocked the trans-local system of traditional justice<sup>94</sup> and destroyed or anyway prevented access to other alienable assets in the area of origin. At the same time, a courier’s alleged accident exposed leaders to more or less overt criticism from their community members: since among Acholi migrants these events are generally perceived as outright excuses to embezzle cash, leaders could be directly blamed to have relied on the wrong person, which translated in a loss of trust in their judgment and capacity to ensure safe transfers.

Since 2009, the uptake of mobile money services has reshaped remittance networks among the Acholi and, nowadays, mobile transfers have almost entirely replaced in-person delivery for migrant-to-family remittances.<sup>95</sup> In the first years, this transition occurred as a re-intermediation of transfers: as many migrants and families were still too poor to afford mobile phones, they would rely on fellows who owned a device to dispatch and withdraw remittances –

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<sup>93</sup> Interview with elder and clan executive, Kamwokya slum, Kampala, 31 August 2019.

<sup>94</sup> As seen in Chapters II and IV, urban leaders constitute the first step in the hierarchy of the Acholi customary law system and their authority is largely exercised in coordination with traditional chiefs in the area of origin. In case migrants defy their mediation and dispositions, the issue is referred to such authorities, which hold the power to adopt coercive measures – including the forced deportation of the migrant in front of the traditional court. However, until 2006, this system was totally disarticulated by the conflict and generalised internment in IDP camps.

<sup>95</sup> All migrants have provided reasons for technology adoption that totally adhere to the existing literature reviewed above in terms of mobile money being ‘cheaper’, ‘more secure’, and ‘faster’ than other means of transfer, so it is not deemed necessary to discuss them again here.

which could be timely arranged via phone calls and SMS. In other cases, transfers were directly sent to the mobile money agent in the village, then to be withdrawn by the remittance recipients. In this phase, however, the presence of informal intermediaries posed risks of misappropriation similar to cash dispatch: for instance, several migrants recalled that some exploited other people's ignorance on how the service worked to 'skim off' some money by claiming the presence of higher tariffs than those actually in place. More recently, the sharp decrease in mobile phones market prices and the blooming of the informal second-hand subsector have allowed most Acholi to have access to a device and, consequently, to increasingly communicate and utilise mobile money on individual basis.

Private remittance networks have thus undergone the total disintermediation and atomisation of transfers, which are now operated between individuals. Three main dimensions of change are worthy to be mentioned here: first, in those families in which various members own a handset and hence their own mobile money account, these services have produced a reconfiguration of power relationships associated to the control and management of resources. Nowadays, many migrants remit not only to the head of the family, but to the various relatives according to their necessities, such as to siblings for school fees. As no operation on the account can be carried out without inserting the PIN, which is known only by the owner, no one else can access such funds without consent. Consequently, this feature has empowered those members who were suffering the gatekeeping of others (e.g. women from their husbands and children from their parents; see also Morawczynski 2009) with enhanced financial autonomy and independence. This has often entailed quarrels within the family, as many senior members have perceived the new dynamics as 'disrespectful' of their position of money managers; nonetheless, where such figures used to withhold remittances meant for others, mobile money has allowed migrants to directly support the intended beneficiaries.

Second, these services have allowed the expansion of trans-local solidarity networks within and beyond the perimeter of familiar relations. This is particularly relevant in the post-war scenario of Northern Uganda, as the concern

was (and still is) not only to provide material assistance to the many destitute fellows up north, but also to reproduce the sense of closeness and belonging to that same community that had to be reconstructed after the conflict. These transfers often take the form of ‘micro-remittances’, whose purpose is to maintain and reinforce reciprocal ties rather than provide substantial aid:

“This thing [of mobile money] has brought harmony because somebody that is miles away is like present though you are not physically present, but something has been realised by which you’re present. So, it has improved our relationship with our relatives who are far, somebody is traumatised so I just say ‘hello, how are you?’ ‘I’m not fine’ ‘Oh! Let me send you some money for something’, so it’s bringing people together. You know, people have been so traumatised with the war, so you talk to somebody and you send you some coin ‘buy soap, buy salt’... it’s bringing us together.”<sup>96</sup>

Third, the atomisation of remittance networks has sanctioned the end of migrants’ necessity to coordinate the delivery of money to their families, and thus traditional leaders have ceased to manage the collection and delivery of money. The organisation of pooled contributions is more variable. In some clans, migrants now often directly dispatch the sum via mobile money to an account indicated by the OC or the *rwot*’s cabinet, while urban leaders’ role has been largely confined to the advertisement among migrants through the delivery of letters, meetings, and mobile communications. In other cases, clan leaders still care about receiving donations in the first place and then deliver the pooled sum accompanied by the list of contributors. A separate case is represented by solidarity mobilisations for emergencies within the urban community: for such occurrences, leaders directly collect the money from migrants to promptly implement the necessary actions:

“[Urban leaders] organise meetings and they discuss many issues, maybe to transport someone back home who is sick... maybe someone is sick and doesn’t have any support, they take him or her to the hospital, they mobilise money contribution going each and every door – contributing 1,000, 1,000, 1,000, so they have come now to 100,000. This money can now take the

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<sup>96</sup> Interview with female migrant, Kamwokya slum, Kampala, 19 August 2019.

person to a hospital, that's what they do.”

### 3.5 *Trust and accountability in fundraisings before and after mobile money*

Prior to the uptake of mobile money services to deliver contributions, the cash-based system presented major flaws that undermined social trust towards elders and chiefs. First of all, collection mechanisms presented traceability issues: although some literate collectors kept a written list of contributors, some names could go missing in notes and transcriptions, and at the same time there was no practice of releasing receipts to donors as a countercheck. Moreover, urban elders and their delegated collectors may not hold a precise knowledge of all migrants' homes they were supposed to mobilise. Further, the collection process required relevant expenses that, if not duly recorded, would entail unjustified discrepancies in the accounts:

“Sometimes traditional leaders are people who cannot move, so for them they pick people from that clan to go and move around on their behalf and mobilise money and collect money. The *rwot* cannot come, so it's elders here [who collect money]. That's why mobile money has made it better, because now there is no movement – maybe you have to collect from someone here, in Ntinda, in Nakawa, how much money are you going to spend to collect the money? From here I get 10,000, now to move to the other side on a *boda* you spend 5,000, what benefit have you? what are you left with?”. Where the issue now comes in, if somebody is moving personally, sometimes maybe 10 people have given money, this somebody has written down six [names], there is no whatever to show it is true, it is not proven [you have contributed]. [...] Because now if somebody was collecting money from here [...] some people may be trustworthy, but some others may not know how to write, they may have the knowledge on how to guide people but then don't know how to write... So they collect the money but don't know, they don't know this one has given because they don't have written the names.”<sup>97</sup>

Since all names of contributors were publicly announced, not being mentioned would attract blame from peers that often degenerated in quarrels and

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<sup>97</sup> Interview with Alfred, male migrant, Kamwokya slum, Kampala, August 2019.

the suspect that traditional leaders had misappropriated the money. Within the very hierarchies of traditional authority, the lack of traceability also prevented those chiefs who were ‘honest’ from exercising effective control over the process, identifying the culprits, and sanctioning felonies, as any investigation would quickly turn in unchallengeable denials or blame games involving different actors along the chain of collection.<sup>98</sup> Embezzlements and misappropriations of part of the sums represented a common malpractice, especially in the case of long chains with multiple intermediaries such as pooled transfers from Kampala or collections from the various villages for clan occurrences. Hence, the impossibility to hold specific persons accountable for their offences and monitor the process by both commoners and ‘honest’ chiefs translated into a generalised lack of trust towards traditional authorities in their entirety, irrespective of individual leaders’ behaviours. As a result, this determined a sharp decrease in Acholi willingness to donate – especially for those occurrences that were not linked to specific duties as members of the community –, since money just ‘wouldn’t reach’.

In this scenario, mobile money has represented a game-changing innovation from various points of view. First, these services have disintermediated the relationships between contributors and ultimate receivers responsible to handle the funds and budget. Second, in the mobile money system both persons receive an SMS stating all data of the transfer: name and number of the sender/receiver, date, amount, and a message in which the reason for transfer can be stated. Here, the SMS serves a double purpose: on the one side, it represents a receipt a contributor can exhibit as a tangible proof that the donation has been done, thus stopping any contestation against them since the very beginning. Third, within the OC, it simplifies the tracking of all donors’ names and donations that can be now transcribed in record books just by scrolling message after message. The same applies to all expenses made by paying with mobile money, and withdrawals in cash from the account are also characterised by the SMS notification.

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<sup>98</sup> Interview with the Prime Minister of Paicho, Gulu District, September 2019.

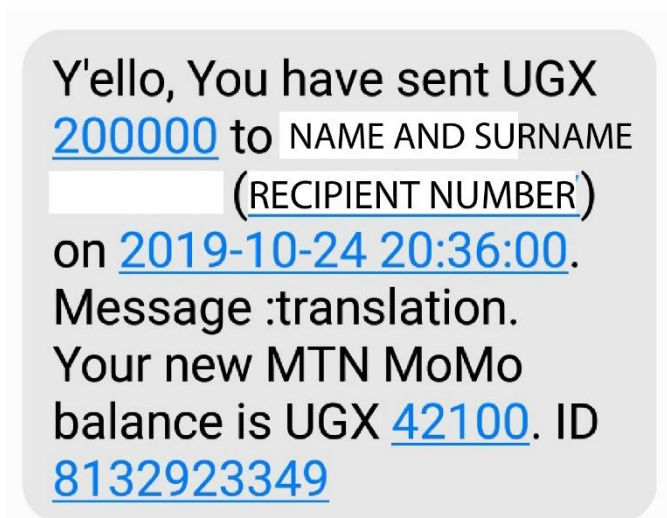


Fig. 2: Example of a mobile money confirmation SMS received by the sending person. Source: the author.

Transfers were reported to be carried out to different types of accounts depending on the case: if the event is managed at the clan level or sub-clan level, most often there is an account already in place through which all clan funds are managed. Otherwise, the OC may either decide to activate a new line or utilise a personal account of one of its members. In the event that a direct transfer is not possible for any reason, migrants usually send mobile money to an entrusted fellow or an elder in the village who then withdraw and handle the cash to the responsible person (and the SMS receipts stands as a guarantee on their part). In any case, once the transfer is done it is common practice that the sender calls or texts to cross-check that the sum has been successfully received;<sup>99</sup> if the sum has to be dispatched by an intermediary, the remitter also often alerts the ultimate recipient via phone to let him know about the upcoming delivery.

Both migrants and traditional leaders' discourses on the impact of mobile money on fundraising mechanisms revolve around the idea that it has made 'impossible to steal' without getting caught and that now traditional leaders can be held accountable by their subjects. Several interviewees have referred to the public announcement as a pivotal moment through which the community can

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<sup>99</sup> This practice is not specific of contributions, but characterise most everyday exchanges of mobile money in Ugandan society, as I had the opportunity to witness.

exercise its control over possible felonies, and those who are absent inform other participants about their donation and ask them to be sure that it is mentioned. As an elder stated:

“There were problems in the past, where physical money moved between people; but now the mobile money is better or almost the best because whether it is the person who sent it or a person that contributed into a pool that has been sent, later on that person will call to confirm that such amount was remitted, ‘has it amounted to that one? Because my contribution was this’. So it has eased accountability and it has made easier to someone not to misappropriate money that he has collected. And then the chairman [of the OC] also is accountable to the people because he will come in public and say, ‘this is the amount of money I have received, here it is’.”<sup>100</sup>

The underlying perception interviewees commonly manifested is that, since all contributions can be now traced and proven thanks to mobile money, it is not possible to cover misappropriations by understating the sums or by losing some name along the way; given that, it becomes easy to ‘do the math’ between donations and budgeted expenses.<sup>101</sup> The enhanced transparency and accountability in fundraisings have entailed a sharp decrease in quarrels and contestations against both traditional leaders and community members. Almost interviewees generally reported that, since people is now confident that their money will not end in the wrong pockets, contributions in their communities have increased in both number and size over the last years.

These institutional changes, however, should not be considered as a zero-sum shift in which ‘commoners’ experience empowerment at the detriment of ‘rulers’ as a monolithic élite. Albeit it is true that migrants and Acholi in general can now exercise a higher degree of monitoring, the position of elders and chiefs as *embedded* leaders in their communities also needs to be stressed. In several

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<sup>100</sup> Interview with the acting *Rwot kaka* of the Bobi-Paidwe clan, Omoro District, October 2019.

<sup>101</sup> In this respect, an urban elder stated that a way through which money managers can still try to bypass control is by inflating budget and declared expenses. Nonetheless, he argued that this should be done with the complicity of the whole committee and under the risky assumption that nobody in the event’s audience holds a sufficient knowledge of current market prices to understand that the figures do not add up. Interview with Okello, urban elder, Kamwokya slum, Kampala, August 2019.

clans, in fact, the adoption of mobile money has not only configured as the result of a ‘grassroots’ social pressure to undermine malpractices at the top, but as a change fostered by leaders themselves within the traditional structures of governance in their quality of equally affected members of the community. In many instances, contemporary Acholi leaders and especially the apical ones are ‘big men’ or anyway financially stable individuals (e.g. retired elders) who have committed themselves to reviving their clans and chiefdoms. Heads of chiefdoms such as the Rwodi of Patiko and Pawel have abandoned important positions in the business sector or public administration for the much more frugal life of the chief – thus choosing status over individual enrichment. The elder representative of Rogo clan in Kampala is a police pensioner and procurer for a major British firm who, when asked about his ceased role as money collector for private and pooled remittances to the village, commented “I thank God for mobile money, I had enough of quarrelling.”<sup>102</sup> The Prime Minister of Paicho chiefdom, himself a well-endowed pensioner, provides a compelling figure of the *embeddedness* of traditional leadership in Acholi communities:

“As a Prime Minister, I receive money from Kampala and then dispatch [to the responsible person]. So mobile money has made life easier. [...] It is easier to collect the money instead of going around the villages and picking the money [...]. It is more transparent. Contestation against the chief was rampant, people would complain. [...] We had a burial of my son in law, money collected was of about 40 to 50 million. Now, when they [the OC] were giving back to the accountability, was it all accounted for?! No. I myself, I don’t give money for a burial of somebody to a certain organisational committee giving cash, I know it will not reach! Even if I am in the same room of the organising committee, I send mobile money. If the organising committee is using mobile money, then [for] people is easy to recount. I say ‘did you receive my money? I sent so much’. But the cash they collect ends up in their pocket. Now they cannot anymore, the money is announced.”<sup>103</sup>

The increased accountability of traditional leaders, their improved

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<sup>102</sup> Interview with urban elder and executive of Rogo clan, Kamwokya slum, Kampala, August 2019.

<sup>103</sup> Interview with the Prime Minister of Paicho, Gulu District, Kampala, October 2019.



performance in resource management, and the fading out of embezzlement malpractices (particularly as a perceived phenomenon) has been described by migrants as a factor enhancing community's trust towards them on a broader scale. Rising trust here configures as the result of a positive-feedback loop rooted in two improvements in the exercise of traditional leadership enabled by mobile money. On the one hand, the simplification and improved efficiency of fundraising mechanisms has reduced operational costs and thus more resources can now be allocated for accomplishing the task. On the other hand, mobile phones and mobile money have allowed traditional leaders to mobilise the community in response to emergencies more quickly and efficiently. As increased trust and accountability have led to more donations,<sup>104</sup> the growth of available funds has enlarged the scope of action of traditional leaders in the management of events.

Nonetheless, on a final note, it needs be pointed how the idea of trust (and its increase thanks to mobile money) between actors here often emerges as rather 'hollowed out'. From the various accounts, indeed, it emerges that the expectation that one's money will not be embezzled in the process does not relate a positive prediction on the moral attitudes of money handlers, but the implications of new technological arrangements. Interviewees' rising trust in traditional leaders as affection brokers appears not to lie in the prediction that they *would not* steal even if they had the chance to, but that they *cannot* steal because the mobile money system *prevents* them from doing so, as the community – including other leaders – are empowered in holding them accountable. Whether this form of trust will be sufficient to strengthen the position of traditional leaders more broadly in Acholi society is beyond the scope of this analysis and deserves further research in the future. However, a first hint on this new front of research can be found in the wise words of an *mzee* in

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<sup>104</sup> It must be noted that mobile money is not the only driver of trust as an outcome of increased allocated resources that in turn enhances the performance of traditional authorities. In this sense, the growth of donations can also be associated with the overall economic development and recovery in the aftermath of war in Northern Uganda. As more resources are available at the household or individual levels, 'spare' money for donations increases compared to a context of widespread destitution.

Kampala: “you see, even the Bible say ‘if they don’t trust you in the small things, how can they trust you in the big thing?’”<sup>105</sup>

### 3.6 Conclusion

This Chapter has shown how the new mobile money has impacted the economy of affection and its organisation among the Acholi. In particular, it has shown that the availability of these financial services has reshaped urban-rural interactions related to the delivery of remittances, overcoming the constraints posed by long-term inefficiencies in the country’s financial infrastructures. As mobile money changes the way in which people can arrange the transfers of value, the old social networks created to organise the communal delivery of remittances have undergone major processes of disintermediation and atomisation. This is particularly true for the organisational arrangements among migrants in Kampala, where the pooled delivery of remittances mainly relied on urban leaders as important affection brokers entitled to coordinate the network – a role that they have now largely ceased to play.

The analysis of the organisation of affection in the case of contributions for communal occurrences provide a partially different figure. In this case, while urban leaders as remittance brokers have been marginalised by new mobile money-based practises, traditional leaders in Northern Uganda still retain crucial brokerage positions in their communities, as funds are most often managed through organisations they preside – whether the OCs or the *rwot*’s cabinet. Nonetheless, the increasing adoption of mobile money as a mean for resource management and donations delivery has limited chiefs’ possibility to exercise a discretionary control of such funds and to misappropriate part of them relying on the impossibility to be held accountable for their malpractice. In this respect, the main contribution brought by mobile money to transparency and accountability of affection brokers appears not to have been a drastic reshaping the OC organisational arrangements as such, but rather the enhancement of pre-

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<sup>105</sup> Interview with male migrant, Kamwokya slum, Kampala, August 2019.

existing accountability practices. Specifically, thanks to the usage of mobile money, the institution of the public announcement of donations and expenses has become an effective way for the community to exact accountability from its money managers.

## CHAPTER IV

### WHEN ‘THINGS GO CULTURAL’: THE ASKARI AND THE ENFORCEMENT OF CUSTOMARY LAW UPON ACHOLI MIGRANTS

Several studies on the resurgence of traditional authorities in Sub-Saharan Africa have highlighted how traditional chiefs often resort to coercive means to compel compliance to their dispositions by their subjects. Clearly, this occurs in different ways: in some cases, coercion is exercised through variable forms of interaction with the state, in others it unfolds completely outside its perimeter; somewhere chiefs deploy vigilantes with policing and patrolling functions, while in other contexts coercion is limited to compel people to abide to other dispute settlement mechanisms.

For instance, in Mozambique, in the framework of state-driven community policing based on chiefs’ involvement, the latter bended such institution by using traditional mechanisms for appointing *comunitários* vigilantes and harnessed them to compel people in front of the traditional courts (Kyed 2007, 2009). In the case of Ndau traditional authorities in Zimbabwe, Marashe (2014) mentions that chiefs use their own ‘policemen’ to arrest rapists and, before handing them over to the police, the elders compel them to pay a fine in kind to the family of the victim. Among the Teso of Uganda, Jones (2009) found that burial societies use *askari* to make sure that everybody contribute to the funeral and attend the function, as well as to help with the preparations. In the Igbo communities in Nigeria, the *oriri iwu* method for enforcing fines provides that when a sentenced person refuses to pay the sanction, a group of community members will raid his/her home and carry away an equivalent amount of belongings as a countermeasure (Okereafoezeke 2003). Similar coercive practices have been found in countries such as Senegal (Gottlieb 2017), Sierra Leone (Acemoglu *et al.* 2014), Zambia (Baldwin 2013), and South Africa (Buthelezi, Yeni 2016).

However, a common trend in this literature is to analyse such dynamics as they unfold in the area of origin and, on the contrary, the coercive enforcement of customary law upon migrants is a rather neglected topic. Yet, this issue is becoming of prominent importance in the structures of traditional authorities, as outmigration ‘from the village’ entails the increasing trans-locality of the communities they rule. And despite their relocation to distant places, it is a well-known fact that migrants remain largely bound to the social norms and expectations of their rural communities, and remain accountable for their behaviours in front of traditional chiefs (e.g. Weisner 1976; Hyden 2012; Lohnert 2017; Magidimisha *et al.* 2018). This Chapter addresses such under-investigated phenomenon by presenting how Acholi traditional authorities exercise the coercive law enforcement of customary law upon migrants dwelling in Kampala.

Quite astonishingly, in spite of the staggering amount of literature produced on Acholi traditional and transitional justice over the last 15 years (see Chapter II), the issue of the coercive enforcement of customary law has passed unnoticed. Yet, a consistent number of Acholi clans is characterised by the presence of *askari*, clansmen at the orders of traditional leaders who are entrusted to enact and enforce their dispositions with the use of the force and coerce unwilling persons to face customary trials. As it will be discussed below, this institution is proving crucial in preserving traditional leaders’ grip over migrants but, at the same time, the deployment of *askari* appears to enjoy widespread support among urbanised Acholi, as it allows to tame those who defy customary norms and codes of behaviour. Moreover, this institution is often operationalised in the framework of peculiar relationships with the state apparatus, which withdraws itself from administering justice on ‘cultural’ issues<sup>106</sup> and openly legitimises and supports such practices.

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<sup>106</sup> As seen below, in contemporary Ugandan political and jurisprudential vocabularies, the term *cultural issues* broadly refers to matters that somehow pertain customary institutions, norms, and practices – especially in terms of being claimed as such by different actors. In particular, the word ‘cultural’ directly descends from the constitutional jargon, which labels traditional authorities as ‘cultural institutions’ (see Chapter I).

