

Full Length Research Paper

Post-conflict operations of local governments in dispute resolution in Northern Uganda

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Conflicts destroy the social fabric of communities by reducing the ability of people to trust their government and their neighbors. In situations where the conflict has been sustained over decades, as in Northern Uganda, basic levels of trust between individuals, between communities and towards the government have been severely fractured. In the post-conflict period one of the crucial tasks towards providing genuine security and peace to communities is to rebuild levels of trust between and among individuals, communities and with the government (or the government's representatives). Given the decentralized powers that have been assigned to lower local councilors (LC1s at the village level and LC2s at the parish level) in Uganda these elected government officials are in a unique position to facilitate the *rehabilitation of trust and provide security* to individuals and communities in the post-conflict environment. Understanding how the attitudes and opinions of the population towards local government have been impacted by the conflict is important in determining the policy prescriptions for ensuring the emergence of a participatory, trusting and representative relationship between the people and the government which are prerequisites to developing a stable post-conflict environment that allows people to heal and develop within their community. This paper adopts the use of a mix of primary and secondary sources. Secondary sources included books on conflict resolution and journal articles regarding local government in Uganda. The main primary source was information collected from 252 qualitative interviews (adults 18 years or older) conducted between May and October, 2010.

Key words: Northern Uganda, conflicts, security, lower local councilors (LC1s).

INTRODUCTION

Most of the literature¹ on the role of local governments has concentrated on developing the capacity of local governments as a mechanism to deal with poverty and improving living standards, especially with regards to improving service delivery capabilities in the sectors of education and health care. In other words it has focused on the impact of local governments on development to the neglect of the impact of local governments on the community and developing a sense of trust between citizens and representatives of the government an aspect

incredibly important in post-conflict, transition countries (Tusasirwe, 2007).

Uganda offers a unique situation to research the impact of decentralization and local government officials in a post-conflict environment. Decentralization has an extensive history in the Ugandan context. The decentralized system of government that is in place today had its roots in the National Resistance Movement's (NRM) guerrilla campaign against the government of Milton Obote in 1981. Museveni established Resistance Councils (RCs), which functioned to not only mobilize the population in the areas where the NRM operated but also demonstrate that the NRM operated under a concept of democracy which focused on being participatory, grassroots based and popular (Steiner, 2008). After taking power in 1986, the NRM overlaid the organizational structure of the Resistance Councils on to the local government structure that had existed in

¹With regards specifically to Uganda articles include but are not limited to - Steiner, Susan. "Decentralization in Uganda: Exploring the Constraints for Poverty Reduction," GIGA Working Paper No. 31 November, 2006; Okidi, John A. and Madina Guloba. "Decentralization and Development: Emerging Issues from Uganda's Experience," Economic Policy Research Centre, Kampala, Uganda, Occasional Paper No. 31, September 2006; Porter, Doug and Martin Onyach-Olaa, "Inclusive Planning and Allocation for Rural Services," *Development in Practice*, Vol. 9 No. 1 and 2, February, 1999