#### 4.1 *The state and the others: hybrid governance in Sub-Saharan Africa*

In 1997, Pierre Englebert provocatively argued that the contemporary state in Sub-Saharan Africa is not a state (Englebert 1997). Holding the Weberian standard for which “the state is the form of human community that (successfully) lays claim to the monopoly of legitimate physical violence within a particular territory” (in Owen, Strong 2004, 33), most African states apparently fail to meet this basic discriminant. As the Africanist scholar writes, “theirs is a dubious community of heterogeneous and occasionally clashing linguistic, religious and ethnic identities; their claim to force is rarely effective and much less monopolistic; their frequent predatory nature fails the test of legitimacy; and their territoriality is generally at best hesitant and contested” (Englebert 1997, 767).

Over the years, this issue has translated in the scholars’ praxis of ‘adjectivizing the state’ to highlight its peculiar characteristics as opposed to the Western standard. ‘Limited’, ‘weak’, ‘fragile’, ‘failing’, ‘failed’, and ‘collapsed’ are just a few of the epithets used to describe the African state’s inability to project its monopolistic power and affirm its sole authority within its borders (e.g. Rotberg 2004; Ndulo, Grieco 2010; Olowu, Chanie 2015; Lahai *et al.* 2019). On a similar vein, some authors have suggested that several African states are juridical rather than empirical: given their inability to exercise control over their own territories, they largely owe their own existence to their recognition as independent territorial units by the international community (Jackson, Rosberg 1982; Jackson 1992; Bleck, Michelitch 2015).

In the latter respect, a notorious perspective is provided by Jean-François Bayart’s concept of ‘extraversion’ (Bayart 2000). According to the French scholar, African elites have historically established relations of dependency with external actors to acquire resources and authority, which are then harnessed in the domestic arena to reinforce their position against competitors. While past forms of extraversion included the participation to slave trade and colonial rule, contemporary strategies encompass the instrumentalization of foreign aid, liberalisations, democratisation, structural adjustment, and poverty reduction

programmes, as well as peacekeeping and state-building operations (Peiffer, Englebert 2012; Hagmann 2016). In the case of ‘failed’ states, for instance, “the massive resumption or increase in foreign aid that accompanies post-conflict transitions represents a rent to [corrupt] holders of state power”, who are therefore incentivised “to prolong these transitions as long as possible” (Englebert, Tull 2008, 122-123).

At the same time, several studies have shown that ‘governmentally empty’ territories (Mentan 2004) often experience the spur of alternative forms of local governance that fill the vacuum left by the state and ensure some degree of law and order. For instance, in the case of collapsed states, Menkhaus (2004) explains that while all top-down attempts to rebuild the Somali central government by the international community have substantially failed, several areas of the country have experienced the birth of variegated local coalitions formed by – businessmen, traditional leaders, and civic groups – capable of ensuring public order and the rule of law. Similarly, several authors have highlighted how both ‘benign’ (e.g. NGOs, churches, local civil society formations, traditional structures) and ‘less benign’ groups (e.g. warlords and militias) were able to establish structures of governance on territorial portions of the Congolese collapsed state (Reyntjens 2009; Mbembe 2001; Raeymaekers 2005; Vlassenroot, Raeymaekers 2008; Carayannis *et al.* 2018). Similar scenarios were also found in countries such as Sierra Leone (Reno 1995) and pre-independence South Sudan (Walraet, 2008; Radon, Logan 2014). As Tocci and Vlassenroot (2011, 1) write:

“Even in protracted crisis, the collapse of ‘government’ does not automatically entail the collapse of ‘governance’. Facing the inevitability of ‘unstable’ livelihoods, individuals and households often find themselves having to assume compromising choices and solidarities: rather than an accumulation of several kinds of ‘capital’, people often find themselves in restraining situations made up of contrasting financial, social and cultural needs. This gives rise to the emergence of local provision of basic public goods and services, with local actors and communities securing the administration and determination of rights.”

Over the past years, the vitality of such alternative forms of governance in areas of limited or collapsed statehood has brought to a ‘spatial turn’ in scholars’ attention away from the state as a unit of analysis – which constituted the ‘classical’ approach in African studies and social sciences more in general – in favour of areas such as borderlands, internal frontiers, geographical margins, where local agendas thrive amidst state weakness or collapse (e.g. de Haan *et al.* 2007; Scorgie 2012; Nsamba 2012; Ndlovu-Gatsheni, Mhlanga 2013; Crowley 2015). This ‘spatial turn’ descends from a profound reconceptualization of space away from the previous social sciences approaches, which understood it as a static and neutral stage of social relations. In contrast, here “space is no longer treated as a given, but as the product of social practices and conventions [...]. Space is socially constructed, and representations of space structure social action (Engel, Nugent 2009, 2). Such a reconceptualization stresses the fact that, nowadays, social relations increasingly unfold in an increasingly globalised and trans-local manner, and thus “political and ethical subjectivities are no longer bordered within territorial states”, and thus the units of analysis need to be adapted to the case at hand (Pugh 2009, 160).

Indeed, collapsed states are far from being the only contexts in which alternative forms of governance bloom. On the contrary, many African countries have experienced the rise of ‘hybrid’ or ‘mediated’ forms of governance characterised by complex interplays between the state and local non-state actors, where the former sub-contract key functions to the latter as the only short-term effective option to provide public goods and stabilise troubled regions (Menkhaus 2008; Wennmann 2009; Boege *et al.* 2008). In the light of these dynamics, over the last years a consistent strand of scholars has thus advocated for a paradigmatic shift in the way in which the state power must be conceived in Africa. In this sense, one of the most notorious *j’accuse* has been forwarded by Haggmann and Péclard (2010), who argue against the ideal-typical normative notions of the state as the incarnation of popular sovereignty, endowed with an autonomous bureaucracy and holding monopolistic control of violence – from which directly descends the idea of ‘state failure’. Instead, contemporary African states often enter willingly into bargain with other actors, and:



“There are [...] strong indications that the ‘negotiability’ of statehood in post-colonial Africa is not conjunctural, but structural. Indeed, if we look at processes of state formation in Africa in terms of a ‘hegemonic quest’ [...] – the attempt by ruling elites to strike a balance between coercion and the exercise of force on the one hand, and the establishment of ‘legitimate domination’ on the other – it is possible to see negotiation as a central process and a recurrent theme of the history of statehood in Africa” (*ibid.*, 556-557).

Hence, instead of conceiving the state as a soloist actor that unfolds distinctly from society, it is necessary to understand how alliances and linkages with non-state actors infer the formation of public authority (Migdal 2001). In hybrid forms of governance, constant negotiation between actors entails that legitimacy configures as a conflictual and open process rather than as a stable element. Moreover, legitimacy is not just produced or destroyed in the interactions between actors holding authority, but also depend on “how the ‘audience’ and ‘judges’ (i.e., the citizens and population) perceive particular practices, how they accept or contest their legitimacy, and how these perceptions and responses affect state activities and state-building” (Titeca, Flynn 2014, 75; Baganyoko *et al.* 2016). In the nexus between legitimacy and coercion, Kapidžić (2018) argues that the legitimate use of coercion by non-state actors should be qualitatively distinguished from coercive rule, which require a constant and expensive use of intimidation and violence. At the same time, Meagher (2012) highlights the importance of analysing the processes through which non-state actors acquire formal recognition, as well as the shifts in power and accountability they produce. In the author’s view, this is essential to identify “abuses of regulatory process in which actors claim legal authority but do not abide by its provisions” (*ibid.*, 1096). In addition, such processes need to be understood not only in terms of cooperation, but also competition between state and non-state actors – especially where their claims over given domains overlap or are in contrast (Roitman 2004; Lund 2006a, 2006b).

Also, the more critical perspectives on hybrid governance allow to clarify several points. Goodfellow and Lindemann (2013; cfr. Stepputat 2013), warn against the loose utilisation of ‘hybridity’ to target a plethora of different

institutional arrangements, and thus juxtapose it with the idea of ‘multiplicity’. Hence, they refer to institutional hybridity as a syncretic process in which state’s rules and procedures merge with those of other organisations, and thus reconcile and harmonise the two systems and principles – e.g. the incorporation of traditional authorities within the state apparatus, as happened in South Africa (Baldwin 2016). On the contrary, institutional multiplicity occurs in contexts where different systems coexist, each one with its own normative and incentives structures framing the actions of social, political, and economic actors.<sup>107</sup>

Albrecht and Moe (2015) criticise the literature’s tendency to analyse hybridity through dichotomous lenses that contrapose extremities, such as the international and local spheres, state versus non-state actors, modernity and tradition, private and public domains. In contrast with such binary approaches, they highlight that in the post-colonial era African actors have proved capable to draw from different and contradictory repertoires of authority to legitimise their position. Hence, they call for a shift in perspective from the authority entities themselves to their narratives and practices, which are the milieu where assertions of authority and order-making are shaped (see also Colona, Jaffe 2016).

Finally, Bose and Motwani (2014) warns against the excessive exaltation of success stories on hybrid governance, whose transplant may produce undesired outcomes. According to these authors, in certain circumstances, hybridity-oriented state policies may have a negative impact on the health of formal democratic institutions, as they can be exploited by elites to restore or strengthen networks of patron-client relationships. Moreover, legitimising non-state institutions that may resort to violent practices will undermine the authority and legitimacy of the state itself, and third, it may produce ‘spoiler’ malpractices.

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<sup>107</sup> The authors furtherly subdivide multiplicity in ‘concordant’ and ‘discordant’ in order to account for the peaceful coexistence or clash/overlap between different systems.

#### 4.2 *The askari in Acholi clans*

*Askari* ('guard' or 'soldier') is not a new term in Acholi language. Borrowed from either Arabic or Kiswahili, its introduction in Northern Uganda can be dated back at least to the early 1890s, when it identified the Swahili soldiers incorporated in the Imperial British East Africa Company (IBEAC) army under the command of Capt. Frederick Lugard (Omara-Otunnu 1987). The term was firstly extended to the Sudanese soldiers Lugard received from the Egyptian Khedive Emin Pasha and later applied to all native soldiers of the newly constituted Uganda Rifles – then King's Africa Rifles (Tylden 1956; Parsons 1997; Amone 2014; Moyse-Bartlett 2016). It is however possible that '*askari*' came into use way before the British penetration, as a word borrowed by Arab slavers and traders who had been crossing the region for centuries (Komujuni 2019). Already in 1907, indeed, Northcote (1907, 60) wrote about the Luo-speaking Jaluo chiefs: "[...] besides his family he [the village headmen] will, if he is a chief or sub-chief, generally shelter one or two retainers whom he calls his *askari*, police."<sup>108</sup> In any case, throughout the colonial period, the term was also used to address the armed staff at the dependencies of the colonial local chiefs, responsible for policing and tax collection (Jones 2005; Ocitti 2011).

Nowadays, in many Acholi traditional structures, the *askari*<sup>109</sup> are usually young or anyway heavysset men put at the dependencies of traditional leaders at both the clan and sub-clan levels, and whose role generally concerns two interconnected domains. First, they are bestowed with the duty to provide security to the clan members and the council of elders when they gather for a meeting; moreover, in several clans, one or two of them are mandated to protect the *rwot kaka* in his compound as well as when he moves around. Second, and

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<sup>108</sup> Northcote identified the Jaluo (or Nilotic Kavirondo) as a people who had stemmed from the Acholi as part of the Luo migrations southwards, then to settle in the area north-east of Lake Victoria. Although the 'ethnographies' of the early colonial period needs to be taken with more than one grain of salt, it is nonetheless interesting that the term '*askari*' was already used elsewhere one century ago to identify the same institution characterising contemporary Acholi clans and sub-clans.

<sup>109</sup> In contemporary Uganda, '*askari*' is also often used to address either soldiers, policemen, or private security guards. With reference to Acholi clans, interviewees used the simple '*askari*' or '*askari me kaka*' ('clan askari'), to a lesser extent.

more importantly for the purposes of this Chapter, they act as customary law enforcers under the orders of the *rwot* or sub-clan leaders, enact their dispositions, and are authorised to use the force (in variable degrees) if necessary – for instance by dragging someone in front of the council of elders to be trialled.

In this respect, however, it needs to be remarked that their role diverges from the one of state police. In Acholi clans, the *askari* do not hold functions of crime prevention: they neither perform patrolling in hamlets or along roads, nor they have powers of inspection over villagers. Their jurisdiction is not territory-based but community-based, as it is limited to the membership boundaries of the clan/sub-clan they refer to, unless agreed otherwise by the traditional leaders of different clans/sub-clans.<sup>110</sup> They do not receive a salary for their service, but they are provided with food and accommodation in case they are outside their village (e.g. those who protect the *rwot*), and the clan/sub-clan covers the expenses related to the exercise of their functions such as travel costs.

The methods of selection and mandate of the *askari* show a relevant degree of variation both between and within clans. For instance, in the Chiefdom of Patongo, the *askari* who serve the *rwot kaka* are provided by a specific sub-clan, appointed by its council of elders, and are initiated through a ritual in a sacred place in order to purify them from any misfortunes and bad omens. Their mandate is permanent and, when one of them dies or anyway becomes incapable to perform his functions, it is duty of the same sub-clan to provide a new one.<sup>111</sup> In Paicho Chiefdom, this institution is absent at the clan level, but all sub-clans have their own *askari*, who are elected upon application by clan members during general sub-clan meetings and enjoy a permanent mandate, and the same process characterises Bobi-Paidongo sub-clan in Puranga Chiefdom.<sup>112</sup> In Rogo sub-clan, the *ladit pa rwot* can rely on two *askari* and two deputies, who are called on duty at his side in case the ‘main’ ones are sent on mission; both the leader, the *askari*, and the deputies are jointly elected in a general meeting with a 5-

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<sup>110</sup> This aspect will be more detailed later on in the discussion on the customary law enforcement upon migrants.

<sup>111</sup> Interview with the *Rwot* of Patongo, Gulu District, October 2019.

<sup>112</sup> Interview with the Prime Minister of Paicho, Gulu District, October 2019; interview with the sub-clan leader of Bobi-Paidongo, Gulu District, October 2019.

years renewable mandate.<sup>113</sup>

Besides being the *rwot*'s guard, an *askari* is a substantially dormant actor with his own job and everyday life who is activated by traditional leaders when they need some 'muscle' for a particular occurrence. For instance, when radio broadcastings are used to spread notice that a clan or sub-clan meeting has been summoned for a certain day, the announcement most often include details on the date and place in which the *askari* must report without fail to be put on security duty.<sup>114</sup> To better understand the law enforcement role of the *askari*, however, it is necessary to make a step back to the core features of the Acholi customary law system.

Among the Acholi, traditional justice has historically revolved around the belief in the cruciality of societal unity (Leman 2009), which substantiates in a restorative process between the two parties mediated by elders and/or the *rwot*. This mechanism is based on the voluntary willingness of the offender to admit his/her wrongdoings, who is pushed to do so by the immanent Acholi cosmology – for which one will be cursed with sickness and death until faults are redressed; and if a person refuses the mediation or its outcome, the elders will invoke a curse on him. The truthful establishment of the fact is essential to resolve disputes and it is achieved by the mediator(s) through multiple consultations of both parties, as well as their relatives and witnesses; these can be done either privately or in public meetings, depending on the case. Then, a compensation is established according to the customary laws,<sup>115</sup> which is collected among all members of the offender's clan, and the restoration of peace between parties is sanctioned through rituals and ceremonies (LIGI 2005, 10; Okello 2012). Whereas major crimes are directly deferred to the sub-clan leader or the *rwot* (e.g. killings),<sup>116</sup> the traditional justice system is characterised by a hierarchy of 'mediation attempts' for lesser offences and quarrels. The first tier is represented

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<sup>113</sup> Interview with an elder and urban representative of Rogo clan, Kamwokya slum, Kampala, September 2019.

<sup>114</sup> Interview with an elder and Ladit pa *Rwot* of Koro clan, Omoro District, September 2019.

<sup>115</sup> As seen in Chapter II, in 2001 the Ker Kwaro Acholi has codified a standard compensation system for all disputes and crimes, although not all clans have adopted it.

<sup>116</sup> In case of conflicts between people from different clans, the two *rwodi* jointly act as mediators.

by the head of the household who, in case of failure, defers the issue to an elder, who can pass it to the sub-clan leader, who can eventually resort to the *rwot kaka*. Nonetheless, as Girling (1960, 104-105) already noted 60 years ago, traditional leaders' power to enforce their judgment is constrained by the mechanism itself: "the efforts of the ruler were directed not to enforcing law, but to maintaining peace within the domain [...]. The success of the *rwot*'s [or chief's] attempt at mediation depended on the willingness of the parties to a dispute do accept his decision."

#### 4.3 *The extents of force: violence and non-violence*

In the above-described system, the *askari* nowadays configure as a 'reserve' institution at the disposal of sub-clan and clan leaders to enforce compliance. When an issue is brought to a leader's attention, in the first place he<sup>117</sup> summons the offender through a *lakwena* ('messenger', pl. *lukwena*),<sup>118</sup> asking him to 'come and sit' with the elders to sort out the issue. In case the latter refuses to account for his/her wrongdoings, the leader then resorts to the dispatch of *askari* to compel him in front of the traditional court. In many cases, the latter are accompanied by one or more elders, who make a last try to convince the person before resorting to physical force and also make sure that the 'boys'<sup>119</sup> do not exceed in zeal. However, in those situations that need an immediate response, the courtesy of summoning the offender is often bypassed:

"Last week we went to Mbarara [for a wedding] and [before departing] somebody told us that they had a son in Mbarara, a teacher, that became a drunkard and the school stopped him from teaching. We realised that he has no job, doesn't want to come back and don't listen to friends that were willing to pay the trip back home. So we arrived [in Mbarara] and talked to his friends which lured him to where we were, so he came at the wedding... When he came we did not disturbed [*sic*] him because we

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<sup>117</sup> Throughout this dissertation, the usage of the masculine pronoun and possessive in reference to Acholi chiefs is related to the fact that all *rwodi* are males, and the same usually goes for sub-clan leaders.

<sup>118</sup> In some cases, it was reported that the *askari* are also used as messengers.

<sup>119</sup> 'Boys' is a colloquial term commonly used by many traditional leaders to refer to the *askari*.

were in Mbarara for two days, so the last day when things are going very well and we're about to take off in the early morning, we told him that 'from now you're not going anywhere, we're going back to Gulu with you, if you're refusing you're going to be arrested, from now you're under our custody... you're a free man, but you're under our custody. Full monitoring, no moving out and there... Whether you want to go to toilet, you need to go with people'. [I had] more than four young people, and we brought him back. He's here now, but why we did that? Because in case he died from there, since alcohol and lack of food could kill him, if he died from that far it would have been too expensive to bring the dead body back home, so we forced him... If he wants to die, he should die here. Otherwise we would waste a lot of money to be contributed."<sup>120</sup>

This account also poses the question of the extent to which force can be applied. Several interviewees referred that, in their own clans, the *askari* are most often used as a passive deterrent to convince a disgruntled person rather than do it the hard way. In Pangora sub-clan, the very sub-clan's by-law forbids the *askari* to beat anybody, and their coercive power is limited to "talk seriously and give a threat."<sup>121</sup> In similar cases, the use of physical force is a bland instrument of very last resort that substantially incarnates in the *askari*'s attempt to lift up the offender and carry him home. The Rwot of Patongo, talking about law enforcement upon migrants, provides a compelling picture of the matter. At first, the *askari* will be dispatched as messengers to notify to the person in Kampala that he must present himself back home and answer in front of the elders; if he refuses to come along voluntarily, the former will try to pick him up and drag him on a bus. But "if you are a big man and manage to not be picked, the elders will work a curse on you until you come back and ask for forgiveness."<sup>122</sup> It is here evident how individual body structure represents a crucial discriminant in the *askari*'s capacity to enforce traditional leaders' dispositions in the presence of anti-beating norms or rules. Whereas weaker subjects do not have much chance to oppose an effective resistance, a heavysset

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<sup>120</sup> Interview with the sub-clan leader of Pangora, Payera clan, Gulu District, October 2019. The interviewee's reference to the contribution for the potential burial relates to the fact that, among the Acholi, community members are bound by social norms to provide their financial support to the deceased's family. This issue is thoroughly discussed in Chapter III.

<sup>121</sup> Interview with the Ladit pa Rwot of Pangora, Payera clan, Gulu District, October 2019.

<sup>122</sup> Interview with the Rwot of Patongo, Gulu District, October 2019.

person can easily escape trial and thus be compelled only through curses and social ostracism.

Many clans' decision to prevent *askari* from beating is rooted into a broader major change in the approach to violence. Whereas caning has historically represented a common form of punishment for certain felonies, nowadays Acholi clans are detaching from similar methods and sentenced strokes are becoming a sort of 'unit of measure' that is converted into a fine right away.<sup>123</sup> As an urban elder said:

“Let's say you are supposed to be given strokes to discipline you, but no – you can be sick and with strokes you may suffer heavy injuries so they fine you the amount of money equivalent to the punishment we have given. So you pay using money, even if you are supposed to be disciplined by caning, you will pay an amount of money that is already written down in the constitution. This thing comes in because some people may use excessive force which will cause a lot of permanent injuries and, secondly, someone may suffer from different kind of diseases [...] and the offender is not examined by the doctor... and the mental state of the person may suffer. So they avoid it to minimize the suffering and the cause of death, so they make it minimum and compel to pay [...] according to the by-law which is accepted by the clan.”<sup>124</sup>

In many traditional leaders' discourses, the resort to violence is seen as a despicable trait of backwardness that will bring resentment in the community and new conflicts in the future. In addition, the rejection of physical punishment is intimately associated to the idea of becoming *developed* and thus gain the respect of other clans in virtue of acting like a Western country. This shift seems to have started since the last years of the war, when an increasing number of international humanitarian agencies and NGOs flocked in Northern Uganda to provide assistance first in IDPs camps and then in the post-conflict reconstruction and reconciliation process. In a context characterised by structural violence and abuses at all levels, the narratives on human rights fostered by the international agenda have found fertile ground, and the Acholi - and their

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<sup>123</sup> Many by-laws provide the monetary equivalent of a cane stroke, usually oscillating between 1,000 and 5,000 Shs.

<sup>124</sup> Interview with an elder and urban executive, Kamwokya slum, Kampala, September 2019.



traditional leaders - have increasingly introjected such 'new' values (Komujuni 2019).

The 'human rights' explanation, however, is not the only one: many chiefs are well aware that there is a line that must not be crossed in their relationship with the state. Several interviewees mentioned past cases in which *askari*, as well as elders and clan executives accompanying them, had been arrested and jailed for torture, beating, or causing the death of an alleged offender. The forbiddance of physical violence as a coercive mean thus configures as strategic choice to preserve the traditional structure afar from unpleasant attentions by the state. Nonetheless, not all leaders have posed such limits to the use of the force by *askari*. The occurrence of beatings, canings, and arbitrary violence in several clans was repeatedly reported and, while in Patongo and Pangora the *askari* operate unarmed, in other cases they move around with sticks or even guns.

Here, violent enforcement needs to be understood as an outcome of two interrelated repertoires adopted by the different actors. On the one side, the *askari* are not professional security personnel and do not receive any training on either how to 'lawfully' enforce the law or to deal with a riotous person, unless they have had a career in the state police or armed forces. And in any case, they may associate themselves with such state actors and mirror their behaviours as legitimate ones to hold – and the Uganda Police Force is not exactly renown to be a gentlemen's club. On the other side, several traditional leaders have fully drawn from the repertoire of the *rwodi kalam* – the colonial chiefs that ensured law, order, and the collection of taxes through harsh coercion and armed policemen – to reconstruct their authority during the revival of traditional institutions. The reasons for this are manifold, but essentially constitute a matter of *institutional memory*<sup>125</sup> in contemporary Acholi clans. In the first place,

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<sup>125</sup> Institutional memory is intended here as the stored knowledge within an organisation (Gibbons 2007; Linde 2009). According to Gibbons (2007, 113), "institutional memory is easier to establish when turnover is low and relationships between individuals are strong. In addition, someone has to do the work of documenting past events in a form that is usable for coming generations". Followingly, Acholi clanic structures with their dense relationship network, low turnover in leadership, and practices of knowledge preservation present optimal characteristics for institutional memory. Indeed, this mechanism is of primary importance in a variety of African communities. For instance, Tornimbeni (2007) highlights the pivotal role of the 'living cadastre of memory' held by traditional chiefs in the process of demarcation of community boundaries

several chiefs directly descend from dynasties of *rwodi kalam* who achieved power by being co-opted within the colonial regime structure of indirect rule, and thus coercive means are embedded in these rulers' family history. Second, even those chiefs whose ancestors were marginalised by the British may refer to that repertoire because, in the collective imaginary, the *rwodi kalam* were respected, powerful, obeyed, and feared. Third, and hence, this aspect of colonial past is reified and reclaimed by chiefs, and incorporated as a legitimate trait of how rulership is exercised in the landscape of Acholi traditions. A sub-clan leader with very critical positions against the institution of the *askari* and the use of violence in the traditional justice system provides a compelling insight:

“Now, there are some *rwot kaka* who are using the system [of the *askari*], but there are some *rwot kaka* who are not using the system, for example *Rwot Koro*. But then there are these *rwot kaka* who now want to work like the administrative unit, are the ones who are now doing this thing! And very many clans have now copied it and they want it to be like that. Yet, know the disadvantage: our youth don't have respect for the elders, because an elder is brought, is beaten, and the elders no longer have authority. Because for me to be respected in my home, I have to come and talk to my children, not somebody to talk to my children there! What authority do I now have on my children?! Now, these *rwots*, very many of them have lost direction, they don't know what they are supposed to do... they have now jumped and they are comparing with the system of the administration *or* [emphasis] the *rwot kalam*. They want too much power, and they are exploiting people's ignorance. If you go to the police, there are very many cases in which people have been arrested for torture... A recent one happened in Lulago here, they beat a man to death as the man did not want to go to clan meeting, but what meeting?! [...]. The *rwot kalam* came with the political power from the colonial government, so people are missing this thing of the anointed *rwot* and the *rwot kalam*. So they now want the *rwot moo* being working like the *rwot kalam*, and that is why you find they need *askari*! [...] those things are illegal, but our people are ignorant. If you tell them, they will just shy away. And when you read into it thoroughly, you will find they are the ones not from a royal lineage.”<sup>126</sup>

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enacted by the Mozambican state. Further, Bulte *et al.* (2018) highlight the relevance of memory among West African chiefs, who are bestowed with a comprehensive knowledge of family structures and landownership that allow to maintain 'agrarian order'.

<sup>126</sup> Interview with an elder and *Ladit pa* *Rwot* of *Koro* clan, *Oromo* District, September 2019.

This account raises a number of issues, such as the relationships between the customary law system and the state and the social support to the *askari* institution, which will be discussed later. But above all, it poses two crucial questions: does the *askari* institution find some ground in the pre-colonial period, or is it a colonial made-up one that has been appropriated within the structures of traditional authority? And how and why has it been (re)established in the broader framework of the traditional institutions' revival among the Acholi?

#### 4.4 *The genesis of the askari*

Locating in time the birth of the *askari* in Acholi traditional structures is quite of a hard task: the insights provided by the interviewed traditional leaders were inconclusive<sup>127</sup> and, as the last quote highlights, the legitimacy of the *askari* as a 'truly traditional' institution for customary law enforcement is actually a contested topic among traditional chiefs. Hence, this paragraph mainly relies on secondary sources to make sense of this question.

Although the available literature and documents do not provide any explicit mention of the *askari* or similar institutions in the pre-colonial period, there is some clue that an early version of this institution might have appeared around mid-1800s when firearms were introduced in the region. According to Girling (1960) and Atkinson (2010), prior to that period<sup>128</sup> the *rwodi* did not govern through coercive power nor had access to particular means of destruction: all men of the clan were armed and the chiefs did not enjoy a special fighting group at their command; the army was not a standing one but was composed by all able-bodied males, who were summoned in case of war. In addition, the very military organisation was not monopolistic, as the *rwot* was surrounded by a war council of village or lineage heads. Then, since the mid of the 19th century,

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<sup>127</sup> Most leaders of those traditional institutions who used *askari* generally refer to them as 'a traditional thing' that had 'always been there'.

<sup>128</sup> Atkinson's dating of the diffusion of firearms among the Acholi has actually been contested by Otunnu (2016), who argues that they were introduced way before that as the result of an earlier presence of slave and ivory traders in the area.

militarisation and coercion increasingly entered in the traditional authority registers as a result of the growing presence of Arab slave traders and, more lately, of the *Jadiya*'s oppressive and extortive rule.<sup>129</sup> As the *rwodi* became crucial gatekeepers in the exchange with slave and ivory traders, they also acquired a *quasi*-monopolistic control of guns, while coercion and militarisation increasingly characterised the chiefs' power registers (Whitmire 2013; Komujuni 2019).<sup>130</sup>

In this context, Atkinson (1989) reports an interesting change in the relationships between the major Payira (or Payera) chiefdom and smaller ones that had settled nearby in search of protection. In rupture with the principles of voluntarily dispute settlement and absence of coercion, "the Payira polity then began to exert an unprecedented degree of authority and influence over many [...] nominally independent chiefdoms. Payira mediated disputes among the others, enforced settlements and the payment of compensations [...] and intervened in purely internal affairs" (Atkinson 1989, 34). Although the author does not make mention of settlement and compensation enforcement *within* the Payera chiefdom, it is plausible that such a shift in the core principles of the customary justice system did also affect ruler-ruled relationships.<sup>131</sup>

Even in such a case, however, this change towards coercion apparently did not characterise all polities in the late pre-colonial period. On the contrary, an early observer such as Sir Samuel Baker – the British explorer and commander who established Fort Patiko in the 1870s – provides an opposite figure in the case of the Patiko chiefdom:

"My fort at Fatiko [Patiko] was within call of two large villages – those of Gimoro and the sheik of the county: during my sojourn of seven months, I never heard a woman scream, neither was there any domestic or

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<sup>129</sup> *Jadiya* was the locally given name to the troops of Samuel Baker, appointed *pasha* by the Egyptian government of Khedive Ismail, who tried to establish its control over the region between 1870s and 1880s; the same name was also used to refer to the Egyptian traders (Otim 2020).

<sup>130</sup> The entrance of coercion in traditional authority registers is also associated

<sup>131</sup> This would not be the only case in pre-colonial Sub-Saharan Africa. For instance, Francis (2012) forwards that the Akan people in pre-colonial Ghana developed a system of policing to preserve law and order, and address crimes.

civil disturbance. There is no police required in that country; there was no pickpockets, as there were no pockets to pick – which was one advantage in favour of nudity. A London police magistrate should have died of ennui; the constables could not even have sworn to a case of intoxication, merely as a matter of form to afford employment. There were no immoral females to disgrace the public streets; neither were there any beggars, vagrants, organ-grinders, or perambulators to worry, deafen, or upset you. My country was a picture of harmony. We had no complex machinery of law; there was no such difficulty as an estate in Chancery; no Divorce Court, or cases of crim. con. [*sic*] that necessitated an appeal. Adultery would be settled by flogging respondent and co-respondent, with a judicial separation after the punishment” (in Baker 2016, n.d.).

Besides the Victorian appreciations and the idyllic portrait, this account seemingly marks the absence of *askari*, and the non-coercive system reported by Baker corresponds to that described by more academic authors (e.g. Girling 1960). And most interestingly, this discrepancy in the interiorisation of coercive practices in pre-colonial times between the Payera and Patiko chiefdoms still reverberates nowadays. While the former is characterised by the presence of *askari* – even though unarmed and ‘non-violent’, as described by the sub-clan leader of Pangora –,<sup>132</sup> the latter’s leadership is denoted by the outspoken refusal of any form of coercive institution in favour of exclusively restorative mechanisms.<sup>133</sup>

Whereas no solid conclusion can be drawn for the pre-colonial period, the evidences on colonial times are adamant. Since the very beginning of the British domination, *askari* were posed at the service of appointed chiefs in order to ensure law and order and extract taxes from the population through coercive means (Tuck 2006). In 1919, the reform of colonial chieftaincy established through the Native Authority Ordinance sanctioned the chiefs’ duty to administer customary justice in addition to the previous functions (Youé 1986; Ojambo 2012) – thus pairing traditional law and coercive enforcement. Again, since 1930s, a new reform re-arranged the indirect rule structures and established a new of hierarchy of appointed chiefs headed at the county level by a *rwot kalam*

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<sup>132</sup> Interview with the Ladit pa Rwot of Pangora, Payera clan, Gulu District, October 2019.

<sup>133</sup> Interview with the Rwot of Patiko, Gulu District, October 2019.

(Paine 2014). At least since 1919, as Tosh (1973b, 261) writes, the *askari* were present at multiple levels and their functions were comparable to the one they have nowadays: “the function of the *askaris* was to arrest offenders on the chief’s orders, to guard them in his lock-up pending trial, and in general to enforce chiefs’ orders.”<sup>134</sup>

The account from the acting *rwot* of Bobi-Paidwe (Puranga chiefdom) provides a compelling figure on how this institution was appropriated in the interplay between the colonial administration and traditional structures. Bobi-Paidwe is a notorious clan that has increasingly gained power since the colonial period thanks to *Rwot* Andrea Olal Adiri – a major *rwot kalam* – and his son *Rwot* Ananiya Akera Kerwegi, who had recently passed on at the time of the interview.<sup>135</sup> The acting *rwot* himself is a long-course traditional leader who, beyond his duties as a clan elder, also served *Rwot* Acana I as a councillor for 40 years. On the genesis of *askari*, he reported:

“[Chief] Olal had *askaris*, like the Kabaka... *Askari* were keeping the palace [built in the 1920s], they were also protecting the kingdom and the people and they were fighting like soldiers. There was fighting between Acholi and Langi, the chief of Lango at that time was called Chief Adoko. In that war we defeated Adoko because of [thanks to] these *askaris*. The *askari* were being paid and it was Chief Olal who paying them. At independence when the British left this situation [of paying the *askari*] was abolished. Now we have clan *askari* [*askari me kaka*] and they are not paid; they are there and do the work of law and order among the clan members. If they [the elders] have any problem, they move with the *askari* to go and settle these issues.”<sup>136</sup>

It is possible to give an approximate dating of such conflict between the late

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<sup>134</sup> Tosh makes the case of colonial chiefs among the Langi, but the chiefs and *askari*’s functions were standardised throughout the Protectorate.

<sup>135</sup> Andrea Olal is reported to be in service as a colonial chief way before the creation of the *rwot kalam* position in the administrative system. A 1914-15 colonial report mentions that “several promising young chiefs have replaced men whose influence was found to be detrimental to the local administration. Five chiefs have been deposed: Andrea Olal (Okellomwaka’s son) succeeded Ugwal of Paranga [Puranga] and he is reported on by the District Commissioner as probably the best chief in the District” (in Paine 2014, 44). For a biography of Olal and Ananiya, see Langol (2019a, 2019b).

<sup>136</sup> Interview with the acting *Rwot* of Bobi-Paidwe clan, Puranga Chiefdom, Omoro District.

1930s-mid 1950s thanks to the very colonial chief Yakobo Adoko, whose autobiography was published on the Uganda Journal in 1957 (in Huddle 1957).<sup>137</sup> Although Adoko does not mention clashes with the Acholi during his period as *won nyaci* and *rwot adwong*<sup>138</sup> of the Langi between 1945 and 1956, he reports frequent ‘troubles’ with the Acholi regarding the inter-district boundary during his previous mandate as County Chief of Oyam (a county bordering with the territory of the Bobi-Paidwe) between the late 1930s and 1945. Also, Tosh (1973a, 1973b) mentions Acholi attempts to redefine the district boundaries between 1937 and 1938 to match the administrative map with the traditional clan groupings, although he does not specify the occurrence of clashes. As Chief Olal was the *rwot kalam* of Bobi County for decades until the end of the colonial rule, it is thus probable that the interviewee actually misplaced Adoko’s ascendance to *won nyaci* and the ‘war’ actually configured as a clash between the retinues of the two county chiefs around 1930-40s.

Since under the British rule the *askari* as law enforcers were a prerogative of those appointed chiefs, these evidences highlight three issues. First, they underline that the *askari* as an institution nested and legitimated by the colonial system was appropriated and bent by chiefs to pursue their own claims associated to pre-colonial power dynamics.<sup>139</sup> Second, the narratives by several contemporary traditional leaders forward a direct line of continuity linking colonial *askari* with the present-day ones, as well as a substantial affinity in terms of law enforcement functions; and, after the end of the colonial rule, this institution was re-adapted to the contingency of lacking resources to provide the *askari* with a salary. Third, this type of repertoire is characterised by a graceful sugar-coating of the role of the *askari* during the colonial period, and it is renown that the *rwodi kalam* extensively exercised their power through the ‘rule by fear’

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<sup>137</sup> To give a touch of colour: Chief Yakobo Adoko was the uncle of Milton Obote, who was a student of Rwot Ananiya Akera Kewergi at Makerere University (Huddle 1957; Wamala 2009).

<sup>138</sup> *Won nyaci* (‘owner of all’) and *rwot adwong* (‘senior chief’) were the names that were successively used to identify the colonial institution of the paramount chief among the Langi.

<sup>139</sup> Chiefs’ exploitation of the colonial system for their own purposes had been present since the very beginning of the British rule. As Behrend (1999, 17) notes, for instance, since early 1900s chiefs “denounced their enemies to the colonial administration and gave the military cause for punitive measures. They used the foreign military power to settle their own accounts”.

with fines, beatings, and imprisonment (Girling 1960). In particular, this issue must be understood in terms of positionality of the speaker. In the oral-based Acholi culture, the legitimisation of social institutions is firstly based on proverbs, traditional wisdom, folk tales, and moral maxims, a specialised body of knowledge of which the elders are ultimate and most authoritative depositories (Booth 2017). As repeated storytelling is the core mean for moral education, “the functions of myths then is [*sic*] the maintenance of status, the justification of the socio-political or religious *status quo*” (p’Bitek 1962, 23). Consequently, the mystified tale that colonial *askari* were in place to protect the *kingdom* and the people is instrumental to legitimise this institution through the creation of a connection with the pantheon of the clan’s traditions, of which elders and traditional leaders such as the Bobi-Paidwe’s *rwot ad interim* are crucial gatekeepers.

In the post-colonial period, this institution remained in force in Acholi traditional structures; however, its presence appears to have been rather limited and especially confined to those clans whose leaders had been previously co-opted by the colonial regime, whereas most other *rwodi moo* stuck to the non-coercive customary settlement mechanism. Such an uneven uptake was described as deriving from the open refusal of the colonial legacy, which was still vivid in the Acholi collective memory.<sup>140</sup> At that time, indeed, the *askari* were intimately associated to the most brutal aspects of the foreign rule, while many *rwodi moo* also had motives of personal resentment towards the British as they deposed them or their fathers from their positions of rulership.

Overall, the existing evidences point to the colonial origin of the *askari*, although there are some clues that some form of coercive institution could have been in place since the mid-late 19th century. Nonetheless, it still needs to be discussed why such institution has been revived in contemporary Acholi clans in the broader framework of post-war Northern Uganda: this issue will be tackled later on, in the discussion on the social support and contestation in migrants-chiefs relationships.

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<sup>140</sup> Interview with elder and Ladit pa Rwot of Rogo clan, Gulu District, October 2019.



#### 4.5 *Enforcing the customary law upon migrants in Kampala: traditional leaders, mobile money, and the state*

Compared to the Acholi living in their area of origin, the enforcement of customary law upon migrants configures as a rather different business, as Kampala's high distance from the village poses major organisational challenges to traditional authorities' attempt to resolve disputes or compel a riotous subject home. As discussed in the previous Chapters, over the last decades the Acholi migrants' communities in Kampala have experienced a process of reproduction and reinvention of traditional authority institutions. In many cases, members of the same clan or sub-clan are led by an elder or a representative/executive, who also function as an interface with the traditional leaders and the rural community. Among their functions, these urban leaders are responsible to mediate disputes according to the customary system, but also to support rural chiefs and ensure law enforcement in case of migrants' uneven compliance. Although Acholi clans show relevant variations in the presence and deployment of *askari* in/to Kampala, which will be discussed later, the traditional justice mechanism tend to follow a coherent and homogeneous pattern.

The process starts with the urban leader being 'activated' by another actor: for instance, he may either receive notice of a particular circumstance from the culprit himself, from other migrants, as well as from a rural traditional leader or commoners. In the first place, he makes an attempt to solve the issue amicably through the customary mediatory mechanism and, if that does not produce the expected results, the matter is referred to the *rwot kaka*, the sub-clan leader, and their councils of elders back in the village. As the rural leadership assesses the matter, a disposition is pronounced, and defiant migrant is usually called back home to be trialled in front of the elders on a certain date and the notification is usually delivered in person. In most cases, it is again the urban leader or one of his *lukwena* to interface with the migrant, who leverages the migrant's fear to be deported home and suffer the discredit of a trial in front of the village. The *askari* get into the process when the defiant fails to voluntarily present himself to the trial: in this circumstance, the *askari* are dispatched to pick him up and drag him

on a bus. Depending on clan-specific institutional arrangements, the intervening ‘boys’ can be of three (coexisting) sorts: in some cases, there are traditional authorities whose representatives in Kampala are endowed with their own *askari*, who are usually elected by the clan’s dwellers in the capital and approved by the rural chief. If such arrangement is not in place, *askari* are dispatched from the village to Kampala and report to the urban leader. Alternatively, if the latter does not have sanctioned *askari* and it is not possible to send men from the rural area to face an emergency, it was reported that he could be authorised to ‘raise’ some men for the occasion among the migrants. In any of these cases, the urban leader is usually given a fair operative autonomy by the chief as he holds a better knowledge of the terrain, but he has nonetheless to coordinate with him and report home any novelty.

In this process, a particular but frequent case is represented by those occasions in which a particular clan does not have a point of reference in Kampala. Since both urban leaders and *askari*’s jurisdictions are limited to the membership perimeter of their clan or sub-clan, this poses an additional layer of complexity in disputes settlement and problem solving. In such instances, the two *rwodi kaka* from the aiding clan and the one asking for assistance agree upon the necessary steps to undertake and entrust the urban leader to act on behalf of the latter. Here, the *askari* from both clans are appointed or raised as both escorts and witnesses, in order to have a watching eye in case anything goes wrong during the deportation and avoid blame from the other side:

“If one comes to me as an elder seeking for advice and tells me that a boy from another clan is causing problems instead of going home to his clan, saying ‘we have problem in my clan, it is too much we cannot handle, what can we do? As an elder, *mzee*, what advice can you give us’... I say, ‘have you tried [in this way]?’ ‘Yeah, we gathered, we did like this, but we have failed’, I say ‘ok, thank you’. What I do is to inform my *rwot kaka* about the situation and request for assistance and he will inform that other *rwot*, but I cannot go over him. I must channel what is going on... So, if I help this guy here but his people did not understand, I give information to the clan of those people so that *rwot kaka* from that end acknowledge with my *rwot kaka* and say ‘ok Mr. Sunday, I talked with that *rwot kaka*, that boy needs assistance, please go ahead’, and I’ll say ‘I have talked with your

people there, they have acknowledged this thing, this thing must be done, you do this and this. I will appoint *askari* plus one/two boys of that clan as both sides must be there as witnesses, mine goes as witness - but the one who is going to tell more to that clan is from that end – the one that reported to me in the first place, as mine is just an escort. They will go together, three of them plus the victim and that one will tell more to his clan because mine is just an escort to assist. I have the power of appointing the *askari* from both clans. My *askari* I will say ‘he’s a witness to you until he reaches home’.”<sup>141</sup>

At the end of everything, in addition to the imposed sanctions, the trialled person is usually compelled to refund the clan(s) of the expenses it has sustained to dispatch the *askari*. However, prior to the introduction of mobile money, this mechanism of law enforcement was often constrained by cash issues. For instance, the travel costs could be higher than budgeted, the *askari* could be pickpocketed along the way or required to spend more days on mission than foreseen, e.g. because the offender had changed his location or hidden somewhere. Although the rural leaders would handle an amount of money hypothetically sufficient for the round-trip, it was not uncommon that the *askari* ran out of cash earlier and thus be forced to return home unsuccessful. Alternatively, in case the latter were able to get in touch with the leaders – a difficult task before the diffusion of mobile phones – the clan could dispatch more cash through an additional ‘courier’.