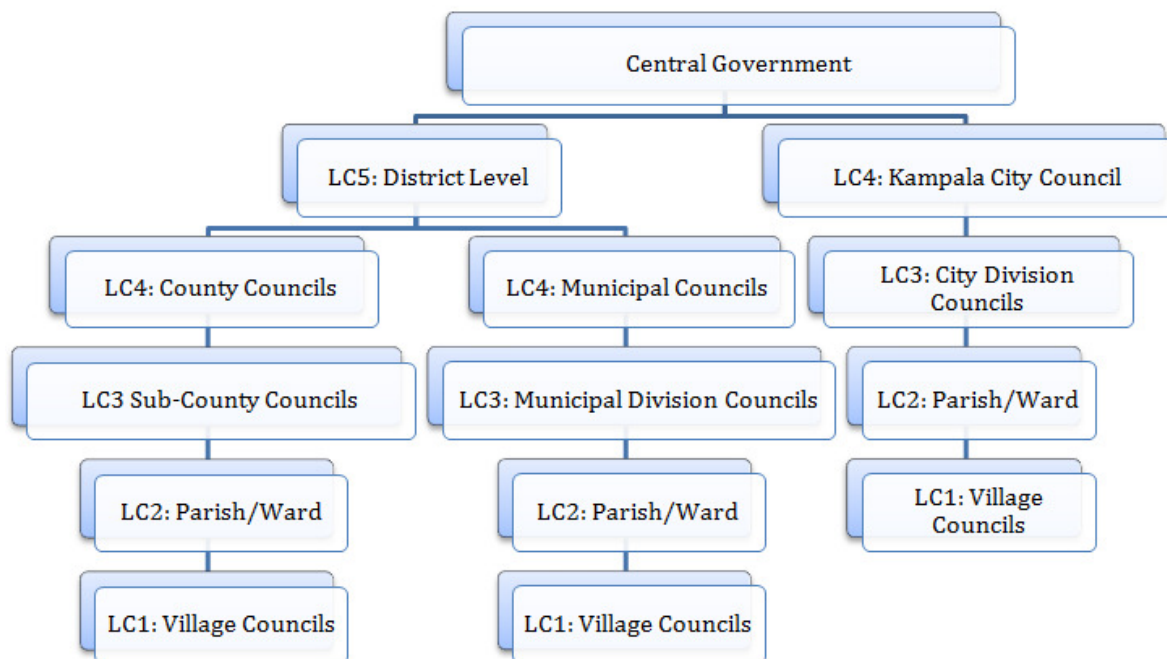


Figure 1. Local Government Structure in Uganda.

Uganda under Idi Amin and Obote.²

While more representative than previous systems of local government, the RC system introduced by the NRM was not intended only to improve citizen participation, provide better governance or improve service delivery, but also to allow the NRM to secure its own power base at the local level (Mwende, 2007)³.

The local government reform process that began in 1992, culminating with the *Local Government Act, 1997*, led to the local government system in its present form with five different levels of local government (Figure 1). The rationale behind the reform of local government was to provide for a more effective form of local governance, especially in the realm of service delivery.⁴ The 1997

²Under Amin and Obote the local government structures were “administrative and security organs of the state at the local level.” Local government under Amin and Obote functioned primarily as a manifestation of central government power, with local administrators appointed by the central government. RCs, on the other hand, were introduced and promoted as a more representative form of local government, even if direct elections were only held at the village (RC1) level. (Beke, 2004).

³Beke described the NRM’s rationale in using decentralization in the following manner: “The NRM clearly saw the development of decentralised authorities as a means to strengthen the power of the central government at the local level, and also to legitimate the regime and so-called ‘no-partyism’.” (Beke, 2004; 160).

⁴The process of reforming the local government system has been described as being a personal commitment of President Museveni. (Robinson, 2006). That the reforms were so closely tied to the personal commitment of the President is both a strength and weakness of the system. The President’s commitment meant that reforms would be passed. At the same time, should continuing to strengthen local government no longer fit into his personal political agenda it would be possible to reverse course and recentralize powers that had been devolved to the local level. The manipulation of the G-Tax, which was a

Local Government Act (LGA) also made local government officials more accountable to the general public through regular elections for local council positions.

Research on Uganda’s local government system has, for the most part, followed this trend. The majority of studies on local government operations in Uganda have focused on the provision of health care services, education, the fiscal independence (or lack thereof) of local government bodies, and how the direct election of local leaders has strengthened democracy. The successful application of decentralization has often been put into question, not only by academic studies but also participatory poverty assessments.⁵ While these are all vital components that need to be considered in determining the role that local governments can be trusted to play in a post-conflict situation, one element that has been missing is determining the level of trust communities hold in their local government officials and local government’s impact on creating a safe space for people to live their lives.

Such an evaluation is necessary because one way that

significant revenue generator for local governments, illustrates how national level political maneuvering has interfered in the autonomy of local governments (Bahigwa, 2004).

⁵For example, a report on Mbale district states that: “[In] the Financial Year 2000/01 the Municipal Division had set the minimum graduated tax payable by all residents in the Municipality to be 11,000/-. However, the Municipal authorities were unable to enforce it due to a presidential declaration during campaigns that the minimum tax countrywide should be 3,000/- (MoF, 2002:45).

conflicts destroy the social fabric of communities is by reducing the ability of people to trust their government and their neighbors, and in a decentralized system at the lowest levels, government officials and neighbors can be synonymous. A central aspect in evaluating the ability of local governments to act as a mechanism of peace stabilization and assist in conflict mediation is measuring the level of trust communities have towards their government officials. While commenting on efforts and peace building at the national level, Ben Fred-Mensah writes that efforts at promoting good governance “must be acknowledged as efforts at trust-building.” (Fred-Mensah, 2004: 438).