Nonetheless, high coordination costs and frequent failures chronically undermined the traditional leaders’ reputation in the eyes of their subjects, who deemed them unable to resolve issues and preserve the community’s wellbeing. Indeed, the most frequent reasons for *askari*’s intervention are still nowadays related to migrants’ misbehaviours such as alcoholism, drug addiction, vagrancy, family quarrels, and the refusal to ‘repatriate’ in case of severe sickness or suspected possession by evil spirits. These issues are most often brought in front of the elders by their very relatives, who ask for help to avoid the premature death of the offender, as well as bad omens and misfortunes attracted upon the

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<sup>141</sup> Interview with an elder and urban representative of Rogo clan, Kamwokya slum, Kampala, August 2019.

family by such misbehaviours. Moreover, avoiding a migrant's death outside of the area of origin is a crucial collective economic issue, as the Acholi customs provide that all community members must participate to the costs of bringing back and bury the remains of the deceased. Social pressure from the community was such that, during some clan meetings, traditional leaders were compelled by their subjects to refund the clan with their own pockets when the *askari* failed their mission because of cash shortage.<sup>142</sup>

Nowadays, the uptake of mobile money has eliminated such constraints. In case the *askari* run out of money before than expected, they must instantly alert the traditional leaders, who then dispatch additional funds in the span of a few minutes. In addition, mobile money turns out to be particularly useful when some of the offender's properties in the city needs to be liquidised and the money must be dispatched to him back home. A typical scenario is when the culprit is sentenced to remain in the village and forbidden to return to the capital, for instance in the case he is an alcoholic. In such cases, the *rwot kaka*, the offender, and his family jointly entrust the urban leader to care for the sale of his residence and other belongings, and then deliver the revenues to the family. The use of mobile money to dispatch such sum have overcome a wide number of issues related to theft and loss of cash during the transport, which are thoroughly described in Chapter V.

#### 4.6 *Between police and courts*

A crucial feature of this mechanism is represented by the necessity to obtain a permission to proceed by the police in case the traditional law needs to be enforced and it is not accepted voluntarily. The process unfolds as follows: once it is ascertained that all amicable mediations have failed, the rural or urban leader presents himself to the police with a copy of the clan's by-law,<sup>143</sup> presents the nature of the matter as a 'cultural' issue that must be solved within the clan and

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<sup>142</sup> Interview with Ladit pa Rwot of Pangora, Payera chiefdom, October 2019.

<sup>143</sup> As seen in Chapter II, clan by-laws are most often ratified by a state institution, such as a court, the Chief Administrative Officer, or the Resident District Commissioner.

obtains a *nihil obstat* letter authorising the traditional institution to proceed – which is carried by the *askari* or the elder accompanying them. If the latter are dispatched from the village, once they reach Kampala, they must report to a police station together with the urban leader:

“So, when they come around, they come to me directly and then I take them to Kira Road police station to give them notice. So when we are picking this child, the police are aware that we are not going to harm him, but we are returning him back to our place, our clan. So, we are returning him peacefully and any punishment is going to be given there, not here, it is going to be given by the clan [...] But calling the *askari* from the village is very expensive. [Instead,] I get a letter from the police here as I have a copy of the constitution [the by-law]; I’m not governing the people here without a constitution. When we have problem here, I liaise with people at home, then when I got to Kira road police station I will explain them the document, that we are not here illegally, we are for the purpose maintain peace and the people back home have said that we must send back so and so to our village, as we have already failed to discipline him here, we are taking him back. So there is no cause of alarm by the police, police say yes... because police, if the guy dies when we have already complained that his safety is not granted... the police will say for their protection ‘you take him back home’ and give the letter. We channel through the authorities: police give us the ‘go ahead’, the *askari* travelling with the guy have the letter of our police, they will show to the *rwot kaka*.”<sup>144</sup>

Obtaining a letter is thus essential to forcefully deport a migrant back home without risking allegations and even the arrest of the *askari* by the police. Moreover, in case the culprit files charges against his traditional leaders in front of a state court at a later stage, such a document represents a guarantee of the legality of the measures undertaken against him. Nonetheless, some traditional leaders openly admitted operating outside of such framework, as they did not deem necessary to ask for permission since the state laws already authorised them to enforce customary justice according to ‘tradition’ – thus implicitly claiming that the *askari* belong to Acholi ‘tradition’.

Indeed, Acholi traditional authorities’ relationship with the state is not casual, but it is rooted in Uganda’s laws. According to Article 16 of *The*

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<sup>144</sup> Interview with an elder and urban elder and representative of Rogo clan, Kamwokya slum, Kampala, August 2019.

*Institution of Traditional or Cultural Leaders Act* (Republic of Uganda 2011), any conflict or dispute within either the traditional institution or the community it governs needs to be resolved according to traditional customs and norms, and must be managed by a council of elders, clan leaders, or a similar body. Moreover, in case of a dispute, the state court can be involved only once the traditional mechanisms have proven unsuccessful in resolving the conflict; at the same time, in cases such as land disputes within and between clans, magistrates often refer the controversy to the traditional justice system.<sup>145</sup>

Such an outsourcing solves a number of inconveniences to the Ugandan state. First of all, state justice is unprepared to manage certain types of conflicts and disputes. In Uganda there are 56 recognised ethnic groups, each one with its own customary norms, rules, and felonies which also vary within each group and that have no correspondence in the state's *corpus juris*. For instance, in Acholi culture, there are a number of sanctionable *kiir* ('taboos' or 'abominations') such as eloping with a brother's wife, incest, insulting an elder, stealing from one's own mother/father, quarrelling in the house, eating ash, having sex in the bush, and throwing money, food, or faeces in anger, whose punishment according to the customary law cannot be asked to the judiciary (Booth 2017).

Moreover, such felonies are often connected to spiritual aspects, and social reconciliation and pacification are often achieved through the execution of appeasement rituals that cannot be mediated by a judge, a policeman, or whatever state officer holding no ritual prerogatives – and maybe belonging to another ethnic group. In addition, this arrangement also responds to much more mundane needs. On the one side, Ugandan courts are already swarmed with lawsuits on land and family disputes, and thus recognising traditional systems as a bottom step in the justice ladder allows to cream off most cases that would otherwise furtherly jam the underfunded state machine (Hill *Innovating Justice*

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<sup>145</sup> For instance, in a land dispute in Arua (*Kaiga v Amba* 2018), the plaintiff resorted to the state court after the council of elders convened to settle the controversy ruled against him – but both the Grade One Magistrate and the High Court validated the elders' decision. In another land case, the judge ascertained that neither the claimant nor the defendant held rights on the disputed plot, and thus he "call[ed] call upon the two clans to immediately sit and resolve the matter in order to avoid any illicit conduct by any side claiming an interest in the said land" (in *Edebua v Bileni* 2012).

2016). On the other side, customary courts represent the ‘justice system of the poor’. As a very recent report has reiterated (ISER 2019), the costs of embarking in a court suit are too high for the average Ugandan, who cannot afford to fees and procedural costs, sustain the frequent backlogs, and even to simply pay for transport from the village to the town where the court is located.

Very recently, the question on the nature of the relationship between the customary domain and state courts has been firmly addressed by a High Court Judge, Ssekaana Musa. Asked to sentence over clan hereditary issues in the Kingdom of Buganda, he refused to pronounce on the matter and advised the contenting parties to refer the issue to the Kabaka on the following grounds (Lwamasaka v. Mutewega 2019):

“The courts are too westernized to handle cultural and customary issues. The laws and the persons who may be faced with a cultural or custom dispute may sometimes be foreign to the given cultural area [...]. It would be prudent to refer such disputes always to the King or the Traditional or cultural Leader since they are custodians of such cultural institutions, customs, practices and norms. The courts should discourage such petty issues [... which] are better dealt with through the established mechanism of a particular community or dispute resolution mechanism in the given culture or tribe under their customary justice system or dispute resolution. [...] the court’s time is so precious and only issues worth of litigation as interparty with serious questions of law ought to be brought properly before the courts of law and not cultural matters where persons would file any matters before court which are unjusticiable. The legitimacy and acceptability of decisions of courts of law which may not be based on informed or known cultural and customs of the given society, tribe or area will subject to ridicule and may become a recipe for disaster. It is equally important to reflect Uganda traditional culture and principles in a meaningful way within the new constitutional dispensation of our country. The flexible nature of customary law, along with its ability to develop to adapt to changing circumstances, means that it is not possible to identify a unified system on how to resolve disputes in every traditional system of every tribe or ethnicity.”

Musa’s sentence forwards several evidences: first, the state judiciary *de facto* withdraws itself from jurisdiction over customary issues for a lack of human, organisational, and jurisprudential resources. Second, it discourages

courts from accepting any case that has to deal with the customary domain and traces a hierarchy of ‘serious issues’ that are worthy to be treated against ‘petty’ ones, which should be left to traditional authorities. Third, it legitimises traditional leaders as administrators of justice through court jurisprudence, in addition to the recognition provided by the Ugandan constitution and body of laws – an important aspect in a country whose legal system is based on the English common law principle. Fourth, and most importantly, it frames traditional leaders as monopolistic holders of authority over the exercise of customary law. As it will be discussed in the following paragraph, the state’s backing plays an important role in the discourses on the legitimacy of the *askari* – not only by traditional leaders, but also by migrants.

#### 4.7 Legitimising customary law enforcement in post-war Acholi clans

The institution of the *askari* and their deployment for customary law enforcement appear to enjoy a widespread support among all interviewed Acholi migrants, and such consensus spurs from the perceived necessity to preserve the community cohesion, the well-being of those who one has left at home. In most migrant’s discourses, indeed, it emerges the issue that Kampala is a place where people try to hide after having run away from home: in most cases, they refer of husbands who have fled from their wives and children, or who had tried to cut ties with them after having moved to the capital in search of a job:

“There was an incident which happened, a guy was staying here while his people were there... he had his wife at home with seven children, they sent *askari* from there, they came and got him from the drinking. He was drinking, they carried him from there straight to the bus and they took him home to discipline him. They will remind your role towards your family.”<sup>146</sup>

In more serious circumstances, such as an accidental or voluntary killing, the repatriation of the culprit and the execution of reconciliation and

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<sup>146</sup> Female migrant, focus group discussion, Kamwokya slum, Kampala, September 2019.



compensation practices is fundamental to preserve the very life of his own fellows. In Acholi cosmology, the *cen*<sup>147</sup> is a powerful spirit capable of haunting his murderer and eventually kill him as well as his family and clan members, until it is appeased through the payment of the *culu kwor* ('blood compensation') and cleansing rituals. The *cen* can also lead to madness and, if it takes control of a victim, can drive him to harm and even kill somebody (Harlacher 2009; Harnisch, Pfeiffer 2017). Hence, in Acholi's psychology, deporting a murderer home is first of all a matter of collective security that justifies all means.

Moreover, in a social environment where norms are experienced as obligations,<sup>148</sup> the *askari* are perceived as an institutional device that allow the community to cope with the 'disorder' caused by migration. Whereas in the village abidance to norms is mainly guaranteed by high social pressure upon individuals, it is a well-known phenomenon that the urban life can push poor migrants towards debauchery – and it is especially represented as such in contrast to the 'right' rural values (e.g. Vambe 2007; Morawczynski 2009). However, since 'people talk', misbehaviours in Kampala directly reflect on the migrant's family reputation in the village, which however has less means to discipline him because of the distance. As the community in Kampala can exercise a limited influence on its debauched members and there is no locally situated traditional authority that can trial him, the *askari* are a necessary mean to compel a person home.

On a different register, as a counterpart to the state courts' dismissal of customary issues, 'traditional' law enforcement is legitimised also through the reference to the cultural domain as opposed to the state. Both traditional leaders and migrants' discourses are often characterised by the idea that police and judges have no right to interfere into clan's business:

“[Traditional leaders] send the guards from home to come here and collect you and not even the police will interfere! They will come here and take you back, they will say ‘this is cultural’. So the moment things go cultural, they will put you down and give you the number of strokes the

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<sup>147</sup> The *cen* is the vengeful spirit of a person who has suffered a violent death.

<sup>148</sup> See the discussion on the Acholi *economy of affection* in Chapter III.

police even doesn't allow! [laughs]. And the community recognise this power, those are the rules of our community. [...] My culture is my culture, we are doing these things culturally, you stay out of it. When it comes as Ugandans is fine, you realise the Parliament unites all of us, but this belongs to us.”<sup>149</sup>

“[If] I do something wrong to you, but if you don't take the report to police, it has no right. But when you go and report you have reported, so then they have to. They can even come to arrest me, and our traditional leader will say ‘no this thing here is a family issue, or a clan issue’. So we say ‘no, this thing is not going, this thing is solved from here’. When we are defeated that's when we shall come to you. They have the right to stop the police’.”<sup>150</sup>

“[Even if a person goes to the police] the police will ask ‘have you contacted the clan leaders? Is he aware or know anything?’ Even if you go and talk to the LC, the LC asks you ‘have you talked to the clan leader? If you have matter let it be solved by the clan leader. I'm not going to give you a letter to go to police, let the clan leader first settle that matter’”<sup>151</sup>

Such perspectives, however, do not account for the presence of a thin line between the cultural and state domains where a crime is such according to both bodies of law. Social pressure, in fact, also has a dark side: as Tim Allen (2015) notes, the application of customary measures without resorting to police and courts responds to both an effort to preserve a semblance of moral order and social cohesion, but also the imposition of a ‘social harmony’ dogma.<sup>152</sup> In the case of raped women investigated by Porter (2012, 2017), victims rarely resort to the state justice system, which is unaffordable and highly distrusted, and thus

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<sup>149</sup> Interview with Florence, female migrant, Kamwokya slum, Kampala, August 2019.

<sup>150</sup> Interview with an Acholi male migrant and police officer, Kamwokya slum, Kampala, August 2019.

<sup>151</sup> Interview with an elder and urban representative of Rogo clan, Kamwokya slum, Kampala, August 2019.

<sup>152</sup> The notion of social harmony here refers to the fact that, in the case of wrongdoings, the primary moral imperative is not retribution upon the culprit or the protection of the victim's rights, but the restoration of normal relations – both intended as cosmological balance, social equilibrium, and moral order (Macdonald, Allen 2015).

rely on traditional leaders.<sup>153</sup> However, restorative justice based on compensation and cleansing usually leave women living nearby their abusers, even in their very homestead; and while some may truly believe that justice has been done, others are coerced to adhere to the social harmony paradigm in order not to be stigmatised as deviants in their communities (Macdonald, Allen 2015).

In addition, it has to be noted that the uneven intervention by the police, which leaves free room to traditional justice, is also rooted in socio-spatial issues. On the one side, ‘deep in the village’, the closest police station could be tens of kilometres afar and the area could be completely cut out of phone network coverage.<sup>154</sup> It is thus clear that in such ‘governmentally empty’ areas where there is no police outpost or patrolling, the state steps in only when somebody runs to it or an agent accidentally gets to know about a crime. For example, a recent case was the arrest of a young man for having beaten his grandmother, something he was accustomed to do according to his neighbours. However, the repeated assaults came to an end only after a video of the last beating was leaked online and the police was stormed with calls asking to take action (Ojara 2020).<sup>155</sup> On the other side, for the Kampala police, sub-contracting petty issues to the chiefs’ *askari* and letting them to solve problems by themselves means to preserve some degree of law and order in the slum without risking their lives. Kamwokya, indeed, is a hostile environment for a man in blue (or kaki): the positioning of stations just along the borders of Mawanda and Kira roads, the

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<sup>153</sup> At the same time, in addition to corruption malpractices, state institutions do not put their best efforts to overcome distrust. Porter (2012, 87) reports that, while police often does not intervene if they are friends with the perpetrator, a judge addressed a rape victim and her culprit as follows “I’m very surprised and disappointed that you have brought this case to me. If I make a ruling on it, one of you will conclude that I was unfair and it will bring no peace between your families. But this should have been a simple thing. Can’t you go home, sit under a mango tree together, and settle this issue?”.

<sup>154</sup> An anecdotal example. When I was travelling through Pader District to interview a traditional chief, my *boda boda* driver pit-stopped in a remote rural village along the road. As I looked for network coverage, a villager nicely addressed me to a pole in the ground and recommended to stay at no more than a meter from it. He was right. According to the inhabitants’ thorough researches, that was the only tiny spot where phones had some signal in a radius of five kilometres.

<sup>155</sup> The issue here is also that, in Acholi society, crimes such as this mainly relate morality. In the social harmony perspective, the culprit needs more than being punished: he must be taught the ‘right’ morals, and above all he must be used as an example to other young people to know that what he was doing is evil. Hence, justice is geared towards restoring social order and not just punishment.

total absence of patrolling, and the fact that agents step into it only in large numbers or for a very good reason, all say much about that. Hence, penetrating the maze of narrow and muddy alleys to solve a family quarrel, rescue a drunkard, or arrest a petty thug is not in their daily priorities.

Last but not least, the issue of harmony and order brings the discussion back to the (re)genesis of *askari* in contemporary Acholi clans in post-conflict Northern Uganda. During the war, displacement into IDP camps produced three major social fractures: first, the dire living conditions of the interned people produced a radical shift from communal values to a survival-oriented individualism, while alcoholism, idleness, *kiir*, and abuses of all sorts plagued the very Acholi social fabric. Second, *rwodi* and elders in the camps were totally stripped off their power and remained isolated from their subjects, as the only authorities that mattered were the camp leaders and LCs who governed the distribution of resources (LIGI 2005; Komujuni 2019). Third, two generations of Acholi have grown in the camps apart from the education and authority of traditional leaders, who blame them for having ‘abandoned their culture’, defy their advices and dispositions, and contravene to the customary norms – the most referred one being inter-clanic marriage (Vorhölter 2016). After the war, the revival of traditional institutions, the reconstruction of communities and the desire of many Acholi to bring their communities back together has been characterised by retraditionalisation discourses based on the idealisation of the past against the fears and uncertainties of the future. As Vorhölter (2016, 9) writes:

“Supporters of retraditionalisation often maintained that everything had been better when Acholi culture was still ‘intact’, guided by clear moral principles, and when men and women, elders and youth still had their clearly defined roles in society. [...] Youth who supported retraditionalisation often blamed their fellow youths for becoming too modern and westernised, for no longer respecting Acholi traditions and values, and thus for destabilising Acholi society”

In such narratives, the *askari* are an integral part of the charming imagined past, and their revival in many Acholi clans is connected to two complementary

perspectives. On the side of those traditional leaders who draw from the *rwodi kalam* repertoire, the *askari* are an institution legitimated by ‘tradition’ through which they can command respect of their dispositions thereby re-establishing order in a disrupted society. In turn, their capacity to tame deviances from a reified Acholi ‘customary way of life’ allow them to prove effective, committed, and thus legitimate protectors of the moral order in the eyes of their subjects. At the same time, for ‘traditionalist’ commoners and migrants in particular, the deployment of the *askari* is instrumental to preserve a fragile social fabric and harmony by compelling their defiant fellows to face traditional justice – often the only one they can rely upon.

#### 4.8 Conclusion

This Chapter has shown how, in the framework of the revival of customary authority in contemporary post-conflict Acholiland, many traditional structures have experienced the re-invention of dispute settlement and law enforcement mechanism towards more coercive dynamics. Indeed, the evidences brought by this Chapter validate Spear’s (2003) assertion on the ‘hodgepodge’ nature of traditional authorities. Like many other cases through Sub-Saharan Africa, the *askari* institution presents itself as a cocktail of contradictory repertoires including the pre-colonial and colonial pasts, but also the contemporary discourses on statehood and universal human rights. At the same time, the variety of forms in which this institution materially unfolds (or is rejected) in each clan and sub-clan highlights the magnitude of the contemporary traditional leaders’ individual agency in appropriating different repertoires and shaping the institutions they preside. Nonetheless, this Chapter also demonstrates that the coercive law enforcement through the *askari* is not only a mean for chiefs to preserve the grip over their subjects and tame those who defies their authority, but it also responds to a specific demand for moral order and social harmony from below.

Further, while coercive law enforcement in Acholi clans unfolds through the wide gaps left open by the state police and justice system, it is also legitimised

by the same in doing so, and the positions expressed by the High Court Judge Ssekaana Musa back Menkhaus' (2008) idea that sometimes state's reliance upon non-state actors is the only viable option. In this sense, this analysis also brings a different perspective to the body of literature on 'hybrid', 'mediated', or 'negotiated' governance in African states. In most studies, the idea of *the only option* is associated to the weakness of the state, which is not able to exercise a monopolistic authority and thus sub-contracts its functions it to other actors. On the contrary, this Chapter shows that sub-contracting can be the only option not only because the state is weak, but because the state may not be able to take charge of certain instances that it nonetheless recognizes as legitimate – such as ruling over customary disputes that have no reference in the state's *corpus juris*. As highlighted by other scholars (Geschiere 2006; Faris 2015), the African state may lack both a framework reconciling Western-based and customary principles and the related legal instruments to pursue action, as well as be unable to engineer them. In such cases, as this Chapter has shown, sub-contracting judicial authority may emerge as the sole effective response to such social demands.

Finally, this analysis also opens two major fronts further research. First, the respect of human rights in Acholi coercive law enforcement is uneven across clans, and the reports of arrests for beatings, tortures, and deaths raise questions on whether it is time to abandon some glorifying stances on the Acholi traditional justice system (see Chapter II). Second, the front of social contestation against the *askari* and coercive enforcement in general – both among migrants and rural dwellers – still has to be explored. (Un)fortunately, all interviewed migrants held similar supportive positions towards using the hard manners to discipline those who defy the clan's laws – and thus the community. In particular, the insights from the existing literature highlight that the youth could represent a hot front of contestation against the elders' attempt to preserve them in obedience.

## CHAPTER V

### LEVYING IN DISGUISE: THE 'REVIVAL' OF TAXATION IN ACHOLI CLANS?

Running a clan is seldom an easy business. Dispute settlement, carrying out rituals, and more generally overseeing the collective life can give a hard time to traditional leaders: these tasks are often not only organisationally, but also financially demanding, especially when their communities become increasingly scattered over a wide area. While clan members may have to contribute in various ways in order to enjoy the goods and services provided by traditional leaders, the latter have to fulfil their duties – at least to a certain degree – in order to preserve the institution's legitimacy as well as theirs as incumbents.

As Baldwin (2016) notes, traditional authority institutions can indeed be instrumental to local élites' capacity to extract resources from their subjects. However, in most contexts, the golden age of extraction through taxation established during the colonial period is long gone, and chiefs now generally ask for gifts or payments in return for specific services. Moreover, "raising revenue through fees for service is qualitatively different from supporting oneself through general taxes, and it provides less opportunity for chiefs to extract payments disproportionate to the value of the services provided" (Baldwin 2016, 50). In addition, in many rural contexts, a major limit to chiefs' extraction capacity is represented by the weak basis of rural economies. The preponderance of subsistence over market-oriented farming and the virtual absence of non-agricultural activities in the countryside has determined structural constraints to cash flows, while barter, payments in kind and labour are still a common practice among rural dwellers.

As extensively illustrated the previous Chapters, Acholi clans and sub-clans are undergoing a peculiar phenomenon of consolidation and formalisation of customary law and traditional rule systems. Largely undertaken during the last

decade, this process has led several traditional institutions to be endowed with *constitutions*, statutes, and by-laws, and to be characterised by organisational and procedural arrangements that recall a state-like design. Usually, such statutes are redacted with the support of lawyers or similar professionals in order to ensure their compliance with the state law, and then submitted for approval to either courts of justice, Local Councils chairpersons, and/or District Commissioners. In many cases, statutes have been moulded in accordance with the laws of Ker Kwaro Acholi and recognise it as a higher source of authority and as an appeal court of traditional justice.

In many cases, statutes have not only codified the customary fees and tributes commoners have to pay – although with degrees of adaptation and reinvention – but have also adopted brand-new mechanisms for funding the clan activities. In particular, two rising institutions in Acholi clans are the duty for their members to pay a ‘membership fee’ and the mandatory presence to general meetings for which a participation fee is required and fines are imposed on absents, provisions that find no precedent in customary practices. This Chapter argues that such institutional novelties are the result of the effort of chiefs to cope with the radical transformations Acholi society is experiencing in post-war Northern Uganda – and clanic institutions together with it. First, it reviews the mechanisms of resource extraction that have historically characterised Acholi chiefdoms, and outlines the ongoing changes occurring that impact on the material and cultural bases of extraction. Second, it emphasises the problematic Ugandan state legislation on the funding of ‘cultural institutions’, stressing how local chiefs are prohibited to levy taxes but, at the same time, are prevented to access government funds. Third, it analyses the new mechanisms of resource extraction mentioned above, putting them in relationship with the old patterns of resource extraction.

### *5.1 Rwodi and resource extraction in Acholiland: historical trajectories*

Together with the institution of *rwotship*, tribute systems (*tyer*) in Acholiland had been in place since the early 17<sup>th</sup> century, when the northward



migration of the Paluo people from the Bunyoro Kitara kingdom introduced these institutions in an area predominantly characterised by acephalic societies (Whitmire 2013). In each chiefdom, as well as in the relationships between the various polities, honouring the *tyer* was a crucial moment in social relationships: tributing meant recognition of the chief's authority, and recognition implied tributing. Thus, when a community or clan paid some form of tribute to another *rwot*, the act implied the acknowledgement of his rule and becoming part of the chiefdom. *Tyer*, among the Acholi, took the form of payments in kind and services. On the one hand, tributing in kind included the duty to confer the *rwot* all lion and leopard skins (as they were and still are symbols of the chief's authority), one of the tusks of each hunted elephant, one thigh of each slain game animal, and communities with blacksmiths had to provide weapons, blades, work tools, and jewellery. On the other hand, services were provided in the form of *corvées* and included, for instance, to build and maintain the structures of the chief's compound and agricultural works in the fields of the royal family (Girling 1960; Atkinson 2010). Further, material accumulation also occurred through the monopolistic exercise of the judicial power: fees applied to access customary justice and fines imposed to offenders were paid in kind, usually chickens, goats, and sheep; some were consumed immediately, other joined the *rwot* and elders' flocks (Okeny 1985). In turn, *rwodi* constituted the fulcrum of the redistribution system: commoners were rewarded in food and drinks for providing free labour on the chief's estate, gifts in kind were bestowed to heads of lineage to win or reward their support as well as to new communities joining the chiefdom, hunters bringing skins obtained a goat in turn – all resources previously collected as *tyer*. Through the redistribution of gifts *rwodi* thus built their legitimacy to exercise public authority and, “in the absence of the monopoly of the force, this near monopoly of large-scale generosity served something of the same function” (Atkinson 2010, 94).

Throughout the 19<sup>th</sup> century, the growing presence of Arab slave and ivory traders in the region, together with the attempt by the Egyptian Khedive's government to incorporate Acholiland in its sphere of influence and the consequent resistance posed by Acholi chiefdoms, produced shifts in the

mechanisms of wealth accumulation. The increasing militarisation of the area and exchanges between chiefdoms and traders made guns, ivory, and cattle important sources of wealth – the *tyer* obligation to deliver one tusk per slain elephant dates back to this period. Ivory did not enter the circuit of redistribution within the chiefdom, but was exchanged with traders for guns, cattle, beads, brass, cloth, copper, and other goods. *Rwodi*'s privileged relationships with traders thus gradually turned *tyer* in an institution instrumental to personal accumulation rather than intra-chiefdom redistribution while coercion increasingly denoted ruler-ruled relationships, at the point at which some chiefs even engaged in slave trade selling their own subjects (Komujuni 2019). Moreover, the *Jadiya*'s<sup>156</sup> imposition of a new grain tax marked a breaking point in Acholi economic history: for the first time, the *rwodi* lost the monopoly on the exaction of tributes from their people and their grip over economic flows in the region (Whitmire 2013).

The instauration and consolidation of the British colonial administration reshaped social order and hierarchy structures in Acholiland, and with them the patterns of accumulation linked to *rwotship*. As an interviewed elder recalled:

“[the British] brought in the county chiefs, who ruled over very many *gombolola* [sub-county chiefs]. Those people abolished the traditional chiefs and replaced them with county chiefs – we called them *rwot kalam*, they were chiefs because of their pen. [...] In our culture, this thing of contributing money to the chief had not been there. Because when the British came, we were dealing services for goods or goods for services... So, when the British came and brought in this thing of money and the *rwot kalam*, people were made to pay taxes. So, the work of the chief was only to collect tax from the people and if you don't pay... [makes the gesture of being beaten].”<sup>157</sup>

Indeed, coercion became the pillar of the new regime since the very beginning. In the effort to establish control and economic efficiency over this

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<sup>156</sup> *Jadiya* was the locally given name to the troops of Samuel Baker, appointed *pasha* by the Egyptian government of Khedive Ismail, which was trying to establish its control over the region at that time (Otim 2020).

<sup>157</sup> Interview with an elder, Gulu District, September 2019.

wide area denoted by a plurality of decentralised polities, the British institutionalised *rwotship* into the administration as an intermediate level of indirect-rule governance. Chiefs, whether appointed or hereditary, became officers of the colonial administrative system. As discussed in more detail in the previous Chapters, the British established their control on Acholi chiefdoms by selectively integrating traditional leaders in the colonial apparatus. While compliant *rwodi* were rewarded, troublesome and ‘unfit’ ones were removed from their position and substituted with others, often selected outside the legitimate royal lineages in order to secure their loyalty.<sup>158</sup> In order to distinguish hereditary from appointed leaders, Acholi named the former *rwot macon*, *rwot me Acholi*, or *rwot moo* (literally ‘old *rwot*’, ‘*rwot* following the Acholi customs’, ‘*rwot* of the oil’), and the latter *kalam omia* or *rwot kalam* (chief of the pen).

In Uganda, in 1905, poll-taxation (also known as capitation or head tax) was introduced in place of the previous hut tax.<sup>159</sup> A crude system of levying a fixed sum on all liable individuals, capitation is a long-dated method of revenue collection in Sub-Saharan Africa. First introduced by the British between late XIX and early XX centuries in several colonies, poll taxes aimed to force peasant farmers out of subsistence strategies towards cash crops and waged labour, decreasing reliance on custom duties, and contributing to make the colonial administrations financially independent, as well as sustaining the war efforts during World War I and II (Fjeldstad, Therkildsen 2008).<sup>160</sup>

The colonial head tax in Uganda required each native adult male to pay two rupees annually, amount then raised multiple times in the following years. Those who could not pay in cash were compelled to lend their workforce for a month, thus establishing what the Crown’s government itself recognised as a system of

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<sup>158</sup> Equivalent dynamics were in place in other colonies such as Gambia (Cheesay 2014), Kenya (Hornsby 2012), Nigeria (Vaughan 2000), Gold Coast (now Ghana, Rathbone 2000), French and British Cameroon (Geschiere 1993), South Africa (Green 2011b), Mozambique (Isaacman, Isaacman 1983) and Angola (Ball 2005).

<sup>159</sup> The hut tax compelled natives to pay three rupees for each hut and house used as residence (Tuck 2006).

<sup>160</sup> According to the same authors, the British introduced poll taxes in Ghana, Eastern Nigeria, Kenya, Nyasaland, Northern Rhodesia, Sierra Leone, Tanganyika, and Uganda.

forced labour. In 1910, a new Ordinance sanctioned a three-months jail sentence to those who failed to pay (Kwagala-Igaga 2016). Initially, natives were the only ones subjected to taxation; then, in 1919 the colonial imposed a poll tax on non-African males (House of Commons 1905; Jamal 1978). Poll tax revenues were conveyed to the central colonial government in Kampala, which then re-allocated the resources to local administrations.<sup>161</sup>

Throughout the country, local chiefs became crucial actors of the taxation system since the very establishment of the colonial regime. During the so-called 1900-1901 ‘Rupee disease’, the generalised hunger for hard cash among natives following the introduction of the hut tax with the Uganda Agreement,<sup>162</sup> chiefs demonstrated an unexpected commitment towards revenue collection, which occurred with widespread coercive acts on their subjects. As Tuck recalls, the Agreement provided that if revenues surpassed the agreed upon level chiefs would receive a share. Consequently, “most chiefs showed great enthusiasm for ensuring taxes were collected” and, at the same time, failing to do so could bring to be dismissed from their position (Tuck 2006, 228).

In 1919, the Native Authority Ordinance also sanctioned a new structure of appointed chiefs at the village, parish, sub-county, and county levels; chiefs were

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<sup>161</sup> By comparison, early colonial taxation in Kenya followed a different pattern. The first discrepancy pertains the fact that, differently from Uganda, Kenya was a settler colony denoted by extensive alienations of land for European plantations and the confinement of part of the African population in reserves (Hornsby 2012). Even though taxes aimed at the mobilisation of native workforce in both cases, in Kenya they “were seen by the colonial administration as one of the most effective incentives to induce Africans to leave the reserves for European plantations or government work” (Pallaver 2018, 313). Secondly, the instauration of the taxation system in Kenya was patchier than in Uganda. In the former, the introduction of the hut tax in 1901 was limited to coastal areas and it was extended to the inner ones only later; also, its increases were inhomogeneous between districts. Moreover, the poll tax introduced in 1910 was initially limited to labour-producing areas and targeted only the unmarried men (*ibid.*). On the contrary, the homogeneous taxation system in Uganda resulted from the extension of the Buganda Agreement provisions to the rest of the Protectorate since the very beginning of the colonial rule (Tuck 2006; Jamal 1978).

<sup>162</sup> As discussed by Karin Pallaver (2015), the ‘Rupee disease’ was also the outcome of a shift in the colonial currency policy. In the early years of the colonial rule, the British allowed the circulation of commodity currencies such as cowries and cloth, which were widely used by natives – although they caused major issues to tax collectors (e.g. storage, transport, counting, and deterioration). In 1901, the situation was exacerbated by the ban of cowries issued by the neighbouring German East Africa: as the British feared a dump of shells from across the border, they promptly prohibited their usage for tax payment – thus forcing natives to acquire rupees through waged labour or the monetization of assets (e.g. cattle).

entitled of collecting taxes, maintaining public order, and administering customary justice (Youé 1986; Ojambo 2012). ‘Traditional’ leaders, however, did not receive autonomous taxing powers until 1925. In that year, the Administration allowed chiefs to commute the *luwalo*, the ‘traditional’ - since 1912 - unpaid labour chiefs could exact from their subjects for communal works, into cash (Laruni 2014; Fjeldstad, Therkildsen 2008). The *luwalo* system belonged to the wide set of reified ‘traditions’ of colonial Uganda. Before the British rule, chiefs in Buganda held the right to levy local workforce for communal purposes. Such institution was sanctioned and crystallised by the Uganda Agreement, which gave county chiefs “the right to call upon each native town, village, or commune, to furnish labourers in the proportion of one to every three huts or houses, to assist in keeping the established roads in repair, provided that no labourers shall be called upon to work on the roads for more than one month in each year” (Johnston, Kingdom of Buganda 1900, art. 14). Under the *luwalo* system, natives could be conscribed for road and bridge works, building chiefs’ headquarters, portage, and other necessities. Liable adults were identified through poll tax registers at the village level. Variably between locations, labourers fulfilled their duties all at once or in parcels throughout the year. As for other institutions, *luwalo* was a Baganda custom the colonial administration extended to other areas as part of the process of *bugandisation* of the Protectorate (Reid 2003; Mugambwa 1986, Okia 2017). Chiefs’ position as both tax collectors and members of local tax committees endowed them with the chance to pursue corruption malpractices as well as undercover power struggles. For instance, in Bukedi District:

“The whole system of colonial taxation was resented by the people of Padhola because there were rampant cases of corruption, malice and unfairness based on personal vendetta on the side of the chiefs who administered taxation, sometimes, the malice was based on religion. Most of the chiefs were Protestants and it was common to find some one [*sic*] assessed over and above his level of income just because of his religious status” (Ogola 2015, 111; see also Twaddle 1969).

By 1930s, colonial policies had radically changed the terms of accumulation

in Acholiland. Excluded from the administrative system and the political arena, dispossessed of their prerogatives and power, lineage chiefs and their institutions survived ‘underground’. Although traditional practices of recognition through *tyer* somehow persisted in Acholi society, they largely lost their social function and remained mainly related to ritual ceremonies – a domain in which colonial chiefs had no legitimacy to operate – and with them the old redistributive system ceased to be (Paine 2014). Instead, accumulation now mainly occurred through the mechanism defined by the colonial state: through the ‘rule by fear’ (Girling 1960), the new hierarchy of appointed chiefs could prosper and amass wealth by exploiting its privileged position in society as colonial officers. Entrenched in the colonial administrative structure, chiefs were quick in understanding the benefits granted by their positions: while government stipends raised their economic status in Acholi society, their role in the tax collection system offered the opportunity of further enrichment through corruption and embezzlement (Gartrell 1983; Laruni 2014).<sup>163</sup>

At the local level, head taxation was introduced only between 1954 and 1960 through the institution of the Graduated Personal Tax (GPT), aimed at financing the everyday operations of the colonial administration and targeted all able-bodied males above 18 (whether employed or not) and working women.<sup>164</sup> Contrarily to other East African countries such as Kenya and Tanzania, GPT remained into force for long after independence until 2006, when Museveni’s government abolished it because of its unbearable unpopularity. GPT collection, in fact, relied on harsh enforcement through the deployment of armed units, beatings and imprisonment; while poor subsistence farmers were often pushed to sell cattle, land, and other assets to pay the tax, widespread corruption spared the wealthier from doing the same. Lastly, the mismanagement of funds by local institutions, inefficient and approximate tax assessments, and cash embezzlement by public officials did the rest to demolish the GPT system

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<sup>163</sup> On similar dynamics in other parts of the Ugandan Protectorate, see for instance Twaddle (1969) and Ogola (2015).

<sup>164</sup> GPT was a capitation-like, crude form of income taxation based on the actual or presumed income from all sources – land and assets included -, which was assessed by a local committee or a tax officer.

credibility (Davey 1974; Bahiigwa *et al.* 2004; Therkildsen 2006; Bakibinga *et al.* 2018).

After independence in 1962, no substantial changes occurred. Obote's government, as Komujuni (2019, 55) notes, "confirmed the indirect rule system without drastically changing the position of chiefs. For example, tax collection remained under their authority." In this respect, Uganda is an example of what Mahmood Mamdani (1999, 878) called "conservative" post-independence regimes:

"In conservative states, the hierarchy of the local state apparatus - of chiefs who enforced 'customary' law in the Native Authorities - continued after independence as before it. It was reproduced unproblematically, as part of tradition. The chief remained the enforcer of this peculiarly authoritarian version of tradition, his powers still a clenched fist, fusing as one its legislative, executive, judicial and administrative moments. In this context, even if the central state was reorganized as a representative parliamentary democracy, the local state continued to function as a decentralized despotism."<sup>165</sup>

Neither Obote's ban of traditional leaders in 1967 affected the contemporary power relationships in traditional leadership in Acholiland, as governance structures of horizontally stratified ethnic groups were left in place so as not to weaken the President's strong support basis in Northern Uganda (Quinn 2014). Appointed chiefs remained an institution organic to the state apparatus until 1986, when Museveni's National Resistance Movement refused to recognise their role and substituted them with the multi-level structure of Resistance Councils.

For nine years a vacuum was left in the space between the state and the

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<sup>165</sup> Mamdani elaborates this concept as opposed to the one of 'radical' states, characterised by the instauration of nationalist single-party regimes (e.g. Ghana, Guinea, and Tanzania). In these cases, the refusal of multi-party democracy was based on the idea that such a system would inevitably reproduce those ethnic fragmentations created by the colonial rulers. In such perspective, not only rural chiefs would preserve their grip over peasants, but they would also become electoral gatekeepers towards the national parties – which in turn would adopt the 'ethnically flavoured' repertoires of chiefly authority (cfr. also Mamdani 1996, 2001).

customary domain, and ‘cultural’ *rwotship* of lineage received official recognition only in 1995 with the new Constitution. However, the material and cultural bases of the Acholi society, upon which the *rwodi* had progressively lost their grip since the beginning of the century, were no more. Instead, the material ‘revival’ of customary institutions has had to occur in an unprecedented scenario: a post-war Acholiland.

### *5.2 Social change in post-war Acholiland*

Two decades of conflict in Northern Uganda have largely disrupted the fabric of the Acholi society, and with it, they have torn apart the old ruler-ruled relationships that have historically characterised Acholi clans. The frontless war fought with no spare of exploitation and atrocities towards civilians, summed up with the plundering and killings operated by Karamojong cattle-raiders throughout Acholiland. On top of that, hundreds of thousands of civilians were segregated into camps so that the Uganda People’s Defence Forces (UPDF) could ‘better protect them’ – while at the same time cutting rebels’ sources of supply and granting its soldiers looser rules of engagement (UNHCR, AVSI 2010)

When people were gradually allowed out of the so-called ‘protected villages’ since 2006, the material basis of livelihood and accumulation had been disrupted: villages had been burnt to the ground, cultivations have been destroyed as part of the government’s scorched earth strategy or anyway left abandoned for years, and livestock had been long looted. The return of the civilian population to rural villages was marked by the rise of land conflicts caused by the decay of boundary lines, land grabbing, and the death of many of those elders who held a detailed knowledge of the partitions of communal lands. This “rural crisis” has produced “a new internally displaced population - those who have been forced to move to town not because of civil war and government policy, but because of their exclusion from access to land for farming” (Branch 2013: 3160).



At the same time, war appears to have reshaped the Acholi *volksgeist*: two generations have grown up knowing nothing else than the hardships of a camp life based on day-to-day survival and dependency on international and government's aid, which has translated in what is often addressed by various actors as a culture of 'laziness and quick money'. Attracted by the prospects of a fast enrichment, thousands of Acholi – especially young males – have abandoned rural for urban areas and, in many cases, they have raised the necessary capital to start informal activities by selling family land. Above all, the symbol of such social change is constituted by those who have given up the land to buy a motorbike and join the oversaturated *boda boda* business. For most of them, this choice has actually meant more fragile livelihoods: while competition and the prevalence of low-income customers have pushed the transport fees to the lowest limit,<sup>166</sup> losing the bike because of theft, accident, or mechanical issues often means the abrupt loss of their very source of livelihood. A key-informant in Gulu town, an important trader in his forties, described the situation as follows:

“In fact, the war has interfered a lot in their culture; so, you find those one who are poor come home from the camp, they no longer have that knowledge and happy of the original Acholi [way of life]. From the camp they are not used to the digging every day. Then, in the camp you wake up in the morning and wait for this food which are given. Others look for quick money, quick survive, they don't see far. So, you find they are many people selling even their lands, to buy things like – you can see motorcycles everywhere... because he knows now he has a motorcycle he can seat there as a *boda*, someone will just come with the ready cash and carries him. Easy travelling, for them they find it is not hard like going to open the bush [...]. And there is also many people fighting for their land every time because they are losing even their motorcycles everyday: you get your motorcycle, you have not learnt properly how to use it... even the roadside, you knock someone, they raise the case to police [which impounds the bike], they demand money, you have no money to release the motorcycle, you leave it there.”<sup>167</sup>

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<sup>166</sup> For instance, at the time of the fieldwork, in Gulu town the 'fixed' fees were 1,000 Shs for a short to medium range in-town route and 2,000 Shs to cross the city from end to end. The price of a brand-new Boxer motorbike – the most widespread model – was 4,000,000 Shs., while second hand ones in decent conditions could be found at about 2,000,000 Shs.

<sup>167</sup> Interview with a trader, Gulu Town, October 2019.