In post-conflict situations, local government authorities are theoretically better placed to identify and respond to the everyday occurrences that have been identified as threatening the stability of life and peace in the affected area. Some of these threats have been identified as involving threats to an individual’s or community’s personal space: “Their personal spaces are sometimes partly secured from direct violence by peace building priorities such as security sector reform, but peace building does little to nourish the everyday practices people deploy to secure themselves from the pervasive threats of indirect violence that are not the subject of state building and peace building” (Roberts, 2011:412).

For local government to serve as a conflict transformation mechanism it is necessary to determine whether or not the population has enough confidence to go through local government channels and participate in the governance process to achieve their desired outcomes. To understand this, it is necessary to examine what the relationship is between people’s mental well-being and the end of violence. Reflecting on post-conflict Mozambique and Rwanda, trust building was identified as integral to the development of social capital in a post-conflict environment. “Conflicts shatter people’s concept of trust and in most cases it is to the extent that even when open hostility is declared to be over, a sense of fear and insecurity continues to loom over the area concerned... In the absence of trust, institutions are *no longer capable of coordinating interhuman interaction* (my italics), hence the difficulty of making and implementing collective decisions.” (Fred-Mensah, 2004: 437-438).

In Northern Uganda the local governments have barely been able to fulfill this role in the peace maintenance effort. The objective of this study was twofold: to determine the level of trust that people had in local government officials and how local government officials, the Local Council 1 (LC1) and Local Council 2 (LC2), provided security and administered justice. Local government officials were generally acknowledged to be the preferred first-person of contact regarding many situations dealing with issues of security and threats to community peace, whether or not they had the proper authority to handle the issue being brought before them.

As such, to would be sensible to take steps to build

upon this trust, build the capacity of the LCs and strengthen some of the authority held by local government officials with regards to handling minor community security issues.

METHODOLOGY

This paper adopts the use of a mix of primary and secondary sources. Secondary sources included books on conflict resolution and journal articles regarding local government in Uganda. The main primary source was information collected from 252 qualitative interviews (adults 18 years or older) conducted between May and October, 2010. The interviews were primarily conducted in Gulu District, part of the Acholi area in Northern Uganda. The objective of the research was to assess attitudes towards the security, justice, reconstruction efforts and reintegration of former members of the Lord’s Resistance Army (LRA).

Within the district, the areas randomly selected were in the vicinity of the now disbanded Internally Displaced Persons (IDP) camps. Since a majority of the residents have moved away from the camps, the areas where the camps used to be located was used as a starting point and we moved from there to nearby areas where people have resettled. Interviews were conducted in all eleven of the sub-counties within Gulu District (Palaro, Patiko, Bungatira, Awach, Paicho, Ongako, Bobi, Lalogi, Odek, Koro, and Lakwana). In Gulu Municipality all four divisions (Laroo, Ber Dege, Pece and Layibi) were covered.

Some interviews were also conducted in Nyowa District, Koch-Goma sub-county. Additional interviews with other stakeholders were conducted including members of the local government councils, from LC1 Chairmen and members of the LC1 executive committee, LC2s, LC3 Chairmen, to local traditional leaders such as *rwothkeris*. In addition, members of the NGO community who have interacted with local governments officials on various programs were also interviewed. I conducted interviews with the support of a research assistant, who also acted as a translator when necessary.

LOCAL GOVERNMENT INVOLVEMENT IN DISPUTE RESOLUTION

The administration and oversight of many services have been decentralized in Uganda, and studies on the impact of decentralization to date have primarily focused on how local governments have managed services like health care and education as well as the administrative and financial capabilities of local government offices. One area that has been neglected in the research on local governments is their role in the field of security and the administration of justice. Understanding such operations is of particular importance in the post-conflict environment in Northern Uganda.

There is now an environment of relative peace and security in the northern districts, brought about from the lack of LRA activity in the area, which had been the main source of conflict in the past two decades. Yet the absence of LRA activities does not mean that there is no longer conflict in the area. Conflicts within and between communities persist and local government officials are an integral component towards mediating these emerging conflicts.

Some of the conflicts and security issues faced by communities in the north are not unique; petty theft, murder, defilement, and familial and neighborly disputes are common complaints. However, there are some conflicts and security issues that are unique to post-conflict Northern Uganda, particularly land disputes. In addition, conflicts that emerge as a result of common disputes can be enhanced due to the lingering animosity from the period of conflict with the LRA and because of a lack of trust and suspicion that remains within communities.

In presenting his framework for bringing about reconciliation, John Lederach discusses the importance of relationships. He writes that the foundation of reconciliation “is the perhaps self-evident but oft-neglected notion that *relationship* is the basis of both the conflict and its long-term solution” (Lederach, 2008; 26). The idea that relationships are the foundation for building sustainable peace is based upon the assumption that conflict, in general, cannot be avoided; what can be changed is the manner in which people deal with conflict. If there is a solid relationship between the disputing parties, then conflicts that arise can be settled before they escalate towards violence.

In Uganda the LC1 Chairman is the lowest level official representing the community and is the primary government representative responsible for handling security within his area/village. However, in Northern Uganda during the time when the LRA was active and people were housed in IDP camps the LC1 played a diminished role in providing security. A range of actors that included not only the LC1 but also the police, Uganda People’s Democratic Force (UPDF), camp commanders, and block leaders within the camps handled matters of security and justice. Some respondents even stated that the LC system was not in place during the period when they were in the camps which is why they reported to block leaders, while others stated that the LC system was in place but there were many other people who they reported to as well.

Since the camps have been depopulated and people have returned to their villages the LC1s have begun to resume their role as the primary point of contact for any security related matter. That they have begun to reassert control in this area is an important point of study given the culture of suspicion that lingers as well as the perceived power and authority of the LC1s in security matters. The LC3 (Division) Chairman of Layibi stated in an interview that, “it is because of the war that [the] community are very much suspicious of any strange movement.” He went on to say that any strange movements are to first be reported to the LC1 of the area to handle and make a decision on what to do – that is, handle the case himself or call the police (Interview conducted by author with LC3 of Layibi Division Gulu Municipality, September 13, 2010). Given the involvement of the LC1 in handling a variety of local

disputes it is important to understand the exact nature of their operations as well as the liberties they are taking with the authority that has been devolved to them.

The improper and inappropriate handling of cases by local government officials can have an impact on the ability of the population to place its trust in these officials. Added to this are abuses of power by local government officials, as well as the police. While large corruption scandals that make for good newspaper headlines across the world may be what destroys a country’s economy, tarnishes a government’s reputation in the eyes of donors, or gives a country a low ranking from Transparency International, it is not the most damaging form of corruption. That distinction belongs to the petty corruption, the *kitu kidogo* (small things in Swahili) that occur at lower levels of government. Petty corruption has the most immediate impact on the functioning of people’s daily lives and has the ability to weaken trust which has already been weakened by the years of conflict in the north.

Corruption at this level maintains many of the characteristics that corruption at higher levels of government in a post-conflict situation possesses; causing inefficiency in aid distribution and poor service delivery, yet the impact on the war-affected public is much more immediate. In addition, due to the functions devolved to the LC1s, corruptions at this level not only impacts post-conflict rehabilitation and reconstruction but also the administration of justice in the post-conflict setting.

JURISDICTION OF THE LOWER LOCAL COUNCILS

The LCs, particularly the LC1s, have the potential to play a positive role in the maintenance of law and order in Northern Uganda. Respondents often stated that they hold the LC1s in high regards and it is the LC1s with whom they hold the highest level of trust, believing they would respond best to their issues and needs.

The 1997 Local Government Act (LGA) outlines the functions of the Administrative Units, as the LC1s and LC2s are classified. Part III, section 49, sub-sections (c), (d), (f) and (h) of the LGA pertain to the security and conflict resolution functions of the LC1s and LC2s. Section 49, sub-section (d) states that one of the functions of the Administrative Council Units is “to resolve problems identified at that level, while sub-section (f) provides for Administrative Council Units “to assist in the maintenance of law, order and security.” But further description as to the exact type of assistance that is supposed to be given by this level of the local government is not specified in the LGA.

However, the security jurisdiction of the LC1s was further clarified in the Local Council Courts (LCC) Act passed in 2006. The local council courts, at both the village and parish level, consist of the members of the

executive committee of the village or parish [LCC, Part II Section 4(1)] as chosen by the LC1 or LC2 who are the only officials elected by the people (LGA, Part II Section 26(1)). The legal jurisdiction of the local council courts and the types of cases that the courts at this level are permitted to handle is laid out in the Second and Third Schedule of the Act.

The Second Schedule states that in respect to cases of a civil nature the local council courts may try cases of 1) debt, 2) contracts, 3) assault or assault and battery, 4) conversion, 5) damage to property, and 6) trespassing. According to the Third Schedule, which covers civil disputes governed by customary law, the local council courts may try cases of 1) land held under customary tenure, 2) marriage, marital status, separation, divorce or parentage of children, 3) identity of a customary heir, and 4) customary bailment. In other words the local council courts are supposed to only hear civil cases or minor criminal matters (that is, assault).