The *rwot* of the Pawel chiefdom, formerly a high-profile member of the Gulu Town administration, provided a similar perspective:

“People are poor, they want to identify themselves with those rich big men [...] and in that way we are losing a lot, like our land has been sold away by our own people. You find a young man who has just grown up, but he has lost the parents or the parents are just helpless, he proposes to have part of the land sold – ‘I want to have a motorcycle *boda boda*, let’s sell that piece of land’. [...] Our environments are being destroyed because of these selfish interests, the laziness our people have. They will look at these resources which they have as their means for survival [and sell them out for a few money]. [...] Laziness, which people acquired from the camp, because when they were living in the camp, food was provided for them in terms of relief so they became redundant: at each time they leave they expect those reliefs still to be given up to now and yet now they have been sent back to their homestead, they should now be digging but you find them still saying ‘give us’.”<sup>168</sup>

In such contemporary repertoires, the dependency-laziness-*boda* trio has become symbol of much broader and unwelcome social transformations, where rural-urban migratory dynamics are largely an outcome of the crisis of ‘rurality’ not only in its material-productive structure, but also as an ideological domain. As Tim Allen (2019) explains, the return to farms was characterised by intense and widespread conflicts over land.<sup>169</sup> As traditional practices on marriage, bride wealth, inheritance, and communal tenure were often honoured to a limited extent in camps (cfr. Hopwood 2015b), the precarious lineage status of many mothers and their children prevented them to access land and to get support from their communities and kins. Hopwood and Atkinson (2015), who carried out extensive research on land conflicts in post-war Acholiland, identify several trends. First, the protracted abandonment of the countryside produced

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<sup>168</sup> Interview with the *Rwot* of Pawel, Gulu District, October 2019. Such concerns towards these social transformations are not only harboured by Acholi élites, but have also received the attention by other actors. Recently, for instance, even the US ambassador to Uganda Deborah Ruth Malac warned against ‘laziness’ while intervening at a youth training on agriculture in Gulu (PML Daily Editor 2019).

<sup>169</sup> Conflicts over land have been a common dynamic of war and post-war scenarios throughout Sub-Saharan Africa, as highlighted for instance in the cases of Mozambique (Myers 1994; Gengenbach 1998), Liberia (Unruh 2009), South Sudan (McMichael 2016), and Democratic Republic of the Congo (Vlassenroot 2013).

uncertainty on individual rights on access to land and on the boundaries separating customary plots. Second, high population growth inside camps made pre-war land distribution incapable to satisfy the increased demands for allotment in customary tenure structures; third, the generalised confusion paved the way to corruption and land grabbing. Forth, consequently, such situation determined loss of social capital and abidance to customary norms on land management and thus, fifth, it undermined traditional leaders' authority and legitimacy because of their – at least partial – incapability to re-establish order, settle disputes effectively, and satisfy all demands. Martin Ojara Mapenduzi, Gulu District LC5 Chairmain, provided a powerful example on the impact of such issues on *rwodi*-subjects relationships: according to Acholi *tyer* customs, commoners had to confer part of the agricultural produce to the chief after every harvest: the food was not only meant for the *rwot*, but mainly to feed his visitors as no guest should leave hungry. Hospitality was (and still is) a crucial value in Acholi culture, and leaders showed their strength and wealth through acts of generosity; however, nowadays:

“People are becoming very individualistic; people are becoming more for themselves and their small families [...] which is worry because it breaks down that social fabric [...]. People would take a lot of food to the cultural leader because anytime they can visit and they have to eat. And a cultural leader who does not feed people is a bad one, is not a caring one – and it doesn't take long they become unpopular, because people need those who are generous. [...] But today it's normal because people now do not see the Western democracy and civilisation has brought a completely new way of managing the society and now people are beginning to think 'wow, maybe the traditional way is manipulative, it's exploitative, why should I take my own food to someone...', a lot of that is coming. So [traditional leaders] have become inferior.”<sup>170</sup>

In traditional structures, individualisation has also another face. Given the

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<sup>170</sup> Interview to Martin Ojara Mapenduzi, Gulu, October 2020. The decay of the custom of conferring part of the harvest to the *rwot* was also mentioned during interviews with the *Rwot* of Patongo, Gulu District, October 2019, and the Prime Minister and the *Rwot* of Puranga, Pader District, October 2019. Also, as raised by Mapenduzi, the issue of the penetration of Western values in post-war Acholi society and its impact on traditional structures is a relevant driver of social change in Northern Uganda. On this topic see for instance the works by Julia Vorhölter (2012a, 2012b).

widespread poverty, the lack of resources at the disposal of traditional leaders, and the weakening of ancient ties and duties, the upward flows of tributes from the grassroots have, to variable extents between institutions, somehow faded.

For instance, the *Rwot* of Patongo declared that each clan in his chiefdom had adopted its own contribution system. Some of the clans “have nothing in their account, others can have 5,000,000 Shs, others can have 10,000,000 Shs according to how they come together in raising the funds. In the past, it was work of these clans in Patongo to give a small percent to *rwot*, but nowadays this thing is not happening.” Although punctual financial collaborations among the sub-clans persisted, for instance for funding major ceremonies or solving common problems, there are no structured contributions to the chiefdom. In a context in which the cycle of accumulation and redistribution of resources is the ideological fulcrum of customary authority and legitimacy, the reduced material support provided by subjects to their leaders directly and immediately reverberates on the latter’s position of power within their communities. However, as the next paragraph discusses, the new state regulations have limited chiefs’ options by outlawing the imposition of taxes and tributes.

### *5.3 State laws on funding cultural institutions and their impact among the Acholi*

As seen in Chapter I, in the mid-1990s the process of state-led revival in Uganda substantiated in the Article 246 of the Constitution. The Ugandan government, however, operationalised such principles in a detailed law only 15 years later with *The Institution of Traditional Leaders or Cultural Leaders Act* (Government of Uganda 2011). While reaffirming the dispositions of Art. 246, the Act above all aimed at regulating the financial provisions to ‘cultural’ institutions. In particular, the Act moves along two dimensions: state’s support and community engagement. Financial and material provisions, privileges and benefits granted by the government are listed in detail and reported here in Tables 1 and 2 (next page).

Table 1: Privileges and benefits of traditional and cultural leaders

<i>Official vehicle</i>	<i>Support vehicle</i>	<i>Honorarium</i>	<i>Educational allowance</i>	<i>Travel</i>	<i>Arrangements upon death</i>	<i>Security</i>
Official vehicle: 4165cc, 4 wheel drive, 6 cylinder diesel and 5 speed manual transmission	Support vehicle: 2800cc, 4 cylinder diesel engine, water cooled with OHC, 5 speed manual transmission	Government may provide an annual unconditional honorarium as tax free allowance to be reviewed from time to time by the Ministry responsible for public service.	For two biological children up to university level within Uganda.	A traditional or cultural leader may travel with a spouse by first class once a year.	Contribution by Government for burial arrangements in accordance with existing policy on handling past and present leaders and other dignitaries after their death.	For self and family with training provided by a competent authority determined by Government.

Source: *The Institution of Traditional Leaders or Cultural Leaders Act* (2011, 13).

Table 2: Benefits of institutions of traditional and cultural leaders

<i>Rehabilitation of residence</i>	<i>Maintenance of gazetted cultural sites</i>	<i>Support for research and documentation</i>	<i>Establishment and maintenance of website</i>	<i>Publication of official list of traditional/cultural leaders</i>	<i>Support of co-operation</i>
A contribution by Government towards the cost of rehabilitation of existing institutional or official residence to a standard determined by the Ministry responsible for works, housing and communications.	Maintenance of gazetted cultural sites at the cost of Government to a standard determined by the Ministry responsible for culture.	Support for research and documentation at the cost of Government for the traditional history and cultural heritage through the Ministry responsible for culture.	Establishment and maintenance of website through the Ministry responsible for culture.	Publication through the Ministry responsible for culture.	Government to support cooperation among the traditional or cultural institutions.

Source: *The Institution of Traditional Leaders or Cultural Leaders Act* (2011, 14).

As it can be seen in the tables above, the law contemplates two lines of funding: one addressed to traditional leaders and their families, and another to the cultural institutions as organisations. ‘Kings’ are entitled of a variety of benefits, among which a personal remuneration paid by the government - that was recently increased from 60 to 120 million shillings per year (respectively

about 16,200 and 32,400 dollars).<sup>171</sup> Via public funding to cultural institutions, kings are also endowed with an official residence, a palace for their seat, and a certain amount of resources to cover at least part of the institution's expenditure.

The second mechanism of funding is based on subjects' financial support to their institutions' budget. According to Article 11 of the Act, subsection 1, "a community where a traditional leader is installed shall have the primary responsibility of maintaining the traditional or cultural leader." The following clause establishes that "a person shall not be compelled to contribute to the cost of maintaining a traditional or cultural leader or any institution of the traditional or cultural leader"; moreover, Article 5 subsection 4 provides that "A person who compels another to pay allegiance to a traditional or cultural leader commits an offence and is liable on conviction to a fine not exceeding 24 currency points or imprisonment or imprisonment not exceeding twelve months or both."

Two *vulnus* are evident here, which will be crucial in the next paragraphs. First, there is an unresolved tension between the principles of due contribution and free donation. While the law forbids leaders to levy taxes or anyway impose any form of tribute on their subjects, the latter are anyway responsible for their financial upkeep. Second, no dispositions are provided on how such responsibility should be operationalised, potentially paving the way to quarrels between individuals, communities, traditional institutions, and the state on which fundraising practices are legitimate. At the same, by not defining clear boundaries to the principle of communal responsibility, it also *de facto* creates a grey area that allows borderline, semi-legal practices – as in the case of membership fees in Acholi clans, analysed in the next paragraph.

The practical implications of such legislative framework on individual traditional institutions, however, appear to be very uneven across Uganda. First, it has to be considered that public resources are directly addressed to a tiny minority, that is the incumbent leaders of centralised entities such as kingdoms

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<sup>171</sup> Although this sum is not staggering at all if juxtaposed to the allowances granted to Western monarchs, it is outstanding in comparison their subjects' income - the country's GDP per capita lies at about 776 dollars and about 40% Ugandans live on less than 1.90 dollars per day. On the cultural leaders' honoraria raise see Author Unknown (2019).

and chiefdoms – and not all of them. In order to enjoy state funding, in fact, cultural institutions need to be recognised as such. and, at present, only 15 of them has received government’s *placet*. Second, neither local chiefs in traditionally acephalous societies nor local leaders of centralised structures such as kingdoms have direct access to central government resources. Thus, even though some form of top-down redistribution of captured resources may occur in cephalic systems, such local leaders mainly have to rely on other sources. Third, the mechanisms through which resources are managed and redistributed within each institution are not prescribed by the law, and are thus shaped by institution-specific arrangements and internal power dynamics between different levels of leadership and their relationships with their subjects. Fourth, huge disparities between kingdoms exists in terms of physical and social capital endowments, which mainly depend on the historical trajectories of the various institutions and the areas where they are rooted.

To make a clear-cut example, while honoraria are usually crucial for cultural leaders’ livelihoods as rulers, the Kabaka could count on such a strong financial base of his Kingdom that he declined such government provision since the very beginning. On this topic Apollo Nsibambi (2014), a late political scientist and influential Minister of the Kabaka’s government, also raised another point:

“Another challenge which the kingdoms face is that they are not frugal. They propose large budgets in order to commemorate their anniversary coronations and other functions. They then ask for donations from businessmen, politicians and Government. But many businessmen who were advising the kingdoms to reduce their budgets and celebrations, have ceased giving them donations. When I was a minister of constitutional affairs in Kabaka’s government, I used to advise the cash strapped Kingdom of Buganda to reduce on the organisation of big ceremonies, but I was resisted by people who included some ministers in Kabaka’s government. I am pleased to point out that hard economic realities have forced kingdoms to agree with me.”

In other words, Nsibambi highlights the presence of problems in efficiency and accountability in resource allocation by cultural leaders, which have diminished donors’ trust and commitment to the point of alienating their

sympathy and lose a major stream of funding.<sup>172</sup>

As discussed in more detail in the previous Chapters, the revival of the Ker Kwaro Acholi has undergone noticeable tension within the Acholi society. Being the revitalised version of an institution of colonial design made up by the British to establish their new order through the *bugandisation* of pre-existing traditional structures, the KKA revival was inevitably contested (Paine 2014). At first, several clan chiefs, whose legitimacy and authority are based on lineage, argued against the re-installment of the Paramount Chief as an elected *primus inter pares*, a leader of all Acholi with a mandate. After all, such institution had no precedent in Acholi pre-colonial history; moreover, each *rwot kaka* is ‘king in his own kingdom’: the perspective of having to submit to a higher source of authority, especially if presided by another *rwot* was (and still is) largely unwelcome. Later on, various leaders have opposed the progressive transformation of the KKA into hybrid monarchy emulating the mechanisms of the Kabaka of Buganda. Nonetheless, putting forward the narrative that an elected rotating Paramount Chief could not stand among other cultural leaders with the same dignity and strength of a proper monarch, the Lawirwodi Rwot David Onen Acana II has managed to consolidate his position with a lifetime mandate. While on the symbolic level he has adopted a king-like representation of his own position, i.e. adopting the title of ‘His Majesty’, Rwot Acana and his government were able to consolidate their authority also by becoming gatekeepers of the access to state resources – although not the exclusive interlocutor of the State House. As the Prime Minister of an Acholi clan explained:

“People who do not support [...] Lawirwodi are adversaries to Lawirwodi and will not say ‘I recognise you’, and the other will say ‘these people are rebels’. [The Lawirwodi] has no right to say, ‘you are not legitimate’, the [Paramount] Chief doesn’t appoint... But [they fear] Lawirwodi will not recognise [them] in case there are some tips which the

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<sup>172</sup> Most often, the hidden reasons behind the bloating of budgets for ceremonies are embezzlement and corruption. Many of the ministers and officials in cultural institutions across Uganda are not paid for their services, so these funds are predated, vehiculated, and distributed among the institutions’ staff members.



government gives and should pass on, he will not pass it on to you!

*Question: So the Lawirwodi is a gatekeeper for the flow of money to the chiefs?*

To some extent. [...] But sometimes even government gives money directly to another chief because he's also a chief in his own right. The Lawirwodi does not appoint chiefs. So, [for instance in the case of death of the Chief of Pageya], the government will recognise him: there was compensation for the death of this prominent man who was killed by Amin. The government gave money directly to the chief, not to the Lawirwodi. And the Lawirwodi was furious!"<sup>173</sup>

It thus emerges that, although Acholi chiefs have punctual opportunities to directly obtain resources from the state, the main way to harness public funding is through the internal patronage networks of the KKA. Nonetheless, such resources are way insufficient to grant the *rwodi* even a fraction of the privileges accorded to the *lawirwodi*. While many of the interviewed clan and sub-clan chiefs have 'modernised' their way of life and are gainfully employed, others have decided to fully adhere to the old customs – or were pushed to do so by their communities. In the latter case, the absence of public support jointed with the struggle to raise resources has sometimes nurtured a growing sense of frustration, which shines through the words of a 'young' (35 years old) and recently installed *rwot*:

"The government is not even paying the school fees for the *rwodi*. They are not even taking the *rwot* and his family to the hospital. You have to pay for all those things according to how Uganda needs. But again, they [the people] say that the *rwot* should not participate in politics, *rwot* should not be an employee, *rwot* should not go and work in the garden of other people for money [...]. All those things *rwot* is not supposed to do, but yet they are not giving *rwot* anything to cater for *rwot*! [...] You know, people say 'Ah! Our religion [customs] does not allow me to contribute for *rwot*'. Because in the past people can even go to the garden to work for *rwot*, but nowadays they say – and it's right – you should not force anybody to do something for *rwot*, it can come from the willing [...]. So that willingness other people may refuse, people say 'what?!' and you cannot even force them. So those people who can be willing to help *rwot* cannot be enough for *rwot*."<sup>174</sup>

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<sup>173</sup> Interview with Prime Minister of an Acholi clan, Gulu District, October 2019.

<sup>174</sup> Interview with the *Rwot* Kaka of an Acholi clan, Gulu District, September 2019.

This, however, does not represent the reality of each and every Acholi clan. Besides the state of employment of the individual *rwodi* and their liaison with the Ker Kwaro, several Acholi clans have undertaken strategies of ‘modernisation’ of their organisational design, rules, and practices that have also translated in institutional changes in the mechanisms of resource extraction from the subjects – as it was shown in the case of the formalisation of customary law in Chapter II. The following paragraphs discuss two new strategies enacted by such ‘modern clans’ to fund their activities.

#### *5.4 A new strategy for resource extraction in Acholi clans: membership fees*

Several Acholi chiefdoms, clans and sub-clans have undertaken the path formalisation of customary law by codifying orally transmitted norms into written documents, usually referred to as ‘constitutions’, statutes, or by-laws. As we have seen in the previous Chapters, the process of crystallising such practises into a more rigid, ‘modern’<sup>175</sup> form has implied major transformations in terms of re-invention and re-adaptation. In particular, one of the main concerns expressed by traditional leaders has been the need to harmonise the old norms with state laws – for instance abandoning caning for fining offenders, at least officially – in order to receive approval from public institutions, as well as to present themselves in discontinuity with the outdated and despotic chiefs of the past. In this transition, also customary mechanisms of resource extraction have undergone changes: for instance, the widespread acceptance of the monetary equivalents of the livestock that must be paid for reparation by offenders as fixed by the Ker Kwaro Acholi. But mainly, state’s prohibition to ‘cultural’ leaders to levy taxes has prevented chiefs to revitalise old forms of accumulation through coercion as they were.

Nonetheless, several traditional institutions have implemented a new strategy with no precedent in Acholi customs or their representation: the

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<sup>175</sup> As discussed in Chapter II, the narratives associated to the formalisation of customary law are densely characterised by references to the ideas of ‘modernity’ and ‘civilisation’.

adoption of membership fees to be paid once or more per year by clan members. Below are quoted documents or interviews by traditional leaders – all from clans or sub-clans having a constitution:

“4. Money Contribution for the Family Development.

- a) Money Contribution must be twice in a year.
- b) Household – 10,000/=
- c) Youths – 5,000/= [not married males]
- d) aunts who has come back home [*sic*, e.g. widows] – 5,000/=
- e) Failure to contribute, you must be force [*sic*]to give it.”<sup>176</sup>

“We have started clan membership fee of 5,000 at the beginning – that was in 2011 [...] the contribution of 5,000 per person of the sub-clan. If you are from that clan and you have not contributed, we advise you to contribute.”<sup>177</sup>

“They pay annually. Those who are bound to pay are men starting from the age of 18, whether you are in school or not. Men pay 10,000, women pay 5,000; people who are exempted to pay the clan membership fees are ‘children’ who are less than 18 years and married women in the clan; but ‘daughters’ of the clan who have come back home pay 5,000.”<sup>178</sup>

The same mechanism was reported to be in place in the Bobi-Paidongo sub-clan and among sub-clans in the chiefdoms of Patongo and Pawel.<sup>179</sup> Fees collection usually occurs in two ways: in the case of cash, money is handed to executives of the clan, *askari*, or entrusted elders who then deliver it to the *kaka* treasurer – usually in person or via mobile money. Alternatively, members directly send the sum to a designated clan mobile money account that can be either the clan account managed by the treasurer if the *kaka* has one, or the private one of the chief/treasurer – in which case, money are then deposited in the institution’s bank account. In all cases, contributions are then recorded into registers. Most often, contributions are carried out in the second way, as the mobile money system automatically provide and SMS receipt to both the

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<sup>176</sup> Article 4 of the By-law of the Poromoy/Adilo Family (sub-clan).

<sup>177</sup> Interview with the Ladit Kaka of Pangora sub-clan, Payera clan, Gulu District, October 2019.

<sup>178</sup> Interview with the acting *Rwot kaka* of the Bobi-Paidwe clan, Gulu District, October 2019.

<sup>179</sup> The same institution was declared to be in force in a Lango chiefdom by its chief, and it amounted to an individual yearly contribution of 1,500 Shs.

receiver and the recipient: while the former can keep track of all transfers more easily, the latter have hard proof of their abundance and can thus avoid contestations in the future – as well as minimise the perceived risks of embezzlement in the process.<sup>180</sup>

According to the accounts from various chiefs and elders, the gathered resources are employed for a variety of purposes, which can be divided in three categories: institution's operational expenses, 'mundane' solidarity, and ceremonies. The first field comprises the plethora of costs associated to everyday exercise of functions, such as covering the transportation costs for the *rwot* and his executives when they have to travel for institutional purposes, the purchase of stationery *et similia*, catering for council of elders' meetings, but also upkeeping the *askari* enrolled for the chief's protection or sent on a mission on his behalf. In the second case, funds are utilised to satisfy specific demands raised by clan members: here, recorded issues included the provision of support for access to healthcare and children education. Moreover, an executive from the Bobi-Paidongo sub-clan reported that money is invested by providing loans to applicants belonging to the clan. In this case, the decision to provide clan's support is taken by the council of elders, which also establishes the sum that shall be allocated. In the third case, membership fees are utilised for funding certain collective rituals. In particular, clans' efforts are devoted to ensure that deceased members from poor families receive adequate funeral services and that all rituals are dutifully carried out. In addition, the Ladit Kaka of Pangora referred that these funds are also used to support the organisation of the clan general meeting that is held every year, for the purchase of animals to be slaughtered and other foodstuff to be shared among the participants.

In solidarity and ceremonial occurrences, clan's allocation is often accompanied by fundraising activities. In the event of burials or rites of passage, for instance, the community is mobilised to provide financial support. The organisation of the event is overseen by an organising committee, which is

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<sup>180</sup> The issue of financial accountability in Acholi traditional institutions is thoroughly analysed in Chapter III.

usually not chaired by the chief, but by an elder or another person deemed trustworthy, reliable, competent, having leadership qualities as well as being financially well-off – and the same goes for the other components.<sup>181</sup> Within the committee, one or more members are entrusted to manage funds and collect the donations within the community – whose size is usually not established *a priori* but left to individual ‘good-will’.<sup>182</sup> During the ceremony, after the religious rituals, the committee gives reading of all donors and the amount they have contributed, clan’s allocation included.<sup>183</sup>

### *5.5 Membership fees as a disguised poll-tax?*

10,000 Shs (about \$2.70) can be a burdensome sum to put together in Acholiland. Given that about three quarters of the rural population in Northern Uganda live below the \$2.50/day poverty line (Anderson *et al.* 2016), it means devolving the earnings of more than a working day to the clan’s treasury. The Prime Minister of Puranga, commenting the decision of other clans to adopt a membership fee, said that “the clan chiefs were installed [by the NRM government], but unfortunately they were not catered for financially... So even you say that each member is to pay 10,000 Shs currently, per year, it is difficult to implement it... because you find a desperate man when you go to implement, to enforce, and you will just sympathise.”<sup>184</sup> In spite of punctual episodes of

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<sup>181</sup> The role of individual wealth in the process of selection of ‘money managers’ is crucial in intra-clanic accountability dynamics. This topic is thoroughly discussed in Chapter III. Here, in short, could be summarised as follows: wealthy members of the community are perceived as having a lower proclivity to corruption and embezzlement of funds. Moreover, in the case of misappropriation, money managers’ assets constitute a collateral for reparation: various chiefs have in fact reported that embezzlers are forced to sell land and/or their livestock is expropriated by the clan as a compensatory measure.