In order to comply with the operations of the local councils as outlined in the LGA and LCC, the local councils at each level are supposed to come up with written by-laws. These by-laws outline the governing structure and responsibilities of the executives on the LC's council as well as the responsibilities of the community. An excerpt from a council meeting in Keto Village, Koro Sub-County where the by-laws of the village were discussed demonstrates the jurisdiction of the LC1s as agreed to by this particular community:

[A]nybody who has seen some one in a family fighting, robbing, or anybody who is now should give a report to the LC1 (chairman) or LC1 Security so that they can take the case to the LC1 as agreed by the community (by-law). And this should be done within two days of the incident. If a visitor come in one's home, the person should report to LC1 of the area within two days also or else the person will have to pay fine of 1,500 (shillings) (Meeting Minutes from Keto Village, Koro Sub-County, June 8, 2010).

Not only are the LCs concerned about disturbances between community members but they are also suspicious of movement in the community of unknown persons; a holdover from the time when the LRA was active and a demonstration of the idea that in this post-conflict environment only the immediate community can be trusted, unless the outsider can be vouched for. The above excerpt also shows that local government officials have instructed their people that every case should be reported to the LC1 (or his secretary for security). How these cases are handled by the LC1s will be discussed next.

Operations of the lower local councilors (LC1s)

Improving the operational capability of the local

councilors with regards to the handling of security issues has been included as a strategic objective in the recovery and development plan for the north. During the conflict the full functionality of the local councilors in assisting in the provision of security in the north was hindered by the presence of IDP camps. Responses to the question about who people looked towards to handle cases such as petty theft, murder, defilement or disputes between neighbors when the camp system was operational varied greatly and included soldiers, police, LC1s, LC3s, and camp or block leaders. The system that evolved for providing justice and handling criminal matters in the camps seems to have been more ad hoc and highly dependent on who was available in the area. If there was a police post or army barracks nearby then that is where people went, otherwise people went to camp leaders or the LC1s. The actual presence of the LCs in some camps is questionable though. Although the LC system was implemented throughout the country, in all areas at the same time, some respondents stated that during the period they were in the camps that they did not have any LCs, just block leaders and camp leaders.

Now that people have been dispersed from the camps the challenge is building the capacity of local councilors, especially the LC1s and LC2s, to mediate ongoing and emerging conflicts within their areas. The necessity to train local councilors in the field of conflict mitigation and resolution is critical given that resettlement from the camps has resulted in new conflicts, especially over land, and the exacerbation of existing conflicts between families and neighbors.

[T]here are many latent conflicts which exist between individuals, families, ethnic groups and between civilians and government authorities. A particular program is required to address these conflicts and to build trust and reconciliation in the community. Many of these processes are simply part of the improvement of local governance: if rule of law and basic social services are delivered by local authorities in an accountable and transparent way, conflict management is in turn strengthened (Republic of Uganda - Peace, Recovery and Development Plan for Northern Uganda (PRDP) 2007: 94).

Today, the role of the LC1s and LC2s has evolved to the point where they have begun to act as a third party in dispute resolution among the community. The type of role they play varies on a case-by-case basis and depends on the level of influence that the particular LC holds in that area, but generally their role falls into the categories of either arbitrator or mediator.

For the most part respondents stated that LC1s hear cases and either offer judgments, acting as an advisory arbitrator or help people compromise, like a mediator. LC1s have been empowered through the legislation outlined above to act as a form of alternative dispute resolution outside of the police and the criminal court system. Therefore the LC system embodies both the good and the bad of this type of dispute resolution.

Alternative dispute resolution is cheaper than using a formal court system as is typically the case in Uganda where neither of the parties have lawyers. The case is heard by the LC1 executive committee that acts as (unpaid) judge in the matter. In addition, the flexibility and informality of alternative dispute resolution means that “there is less recourse to rigid legal principles. As a result, the disputant’s interests and needs are more likely to be served” and people are able to come to a more amicable settlement (Pruitt and Kim, 2004: 229).

But mediation of disputes by the LC1s is not imposed on the population. For cases like domestic or neighborly disputes respondents often stated a preference for having cases handled through the involvement of the community and the elders or by going to traditional leaders such as the *rwotkweri*. The reason given for preferring to settle cases in this manner as opposed to going to the LCs was a fear that going to the LCs may cause the conflict to escalate, thus causing bad feeling afterwards and spoiling relationships. So despite the fact that the LC1s and the local council courts are to act as a more informal dispute resolution mechanism their association with the government system gives them a sense of formality causing people to remain wary of involving the LC1s as they are the most immediate government representative to the people.

Community trust of the lower local councilors (LC1s)

(You need the LC1 letter) because it is like starting a case from the grassroots then climbing up. You can’t start climbing a tree from the branches, you have to start from down” (*Female, 25 Gulu Municipality Laroo Divisions*).

You cannot go to police without informing the LC1, you have to inform the LC1. Police will ask if your LC is aware. We go to the LC first because they are the key to the government and the government honors their reports, all the reports they send. The LC come and verifies if it is true and report to police (*Female, 55 Gulu Municipality Bar Dege Divisions*).

The concept of a letter from the LC1 being a necessary step for people to take before taking a criminal case to the police is not outlined in the texts of the Acts governing the LCs. Part III section 11, sub-section (b) of the LCC Act does state that, “subject to the Local Council Courts Act, every suit shall be received by the Chairperson and in the absence of the Chairperson, by the Vice-Chairperson.” But this is only in relation to suits that are described in the LCC Act. Cases like theft, murder, defilement, are not covered under the LCC Act, therefore requiring people to go to LC1s first, even if it is “a government program” as many respondents stated, does not seem to be in line with the laws governing the LCs. That being said, going to the LC1 for a letter is clearly a step that the public has learned to take.

Many reasons were given as to why the LC1 letter is an

important first step but the general theme was that the LC1 is the lowest local government representative and as such *must* know what is going on in his area of operation. The LC1 was described in interviews as being like the father or the president of the village and as knowing the character of every person in the area.

The LC1 is the first person that is on the scene of many incidents because he is of the area, described as always being there with the people. “LC1 is the foundation for any case. For your case to be heard and handled LC’s awareness has to be seen first either in writing or in person so it is important to have a letter from LC to show who you are, where you come from and easy to follow up” (Male, 48 Cwero). The LC1 will come to verify the details of a case, put those details in the letter and sign and stamp the letter to allow the person to go either to the police, the LC2 or LC3.

The troubling aspect of the weight given to the LC letter is that people have described it being used by the police as evidence. In some cases the police will not directly ask the person reporting the case what happened or do their own investigation but will simply take what is written in the letter as fact and the truth of the matter. “The letter he will give will be like evidence because LC1 will come there, everything that happened there will be explained to him. In his letter he will indicate that such and such a date things like so and so happened and I cannot solve it, that’s why I have referred him” (Male, 32 Lakwana). The LC1 letter acts as evidence to the event, evidence to which both the police and the community give a great deal of weight.

Therefore it should not be surprising then that the community has a great deal of trust in the LC1s to handle cases and solve the community’s problems. Of the people interviewed for this study (247 for this particular question) 203 respondents (82%) said they trust the LC1s while 29 respondents (12%) said they had some trust in the LC1s. The level of trust that respondents held for police was less positive with 94 respondents (38.5%) saying they trusted the police, 69 (28.3%) saying they had some trust in the police while 81 respondents (33.2%) said they had no trust in the police.

Cases handled by the lower local councilors (LC1s)

The greater level of trust that respondents indicated they have for the LC1s explains why people will go to them more often to have cases handled, whether or not that case is within the LC1s jurisdiction. In general, the types of cases people went to the LC1 for involved petty theft, land disputes, and family and neighborly disputes.

Petty theft is the type of case most often handled by the LC1. These cases included the theft of personal items from one’s home, theft of livestock or agricultural products and small sums of money. (LC1 of Pece-Pawel Central) 158 respondents stated they would go to the

LC1 to handle cases of theft, 27 said they would go to the LC1 and if the LC1 could not handle the case they would go to the police, while 40 said they would go directly to the police. Most often the LC1 handles cases of petty theft through his own investigation, although the term investigation should be interpreted loosely. If the person who had property stolen did not catch the theft himself, or herself, then they were unlikely to recover their stolen property.