<sup>182</sup> An exception to this is represented by the by-law of the Poromoy-Adilo Family, which provides fixed rates each member has to contribute in the event of a burial. Fees equal those established as membership fees, plus “each wife and aunt who are living in this family must contribute 10 cups of bean [*sic*]”. The fact that “failure to contribute you must be force [*sic*] to give it” evidently poses it as a duty rather than a free donation (See Appendix 3).

<sup>183</sup> In the case of clan meetings, free donations are usually substituted by a fixed fee all clan members have to pay – most often between 5,000 and 10,000 Shs. This topic is thoroughly analysed in Chapter III, in the context of chiefs-migrants’ accountability relationships.

<sup>184</sup> Interview with the Prime Minister and Rwot of Puranga, Pader District, October 2019. Similarly, the Ladit Kaka of Pangora mentioned the difficulty for part of his people to put together 10,000 Shs for the clan meeting membership fee.

mercy, the presence of enforcement mechanisms associated to fees collection locates this institution outside the perimeter of the voluntary donations marked by the state law. The existence of a thin line between the concepts of ‘fee’ and an actual ‘tax’ on this matter was clearly spelled out by another traditional leader, *rwot* of a major chiefdom and Minister in the government of Rwot Acana:

“No, we don’t have membership fees. There have been suggestions even at the Ker Kwaro Acholi that we should get some kind of membership fee established, but you know to do those things, because... I think by the Constitution or the laws of the government doesn’t allow us to collect that kind of fee. Unlike in Buganda, Baganda do the *tafali*, but they do it voluntarily, without being coerced into it; and so if you try to coerce people, then you are going against the law and we as Ugandans do not want to do things against the law [...] it is not good for us to do that kind of thing, so we just go by our own means... also people when they have problems they come to you to help them but sometimes we don’t have resources, very limited resources...

[Question] *But there are clans that have deposited by-laws that provide on fees...*

But the law says you cannot collect taxes, you can call it membership fee but legally it’s a tax!”<sup>185</sup>

According to the *Taxation Handbook* published by the Uganda Revenue Authority, a tax can be “defined as a monetary charge imposed by the government on persons, entities, transactions or property to yield public revenue.” Taxes’ main characteristic is that “the payer does not demand something equivalent in return from the government for the payment. It is expected that when taxes are collected, they are used by government for public good and not just for those who make the payment” (Uganda Revenue Authority 2015, 3). Following Tarschys (1988, 7), the core difference between taxes and tributes lies in regularity. The formers are not paid in correspondence with particular occurrences, but are regular payments carried out on calendar and, “in contrast to tributes, taxes are normally recurrent, predictable, routinized, and based on statutory obligations.” Following these definitions, membership fees appear to be designed in a tax-like manner. First, they are established by clan

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<sup>185</sup> Interview with the *Rwot* of Patiko, Gulu District, October 2019.

statutes and paid on an early basis not as a voluntary act, but in virtue of belonging to a specific clan. Second, differently from the *tyer*, it is not abided to on specific occasions – such as the killing of a game animal or the harvest –, but it is paid on a yearly/semestral basis in money, not in kind. Third, they are introduced in the clan’s life as an obligation liable of enforcement by traditional leaders, and subjects have no direct return from it.

Membership fees thus appear to be designed as taxes and, in particular, in a similar fashion to the old hut and poll ones.<sup>186</sup> As seen above, colonial taxation system was grounded on the idea of the existence of certain family and gender structures in society, and it was assumed that taxpayers were mainly working male heads of the household, while women were considered mainly engaged in unpaid activities within the homestead. In early 20th century, Tuck (2006, 227) recalls, married women were not subject to taxation, while the hut tax was applied to “women, possessing huts, who live alone.” Similarly, membership fees exclude from contribution married women;<sup>187</sup> conversely, those ‘who have come back’, that is widows, divorced, and unmarried women, are called to pay the fee as they constitute a household of their own.

Similarities between old taxes and contemporary fees can be largely rooted in clans’ *institutional memory*. The exaction of a monetary tribute by *rwodi* and the corresponding duty to pay for commoners is still vivid in collective narratives. Taxation and its related structures of colonial blueprint that were perpetuated in the post-colonial era (e.g. the types of taxes levied, chiefs’ role and prerogatives, and gender labour relationships) belong to a recent past of which many protagonists are still alive and endure in the present. In other words, taxation is an available tool in narratives on resource extraction in Acholi clans and thus, once faced the need to gather funds, several of them have opted to revive a well-known set of rules – even though with some adaptation.

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<sup>186</sup> Similar dynamics appear to be in place in Sierra Leone, as found by Prichard (2010) and van den Boogard *et al.* (2018); however, these authors do not build a direct parallel between the contemporary forms of informal taxation by traditional chiefs and the colonial ones.

<sup>187</sup> It has to be recalled that Acholi clans observe a strict exogamy in marriage patterns, and marrying someone within the clan is severely prohibited and punished.

### 5.6 *The duty to feast: meeting fees and fines*

Membership fees are not the only new mechanism traditional leaders have resorted to finance their operations, as they have found a new way to raise funds through meetings. *Per se*, these are not a new institution at all: village meetings have historically played a vital role in the life of the Acholi communities, being a traditional *milieu* of decision-making (Davenport 2011; Hopwood 2015b). Nowadays, leaders usually indict general sub-clan and clan meetings that are held once or more per year in a designated place, commonly the main/ancestral area of settlement of the clan or in a major well-connected city such as Gulu.<sup>188</sup> Notice of the event is given through announcements on local radios, local community mobilisers, SMS and WhatsApp groups, and word of mouth.

Once the meeting is called, it is duty of all members of the clan to attend the event. According to the account of several chiefs, participation is due not only for the discussions and decisions taken, but mainly because they represent the main occasion for clan members to acquaint each other. The displacement and scattering of communities during resettlement caused by the war, urbanisation, and long-distance migration have created a scenario in which many Acholi have an imprecise knowledge of lineage boundaries, thus giving rise to endogamous marriages within the clan – prohibited by Acholi customs. Thus, meetings are instrumental to allow members meet relatives they have never met before, let leaders to acquire information to trace the evolving ramifications of the lineage, and verify the lawfulness of marriage unions.<sup>189</sup>

This ‘moral justification’ of meetings, however, seems to sustain much more mundane interests. Most interviewed traditional leaders reported that general sub-clan and clan meetings require participants to pay a participation fee. Usually amounting up to a few thousand shillings, the sum is justified as necessary to cater food and drinks for the feast following the meeting. Deciding

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<sup>188</sup> Some clans also use to rotate the place of the meetings between the different areas in which their members are settled.

<sup>189</sup> Then, in the case of a couple is found to be composed by two people related to each other, the marriage is dissolved through a specific ritual. Interview with the sub-clan leader of Bobi-Paidongo, Omoro District, October 2020.



not to attend the meeting, conversely, can be an expensive choice: clan regulations usually impose fines on absents, either in money or kind. The following accounts from two traditional leaders, the Ladit Kaka of Pangora sub-clan and the Prime Minister of Paicho Chiefdom, provide a detailed description of this new institution:

“In a year we do around four meetings, [which are compulsory] for the people around Uganda. If there is a problem, you need to inform the members before. If you don’t inform the members that you have a problem, ‘I won’t be in this date meeting’, we give you some fine, you pay some money. We started for the nearest people with 2,000, eventually we added to 5,000 Shs, and nowadays is 10,000. Because some people say ‘I don’t know, I’m not coming for the meeting because of a-b-c-d... so we realised that they were lying before us and so we added to 10,000. So, for the poor people is not easy to get 10,000, so eventually they found that they should get their way to be with us during the meeting. [...] In Kampala, we have given them that in a year they must attend two meetings without fail, so they are also struggling to do it [the same goes for other people in other far cities].”<sup>190</sup>

“I hear on the radio, and it is true, that when there is a sub-clan meeting which is fixed by the clan leaders on such a date, they will announce on the radio or write a letter or they will say ‘this meeting will take place on this date’, all the members of the sub-clan must attend. Fail to do so, you’ll pay this fine. [So people in Kampala usually pay the fine, because it is cheaper than boarding a bus] and they use a lot of mobile money to pay fines.”<sup>191</sup>

While the imposition of fines thus represents a relevant driver for participation to meetings, it is also a particularly effective tool to extract money from migrants. Indeed, for people dwelling afar, paying the fine represents a much cheaper alternative. Not counting the working days lost to come back home, travel expenses easily exceed the fine: for instance, during the fieldwork, a one-way ticket from Kampala to Gulu Town ranged between 25,000 and 35,000 Shs. Hence, most migrants take part to one meeting per year held in late December, which is usually the most important one as most people come back

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<sup>190</sup> Interview with the Ladit Kaka of Pangora sub-clan, Payera clan, Gulu District, October 2020.

<sup>191</sup> Interview with the Prime Minister of Paicho Chiefdom, Gulu District, October 2020.

home for the Christmas festivities.<sup>192</sup> At the same time, for clans that enforce fines, migrants can become a relevant and relatively stable source of revenues.

The case of resource extraction from urbanised migrants allows to make a digression on these new strategies in comparison with the *tyer*. As discussed above, the observation and reproduction of the latter was historically grounded on the agrarian basis of Acholi society: as *tyer* was honoured in kind and virtually all Acholi were engaged in agricultural production, traditional leaders could rely on a consistent and wide audience of tribute payers. However, the war, the post-war rural crisis, and the massive rural-urban migrations have largely wiped out the socio-economic preconditions of the *tyer* itself. On the contrary, the levy of meeting and membership fees and fines is detached from agricultural production, and such monetary contributions can be exacted from all clan members irrespective of their employment and area of residence. Hence, these emerging strategies can be read as an attempt by Acholi leaders to cope with the ongoing rural crisis by reviving (and redefining) accumulation-redistribution mechanisms on new foundations. In other words, the *financial side* of traditional authority revival in Acholiland appears to be characterised by a more urban-oriented approach, which extend the scope of extraction to the ever-increasing masses of urbanised, non-farmer clansmen.

Returning to the subject at hand, clans' extractive potential through meetings is represented at best by the statute of the Poromoy/Adilo sub-clan, providing a detailed list of rules and fines on meetings:

- a) meeting is suppose [*sic*] to be held twice in a year.
- b) Emergency meeting can be held if needed.
- c) Meeting is normally done to introduce young one and some elder to be known among themselves.
- d) Children started from 13 yrs and above should attend the meeting together with their parents.
- e) Failures to come to the meeting, the *askari* will be send to bring you in order for you to attend the meeting and you must pay fine 5,000/= for askari and 5,000/= for family association as punishment.
- f) Late coming in the meeting, fine 1,000/=
- g) Leaving the meeting without permission fine 5,000/=

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<sup>192</sup> This was reported by several interviewed migrants in Kampala.

h) Noise making in the meeting fine 5,000/=.”<sup>193</sup>

Even more than the previous accounts, here it emerges how the principle of ‘rule by fear’ described by Girling (1960) is still alive among part of the Acholi clan leaders, who are the key institutional designers of by-laws and *constitutions*. In particular, the deployment of *askari* to compel members’ participation and extort fines in case of refusal, embodies the coercive traits of this rising institution. On this issue, a strong critique was brought forward by an interviewed elder:

“Now people [clan leaders] just go to the radio station, they send announcement, ‘all the clan members are needed for a meeting, anyone who does not come we are going to send *askari*. And the *askari* are very busy! [...] So, it has created lots of tension. [...] There are some *rwots* who almost wanted tax, money to be collected for them... So, for every meeting called in that way, you have to go with some money ‘for your upkeep’, they call it ‘for your upkeep’. If you are not gone to the meeting, they get your goat or chicken, you pay a penalty: you wasted their time to come and get you, they go and auction those things [...]. If you go to [ask] the police there are very many cases where people, clans’ people have been arrested for torture. One recently happened here in Lulago: they beat a man to death as the man did not want to go to clan meeting.”<sup>194</sup>

In addition, according to the same interviewee, many clans have no internal consistency in the adoption of this system of resource extraction and enforcement. For instance, he mentioned that the *rwot* of the Koch clan does not allow such regulations in his royal sub-clan, but one of the sub-clans under his rule implemented it. When asked about the problematic presence of a conflict between the two levels of traditional governance, he explained it as an ‘uncoordinated move’: many *rwodi kaka* have not full power over their clans and

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<sup>193</sup> By-law of the Poromoy/Adilo Family. Grammatical and spelling errors are reported here as present in the document (Appendix 3).

<sup>194</sup> Interview with elder and Ladit pa *Rwot* of Koro clan, Gulu District, October 2020. This interviewee is a particularly renowned and informed elder in the Acholi community, and leads one of the sub-clans of Koro. A well-educated retired *mzee*, he is a radio speaker in the cultural shows of several major broadcasting stations who has committed himself to the revival of the ‘true’ Acholi culture of pre-colonial heritage, in contrast with the institutional and cultural transformations occurred since the colonial period.

so they “just watch so long as it does not affect” them.<sup>195</sup> Indeed, this issue is consistent with what reported by the *Rwot* of Patongo about the sub-clans not contributing to his office: as a *rwot* is not able to retain power and control over his subjects, the upward flow of resources fades.<sup>196</sup>

### 5.7 Conclusion

By all means, the institutional design of membership and meeting fees and fines as duties liable of enforcement places them in the grey area left by the legislation of the Ugandan state on ‘cultural’ institutions. Despite not having the word ‘tax’ in their name, they present themselves in open contrast with the prohibition to compel anyone “to contribute to the cost of maintaining a traditional or cultural leader or any institution of the traditional or cultural leader”, as prescribed by *The Institution of Traditional Leaders or Cultural Leaders Act* (Government of Uganda 2011).

Moreover, they appear to conflict with the law in a more subtle way, that is the constitutional prohibition to force anyone to pay allegiance to a cultural or traditional leader. Membership and meeting fees can also be understood from the point of view of being a new form of *tyer*, rather than tax. As discussed above, the Acholi conception of authority is based on the principle that recognition occurs through the delivery of tributes, and tributing implies recognition and submission to a leader. Presented in kind and on specific events, observing the *tyer* used to be a duty; its repetition meant reproducing ruled-ruler ties, while not abiding to it was equivalent to attempting to break such relationship – with all the annexed consequences. In the present days, thus, paying a fee to the clan means not only to renovate one’s bond of affiliation to it, but to recognise the legitimacy of the social order and hierarchies it establishes. In turn, for traditional leaders, their capability to effectively implement and enforce membership fees in their clans reproduces their right to

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<sup>195</sup> *Ibid.*

<sup>196</sup> Such a regulatory asymmetry within clans deserves further research, as it could represent a potential source of conflicts between the two levels of customary governance.

rule and exercise power over people. But such a right, as we have seen, is often constructed through the use of coercive methods over clan members. Hence, if we hold true that allegiance among the Acholi is culturally expressed through tributing and the emerging fees systems are forms of *tyer*, enforcing the *tyer* means compelling allegiance – which is a constitutional violation.

However, besides the legal aspects of fees and fines, another important point needs to be raised here. The rural reality upon which the power of Acholi traditional institutions was based has been dramatically reshaped by the war and the following socio-economic transformations such as urbanisation and migration. As we have seen, the old institutions on tributes paid to the *rwodi* in agricultural produce and kind are less and less honoured. Following this, the new regimes of resource extraction discussed in this Chapter can be also understood as the attempt by traditional leaders to detach the clans' funding mechanisms from the agricultural basis of the *tyer* and extend their 'tax base' to non-farmers, urbanised subjects. In doing this, they appear to have largely drawn from the institutional memory in-built in clans, that is the repertoires of the colonial and post-colonial poll taxation systems.

Finally, the results presented here open the way to further research. Above all, while this analysis has focused on the chiefs-end of the spectrum in terms of institutional design, it has to be investigated the impact of these new mechanisms on communities. In particular, it needs to be understood how the creation and enforcement of these new institutions impact on the lived experiences of clan members, their sense of belonging to their clan, and their support to the emerging arrangements.

## CONCLUSIONS

In early 1894, Arthur B. Thruston was captain in the British expeditionary force the Imperial British East Africa Company sent to extend the Crown's sphere of influence on the Kingdom of Bunyoro, in the western part of contemporary Uganda. As part of the British effort to prevent the Belgians' expansion from Congo eastwards of Lake Albert, Capt. Thruston was ordered to set sail along the Victoria Nile basin and secure the chiefs' allegiance along his route. Later on, in his memoirs, the officer described the process as follows:

“I had been instructed by Colonel Colvile to make a treaty with Kavalli [a relevant chief] by which he should place himself under British protection; in fact, I had a bundle of printed treaties which I was to make as many people sign as possible. This signing is an amiable farce, which is supposed to impose upon foreign governments, and to be the equivalent of an occupation. The *modus operandi* is somewhat as follows: a ragged untidy European, who in any civilised country would be in danger of being taken up by police as a vagrant, lands at a native village, the people run away: he shouts after them to come back, holding out before them a shilling's worth of beads. Some one [*sic*], braver than the rest, at last comes up; he is given a string of beads, and is told that if the chief comes he will get a great many more. Cupidity is, in the end, stronger than fear: the chief comes and receives his presents, the so-called interpreter pretends to explain the treaty to the chief. The chief does not understand a word of it, but he looks pleased, and he receives another present of beads; a mark is made on a printed treaty by the chief, and another by the interpreter, the vagrant, who professes to be representative of a great empire, signs his name. The chief takes the paper, but with some hesitation, as he regards the whole performance as a new and therefore dangerous piece of witchcraft. The boat sails away, and the new ally and *protégé* of England or France immediately throws the treaty into the fire” (Thruston 1900, 170-171).

Indeed, written treaties were totally alien to the institutional universe of the natives of the Interior. By Thruston's own admission, he was not required to

assess the legitimacy of his interlocutor to subdue the village to the emerging colonial state. Rather, his main objective was to produce a bunch of formally compliant papers his superiors could throw on the negotiating table with the Belgians, and probably most signers did not understand what all that fuss was about. More than a century after the ‘amiable farce’ depicted by Thruston, however, the Captain himself would probably be amazed by the extent traditional chieftaincy has changed. Nowadays, paper is no more casted into fire, but used to print codified customary laws; chiefs are hardly impressed by beads, they have come to occupy prestigious positions in the political and economic landscapes of Uganda, and they skilfully negotiate the boundaries of their authority with the state institutions. As Nauja Kleist (2011) writes, in the process of becoming ‘modern’, chiefs’ repertoires have become Janus-faced, with the simultaneous invocation and practice of the ‘traditional’ and the ‘modern’ domains.

In investigating the resurgence of traditional authority among the Acholi, this thesis has brought large evidence of chiefs’ extraordinary capacity to adapt and reinvent the institutions they preside to fit the broader ongoing social, economic, and political dynamics. In the effort to grasp the profoundly multifaced nature of these processes, this thesis has adopted an approach based on the analysis of institutions that has linked four main bodies of literature - namely the studies on the state in Sub-Saharan Africa, the *resurgence* of traditional authority, migrant networks, and mobile money. In particular, it has mainly tackled two under-investigated but closely interrelated issues. On the one side, it has scrutinised the past and present dynamics denoting the relationships between rural-urban migrants, especially in terms of reproduction and reinvention of the institutions of customary authority, law enforcement and formalisation of norms. On the other side, it has analysed the mechanisms and dynamics of resource extraction and pooling related to traditional leadership, with special reference to a) how they unfold in the case of rural-urban migrant networks; b) how they are being redefined by the uptake of mobile money services as main means for value transfer.

The first main evidence that has been conveyed relates the skilfulness of

Acholi traditional leaders in exploiting the gaps left by public institutions. In the framework of the state-led revival fostered by Yoweri Museveni, the *rwodi* are proving able to carve new spaces of public authority, especially by harnessing their interaction with state institutions as a source of legitimacy. In this respect, the process of codification of customary law and the rise of mechanisms for its coercive enforcement constitute two glaring examples. On the one hand, the formalisation of traditional norms in written by-laws is instrumental to seek formal recognition of the clan's legitimate authority from the state. On the other hand, the deployment of clan *askari* usually occurs through punctual authorisations to proceed issued by state institutions, which legitimise traditional justice enforcement also by voluntarily withdrawing from the playfield for a lack of jurisdiction on 'cultural matters'. Nonetheless, the relation between state and traditional authorities is also denoted by much less straightforward dynamics and, as Hyden (2012, 74) writes about the economy of affection, "formal rules [...] are often bent to serve informal institutions." In several analysed circumstances, the reconfiguration of traditional structures unfolds through the exploitation of those grey areas dividing what is legal from what is illicit. Covert forms of taxation that must be contributed by all community members, for instance, are established as an open circumvention of the state's laws on cultural institutions.

At the same time, as Acholi traditional authority is still largely 'in the making', the balance of power between different actors is still highly fluid and subject to contradictory phenomena. To many extents, the reinvention of the customary domain has been instrumental to traditional leaders to seize – or at least claim – authority and legitimacy over their subjects; however, this thesis has largely demonstrated that such élites are far from being monolithic. As seen in the cases of the formalisation of clan hierarchies as well as in new mobile money-based accountability mechanisms, several first and second-tier leaders have harnessed such processes either to gain personal prestige, undermine the dominant position of other actors, or drastically circumscribe their arbitrariness and discretionary power.