But there are cases where the LC1, or a member of his committee, actually follows a case further. "I went to LC1 when someone stole my turkey. He sent his committee to look for it. They recovered and brought back to me. He (the thief) brought back the turkey and asked for forgiveness. He was forgiven but warned by the LC never to repeat again" (Male, 42 Gulu Municipality Layibi Divisions). Simple mediation between parties is the method by which the LC1s generally are taught to handle any disputes within their jurisdiction (Interview with NGO workers). That people are punished in the eyes of the community and not sentenced to time in jail is the reason respondents gave for preferring the LC1 to the police. Respondents expressed a great deal of concern in wanting to avoid creating hard feelings or feelings of hatred among members of the community by taking a case to the police.

LC1s also handle family and neighborly disputes through basic mediation sometimes involving other traditional mediators such as the *rwotkweris*, other neighbors or elderly people in the area. However, the LC1s are not always called upon to handle such cases, as people will try to handle them personally and only call for outside help if it looks like the situation is escalating (Female, 35, Koro). Respondents also expressed some hesitation in calling the LC1 to handle cases of family and neighborly disputes for the same reason that they were hesitant to involve the police in matter a desire to avoid escalating conflicts.

Abuse of power by the lower local councilors (LC1s)

As stated in previous sections the LC1s and the local council courts are supposed to hear civil case, not criminal cases. However, responses to questions regarding the types of cases handled by the LC1s indicated that the LC1s often overstepped their jurisdiction. In interviews people said they will go to LC1s not just for familial or neighborly disputes but also for case of murder and defilement. This is especially troubling in the case of defilement where going to the LC1 (or even trying to handle the matter from home) means that the rights of the girl could be neglected.

When the LC1s are called to handle cases of defilement they follow the same procedure of promoting mediation between the families. The thinking behind mediation in the case of defilement is that taking the case

direct to the police would likely mean jail for the defiler and if that is a young boy it could mean ruining his life. "I used to see them (cases of defilement) are being taken direct to police. But you as a parent, if you feel that it is not good to imprison and ruin the boy's future then you can compromise with the LC1 and they [the boy's parents] pay a fine" (Male, 53 Gulu Municipality Bar Dege Divisions).

Having the boy's parents pay a fine or having the boy and the girl get married is more beneficial to the parents and to the LC1 as it would involve a bride price for the girl and collection of a mediation fee by the LC1. In addition, it promotes reconciliation between the families. Conversely, actions such as these do not take into consideration the situation of the girl herself.

Financial considerations often seem to be the motivating factor behind the LC1 handling cases beyond their jurisdiction. If the police are called then either they are the ones who collect the bribe for handling the case or they simply handle the case and no one is paid. But if the LC1 handles the case he can charge a sitting fee, a fine or a fee for writing a letter to have the case forwarded should it need to go to the police or to the LC2 or LC3.

Respondents also mentioned that some LC1s have security forces, something not permitted in any of the acts that govern the operations of LC1s. What the LC1s are permitted to have is a Secretary for Security, or what some people referred to as a Secretary of Defense. The Secretary of Defense is one of the nine executives appointed to sit on the executive committee. However people also talked about the LC1s employing their own security forces that consist of youths, former UPDF or former Home Guards.

Lower local councilors (LC1) security

We have LC1 and LC1 security bodies that if anything is happening they will hurry, rush here to help us. It is a group of youths who are very sharp and very active (Male, 48 Opit).

LC1 securities are veterans from the UPDF who has the knowledge of arms and guns. Their work is to see that there is nothing which interferes with the community's peace and they have to report such cases to the security officials like UPDF or police (Male, 40 Lalogi).

We have a Secretary of Defense too. Even we also have youths because you cannot patrol night by ourselves, which is why we are together with the youths (LC1 of Pece-Pawel Central).

The functions performed by these security forces include arresting thieves, mobilizing people for community activities, punishing people for not being involved in community activities, and patrolling at night.

The presence of security forces working for the LC1 is

partly a holdover from when the LRA was operational in the area. "At times in the past, during the period when the situation was not good, the manpower of the UPDF was not even enough there was fighting with the LRA. So the government came up with the idea of creating the Home Guards. These Home Guards are like the youth and these youth are supposed to be recruited from a particular locality. Youth from Pece should be drawn up from various villages and these are the youth that are supposed to oversee the security of their home area, you see that is why they were called Home Guards" (Geoffery Otim, LC3 Gulu Municipality Pece Division).

Currently communities are allowed to come together and agree to hire youths to patrol areas if the community is having a problem with thieves or fighting such as described by the LC1 of Pece-Pawel Central in the box above. In that case he said that the youth security force was still actively patrolling, but in my interview with the LC3 of Pece Division he said that there were currently no community security groups under the control of any of the LC1s.

There is evidence to suggest that the LC1s have taken their role as security providers too far. LC1s employing their own security services were not a wide spread phenomenon but were mentioned enough to suggest that a parallel system of security, besides that provided by the police, is developing in the area.

Corruption among the lower local councilors (LC1s)

Another reason why the LC1s garner more trust than the police is the manner in which they request payment is different than the manner in which the police request payment for their services. Accordingly, while some people identified having to pay the LC1s as corruption not everybody held this view. On the other hand, everybody who said that the police required money in some form or another did identify this as corruption. The difference between the two forms of payment is when the payment is given and the amount that is requested. Payment to the police is required up front and it is often a significant amount of money that supposedly goes towards fuel. On the other hand, money given to the LCs is paid after the case is handled, possibly indicating that money does not impact the decision of the LCs and that the money is paid as a fine by the party who lost the case (not necessarily corruption but viewed as such by respondents).

"The chances that corruption will distort and demolish the intentions and plans of post-conflict peace agreements or settlements are relatively high. Depending on the severity of the conflict, post-conflict settings are marked by governance environments that are worse than before the onset of conflict" (Bolongaita, 2005: 9).

In Northern Uganda one of the most pressing post-conflict issues are land disputes. There is a proscribed process laid out which parties to a land dispute are

supposed to follow. This involves all levels of local government at different stages. Conflicting parties are to begin with the informal justice mechanisms, the *rwots* (local traditional leaders), to offer advice and mediation. Should either of the parties not be satisfied with the decision they can appeal to higher levels, from the LC2 courts up through the District Land Board (Acholi Religious Leaders Peace Initiative).

But in the reality of the post-conflict environment this process is not always followed. Responses to who people went to for settling land disputes varied – 56% said they would go to the LC (ranging from LC1 to LC3), 22% to the *rwotkweri*, 15% to others (they would handle it themselves or involve elders/neighbors). As these responses indicate, most people do not follow the system laid out, where the first step is the traditional leaders. Instead most would first turn to the LC, likely due to the fact that people have been instructed that for every matter they first need to turn to the LC1. As in other cases this can lead to corrupt practices and people being taken advantage of. One respondent aptly summed up a recurrent problem with how land disputes are settled and the problem of having educated people that the LC1 is the first step: "Land crisis is because of people's attitude, it has changed from previous African attitude. People want to benefit from their own interest and don't care about others... At the community level it is honest but as it goes up corruption comes in and they only look at the way they can benefit from their decisions and this can lead to bribery" (Male, 40, Pece Division Gulu Municipality).

True, these comments about corruption and similar ones made by others are people's opinions. But perception of corruption among the population has just as much impact as to how people proceed. Actual and perceived corrupt practices among officials have the same impact of reducing trust among the community.

CONCLUSION

People's preference to consult the LC1s to solve problems and disputes may not just be rooted in the LC system itself but may partly be explained by the culture and tradition that has developed in the north. Within the Acholi sub-region there are traditional chiefs, the *Rwots*, who prior to the introduction of the LC system were the individuals that people went to for handling conflicts. These chiefs still operate but now they operate alongside the LCs. In addition, there has developed in the north a culture of suspicion, rooted in the fact that the LRA used to mix with the people in the villages and in the camps. The people were told to always be vigilant, looking out for people they did not know or who were not from the area. As a result the most highly valued characteristic of the LC1, that distinguishes him from the police and the reason why he garners the most trust is that he is *always*

with the people.

The way that decentralization has been manifested in Northern Uganda is to create an ad-hoc system of justice. The LC1s have become the gatekeepers on many fronts including the handling of cases and access to the police. The LCs, especially the LC1s, will involve themselves in handling cases that range from family and neighborly quarrels to defilement and murder cases. Their level of involvement also varies from area to area and LC1 to LC1. Some LC1s exercise more control over their area and are actively involved in arresting and punishing people while others play a less active role, primarily serving as witness or providing people with letters that allow them to go to the police with their case.

However, given the general degree of trust that people have towards their LCs, LC1s in particular, their ability to respond to problems and settle disputes, what civil society and the international community should focus on is proper training of the LC1s. This would include training in dispute resolution techniques as well as programs designed to educate the LC1s on the various laws and acts that govern their operation. The community indicated a general preference towards the mediation of any type of dispute (including incidences of defilement) by the LC1s as opposed to taking more punitive measures that would require going to the police. Such attitudes point towards a desire by the community to avoid any further conflict.

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