By all means, such power shifts are not only occurring within the traditional



leadership structures, but between rulers and ruled as well – although the ‘direction’ of such shifts is far from univocal. On the one side, the analysis of the impact of mobile money on the structures of remittance networks and the mechanisms of resource pooling has shown the extent to which these new services enable ‘subjects’ to drastically put a curb on long-dated malpractices of fund embezzlement by their elders and *rwodi* and have made them more financially accountable to their communities. On the other side, mobile money itself has empowered traditional leaders in their capacity to extract resources from urbanised migrants through either covert taxation and contributions, thus expanding their scope of action, effectiveness, and legitimacy. In the same respect, the processes related to customary law are rather similar: while the codification of by-laws reduces the discretionary application of norms that were previously orally kept by elders, the obedience commanded through new coercive means indeed reinforce the grip of traditional leaders over their subjects.

Nonetheless, as Max Weber (1966, 1978) wrote, authority cannot be attained through purely coercive means but, to some extent, needs to be recognised as legitimate by those who are subjected to it. On the side of commoners, this dissertation has demonstrated that the ongoing institutional changes in Acholi traditional structures often enjoy widespread popular support. Whether in the case of law enforcement or contribution for communal initiatives, the contemporary Acholi society is characterised by consistent pressures for the restoration and maintenance of social harmony and moral order. In a context in which the social fabric has been disrupted by two decades of war and internment in IDP camps, and furtherly frayed by outmigration and urbanisation, a consistent portion of Acholi seem to support such changes as a way to restore the ‘traditional’ ways of life against alien values. In turn, such social demands are instrumentalised by traditional leaders through narratives on social cohesion. Here, one of the strongest examples is represented by the repertoires of urban leaders on the ‘children’ coming to the city, who need ‘fatherly’ figures that look after them – but also keep records of their movements. Nonetheless, as seen in Chapter IV, the extent to which such positions will be embraced by the youngest

generations – which have been the more exposed to new ideals and lifestyles – still needs to be understood.

On the other end of the spectrum, the legitimisation of the emerging institutional arrangements by traditional leaders has unfolded through the appropriation of many different and contradictory repertoires and narratives. Since the late war period, Acholi *rwodi* and elders have legitimised their reinstatement by interiorising and forwarding new discourses on human rights drawn from the mainstream international agenda, while also appropriating symbols of the state as well as of the southern kingdoms as means to dignify their position. Here, a dimension of utmost importance is represented by the attempt to seize authority and legitimacy through claims on the past. As seen on several occasions, many *rwodi* do not only exercise power in virtue of their alleged royal lineage descending from pre-colonial times; on the contrary, colonial dynamics are invoked to legitimise a particular instance. In other words, colonisation has here turned from being the breaking point between ‘pre-colonial ancestry’ and ‘colonial modernity’ to a *tout-court* source of tradition upon which identity is built and certain rights are reclaimed.

Nonetheless, one should be attentive not to throw out the baby with the bath water. While there is consistent evidence that many Acholi chiefs are harnessing their rulership for personal gains, others seem to have honestly devoted themselves to the wellbeing of their communities. In a context of virtual absence of state institutions in many domains of social life, traditional leaders often represent the sole point of reference for many people – for instance to settle disputes and get justice –, and clan affiliation provides access to support and solidarity networks that are vital to the livelihood of a predominantly poor population. Moreover, the variations in institutional change trajectories across clans mark the need to devote a significant attention to the background and personal biography of individual leaders. As traditional authority is in the making and new arrangements are being negotiated, the inclinations of individual agents play a particularly important role in the process of institutional design. For instance, the refusal by the Rwot of Patiko to adopt covert taxation is rooted in his will not to infringe anyhow the state laws and in his better-off

employment status – a risk that others are willing to take.

The evidences here presented open the way to further research on the Acholi case, especially in terms of quantitative analysis. Concerning the new mechanisms of law enforcement, it needs to be assessed the extent to which coercive practices are supported by the members of those clans that make use of *askari*, as well as how such backing is distributed among different age classes and locations (i.e. migrants and rural dwellers). Moreover, through a thorough analysis of cases brought in front of courts, it should be investigated whether state institutions are controlling the violations of human rights occurring in the enforcement of traditional justice, or at least trying to do so. Further, on the financial sphere of traditional authority, a quantitative analysis of the flows of funds within Acholi clans and the compliance of community members to tax ‘duties’ could unveil a possible emergence of Acholi clans as relevant economic actors in Northern Uganda, as well as an unexplored dimension of the current legitimacy of traditional leaders.

Beyond the Acholi case, this thesis brings valuable contributions to different disciplines and paves the way for further research in multiple directions. The first insight relates the institutionalist terminology adopted throughout the manuscript. As detailed in the Introduction, the institutionalist differentiation between ‘rules’ and ‘norms/practices’ lies in two aspects: first, the former are formally constructed and written down, while the latter are not. Second, rules are ultimately sanctioned by the state while norms are not, and actors comply to them as a matter of social expectations (North 1990; Lowndes, Roberts 2013). Following this, the emerging phenomena of codification of customary law can be interpreted as the consolidation of norms and practices into written, formalised rules. However, these *customary rules* present a problem in terms of sanctionability by the (weak) state. As thoroughly discussed above, the Ugandan landscape has an uneven approach on multiple sides: not all statutes are submitted to state institutions for approval and, even when they do, the state’s control can be so bland that many of them are validated albeit containing dispositions that clash with national laws (Chapter II). Moreover, the same technically unlawful yet approved statutes are used to obtain clearance letters

from judges and police when the time comes for customary law enforcement (Chapter IV). Two questions for further research can thus be raised here. First, given the plurality of centres of public authority that characterise weak states in Africa (in contrast to the Weberian monopolistic nature of Western ones), is state sanctionability a universally valid discriminant between rules and norms? Or on the contrary, can we expand such perimeter to non-state actors holding public authority that sanction formally written rules? Indeed, solving this puzzle would not only advance the institutional theory as such, but also make it an even more powerful perspective for the analysis of contemporary African scenarios.

The same findings also highlight the emergence of a new *frontier* in the studies on traditional authority. The oral and unwritten nature of customary law in most contemporary African societies has been commonly analysed in terms of *how* rather than *if*: that is, scholars have long concentrated on the ways in which it is stored and transmitted in and across different contexts, while taking its qualities of being oral and unwritten as a given. The emerging processes of codification tell a new story. As they are accompanied by major shift in the balance of power and reinventions of traditional structures, these transformations call for the necessary scholarly attention and the adoption of rejuvenated analytical lenses. Particularly, as these dynamics will unfold in the future, a direction for further research is the possible advent of competing regimes of customary law – the ‘old’ oral and the ‘new’ written ones.

With regard to (mobile) money, this dissertation brings additional relevant insights. Albeit it is no surprise that money matters in the unfolding of clientele relations between chiefs and the state, this manuscript emphasises the role of state legislation in establishing the networks of patronage and demarcate the boundaries of public authority of the client in contexts of hybrid governance (e.g. the prohibition on the levy of taxes by ‘cultural’ leaders in Uganda). Chapters III and V have also demonstrated that, within such borders, the financial side of traditional authority is a crucial *milieu* of power struggles both among traditional leaders and between rulers and ruled, although a hidden one; and at the same time, the widespread uptake of mobile money is rapidly changing such institutional dynamics and the patterns of interaction between such actors.

Showing that the ways in which traditional institutions are financially organised is deeply related to their performance, accountability of their incumbents, and to their legitimacy and authority, this study underlines the necessity to expand the scope of analysis beyond the past and present focus on narratives and repertoires. This is particularly relevant in the face of soaring migration phenomena throughout the continent. The investigation of the rural-urban connections made here has brought evidence that traditional leaders play a crucial role of financial ‘brokers’ (Baldwin 2016) in the contemporary trans-local *economies of affection*, which have exponentially grown in size along with internal migrations. As the remittance flows towards the areas of origin increase, also accelerated by the usage of mobile money, establishing forms of control over the same is bound to become a core source of power for traditional leaders.

In the end, albeit no scholar is given the gift to foresee the future, the resilience, vitality, and adaptability displayed by traditional forms of authority during the past decades appear to point towards their continued importance over the next ones. In present-day Sub-Saharan Africa, these institutions present themselves with astonishing degrees of variability throughout the continent, inside individual states, as well as within each ethnic group. In retrospect, the colonial printings portraying chiefs wrapped in traditional robes outside their mud huts have indeed become faded postcards: nowadays many of them are powerful politicians and businessmen, they codify statutes and handle mobile phones. Their repertoires fluidly merge past and present, ancestrality and modernity, and different scripts are played depending on the stage. Far from being extras in an *amiable farce*, they have become *modern*.

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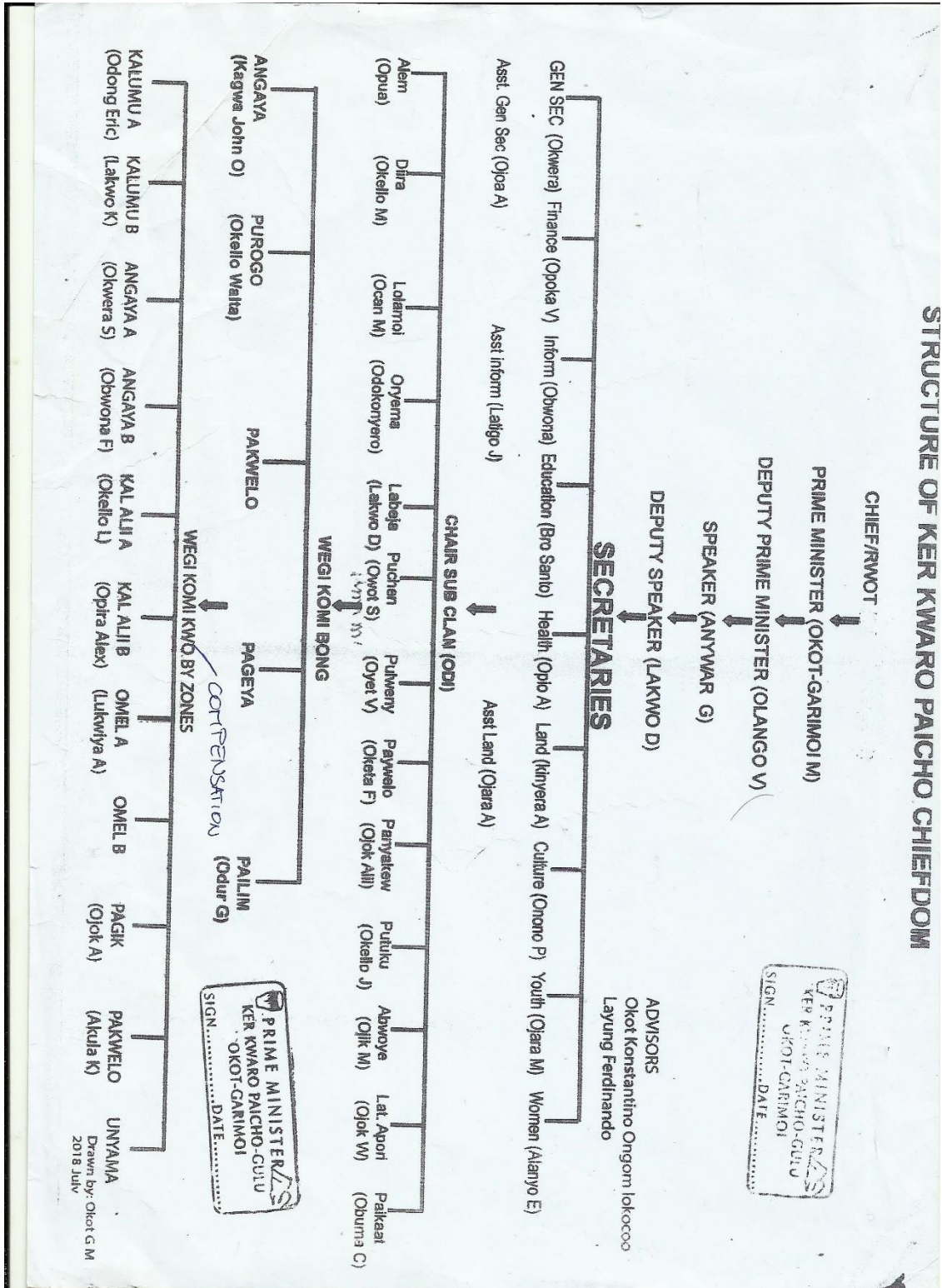
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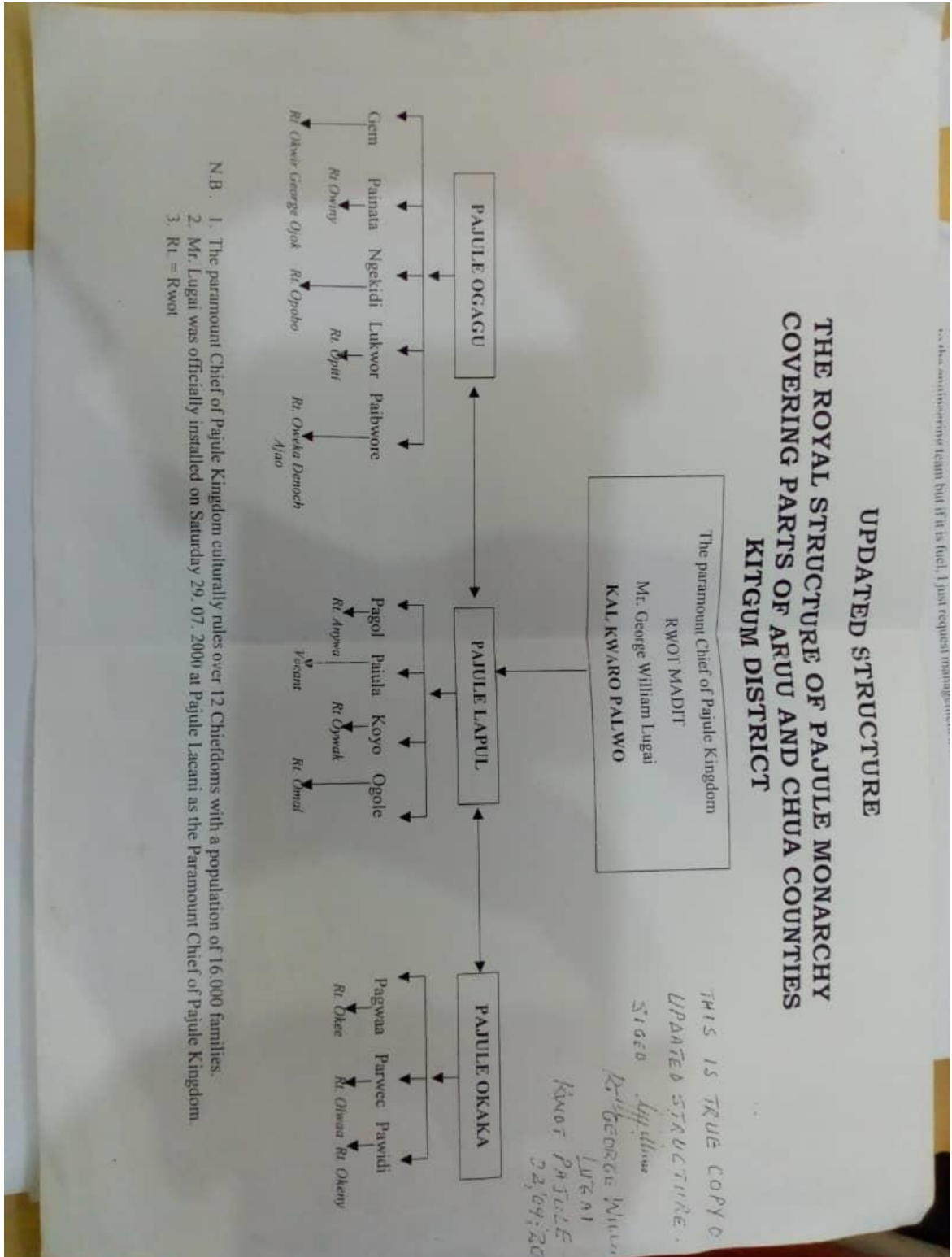
APPENDIX 1

STRUCTURE OF THE KER KWARO PAICHO CHIEFDOM



APPENDIX 2

THE ROYAL STRUCTURE OF THE PAJULE MONARCHY



## APPENDIX 3

### BY-LAW OF THE POROMOY/ADILO SUB-CLAN

#### **BY-LAW.**

**TITLE: POROMOY/ADILO FAMILY.**

**LOCATION: -LALOGI GEM ABOTURO**

**- PARWEH ACWANG TE-STORE VILLAGE**

**- LAKWANA KETO(MAIN BASE).**

#### 1. OBJECTIVE.

- a).Bring all family to cooperate together.
- b).Raising up ability of the family as following the objective.

#### 2. MERITS.

- a).For easy solving of the problem among the family members.
- b).It make it easy to settle down misunderstanding among the family members.
- c). To raise up good traditional culture in relationship with good advice
- d).To improve the level of discipline among the family members.

#### 3. RESPECT.

If you don't respect your fellow members, you must be punish according to what you have done.

#### 4. MONEY CONTRIBUTION FOR THE FAMILY DEVELOPMENT.

- a).Money contribution must be twice in a year.
- b). Household-10,000/=
- c).Youths-5,000/=
- d).aunts who has come back home-5,000/=
- e).Failure to contribute, you must be force to give it.

#### 5. CONTRIBUTION FOR BURIAL (FUNERAL) DEATH.

- a). Household-10,000/=
- b). Youth 5,000/=
- c). Aunts who has come back home-5,000/=
- d). Each wife and aunt who are living in this family must contribute 10 cups of bean.
- e). Failure to contribute you must be force to give it.

6. MEETING.

- a). meeting is suppose to be held twice in a year.
- b). Emergency meeting can be held if needed.
- c). Meeting is normally done to introduce young one and some elder to be known among themselves.
- d). Children started from 13 yrs and above should attend the meeting together with their parents.
- e). Failures to come for the meeting, the askari will be send to bring you in order for you to attend the meeting and you must pay fine 5,000/= for askari and 5,000/= for family association as punishment.
- f). Late coming in the meeting, fine 1,000/=.
- g). Leaving the meeting without permission fine 5,000/=
- h). Noise making in the meeting fine 5,000/=.

7. IF YOU HAVE ANY ISSUE ON YOU TO BE SOLVE AND YOU WERE BEING CALLED AND YOU REJECTED TO COME.

Askari will be send to you in order to bring you for solving that issue and you must pay two chickens or money for two chickens.

8. COMMITTING ADULTARIES AMONG THE FAMILY MEMBERS IS NOT ALLOWED.

- a). A man is being proved committing adultery with somebody wife he must pay 1(one) cow, and 1(one) goat for this family association and 25 strokes which you must pay 1,000/= for each stroke.
- b). A wife who is being proved committing adultery with some body's husband she must pay one goat and 25 strokes which you must pay 1,000/= for each stroke.

9. WAY OF EARNING MONEY FOR THIS FAMILY ASSOCIATION:

- a). Contribution from the family members.
- b). From the victim of the family members as a fine.
- c). From good Samaritans' who can give.

10. INCEST.



a). This family association does not support incest.

b). If you have been proved that you have done incest in this family you must be punished to give one goat and 25 strokes which you must pay one 1,000/= each stroke.

11. BAD DRESSING (INDECENT DRESSING):

If you have been found commonly bad dressed you must be punished to give 50,000/= or 50 strokes which you must pay 1,000/= for each stroke.

12. USING SOME BODY PROPERTY WITHOUT PERMISSION:

If you have been found using somebody property without permission you must pay a fine of 1 goat and 50,000/=.

13. THIEF:

This family does not support thief and any member who has been proved that he/she has stolen somebody property that must be taken to police to face the law without discrimination.

14. FAMILY VIOLENCE:

If it has been proved frequently tensioning in your family, the chairperson will move together his member to your home in order to settle down your tension and you must pay 1 goat plus 20,000/=.

15. MEN WHO HAVE LEFT THEIR WIFE WITH CHILDREN AT HOME AND LIVING WITH ANOTHER WOMAN OUTSIDE:

Man who has been proved that he has left his wife with his children at home, he must be brought back home and punished and if he refused to be brought back home he must be taken to face the law for violating the right of children with his wife.

16. UNSTABILIZING THE FAMILY WITH BAD WORDS.

Any one body that has proved unstable anybody family with bad words he/she must give 1 goat and some money.

17. AUNTS WHO ARE LIVING AT HOME THEY ARE NOT ALLOWED TO BRING THEIR HUSBAND TO LIVE WITH THEM IN THIS FAMILY:

Aunts when they have divorced with their husband, they must leave their children at the age 7yrs and above with their father.

18. LAZINESS IS NOT ALLOWED:

If you have been proved that you are lazy, you will be warned twice and for the third time you will be taken to police in order for you to learn not to be lazy.

19. QUARREL (FIGTHING, ABUSING) AMONG THE FAMILY MEMBERS:

If you have been proved you like quarrelling with one another you must be taken to police to face the law.

20. WISHCRAFT (BAD TRADITIONAL PRACTICE WITHOUT PERMISSION:

If you have been proved you, have done wish craft or bad traditional you must give 1 goat plus some money as fine.

21. REJECTED TO FOLLOW THE FAMILY RULE AND REGULATION:

Anybody who have rejected to follow this family rule and regulation, you must state where you will stand and support you self so that this family know, if not you will be forced follow this family rule and regulation.

22. DISCRIMINATION.

If you have been proved that you discriminated anybody in this, family you must be punished.

23. SELLING LAND WITHOUT PERMISSION IS NOT ALLOWED.

Anybody who wants to sell his/her land must first get permission from chairperson and land committees of this family association.

24. WIDOWERS:

Any widower in this family her properties must be kept well not to be taken by somebody else.

25. ORPHANS:

Any orphans in this family his/her properties must kept well, not to be taken by somebody else.

26. EDUCATION:

Anybody who has rejected to take his or her child to school, him /her must be taken to police to face the law of violating the right of children's.

27. MOBILISATION:

Any mobilizer who have failed to mobilizes family members for the meeting, he must charged to pay the amount of money that were supposed to be paid by members who have not been mobilized.

THE END