

Using livestock productivity index to assess future values of cattle rustled in Northern and Eastern Uganda

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ABSTRACT

The study explores the interactions among stability, democracy and human rights using the case of cattle rustling in northern and eastern Uganda. First, we argue that stability, democracy and human rights influence one another. Secondly, we argue that cattle rustling which occurred in Acholi, Lango, Teso, Sebei and Pallisa between 1986 and 1990 was a clear case of human rights abuse resulting from break down in democracy and subsequent political instability. Either the Karamojong, National Resistance Movement or both of them did the cattle rustling. The existing political instability and insecurity during cattle rustling period affected the two regions which in turn caused endless economic instability and abject poverty. The cattle rustling did not only deprive the victims of the nutritional resources from cattle, but also deprived them off the means of operating agricultural production. The rustling was an infringement on the rights of the affected people in terms of violation of right to life by the raiders who came to steal, kill and destroy people and property. The right to food and property was also violated during raiding and caused the greatly affected communities to rely on relief food. Among other things the study examines what government should have done to redress the violation of rights involving cattle rustling. Thus, by using livestock productivity index (LPI) and the number of cattle rustled the study examines how much government should have compensated victims in terms of the amount of cattle rustled.

Key words: Livestock productivity Index, Assessment, Future Value of Cattle Rustled, Democracy and Rights.

INTRODUCTION

Cattle rustling that occurred in eastern and northern Uganda from 1986 to 1990 caused loss of over one million herds of cattle from these two regions. Estimate given by Gersony (1997) implies that replacement of the plundered cattle from northern and Eastern Uganda might require not less than \$85 million. The rustling was a gross violation of human rights. Since rights, democracy and stability are interrelated we found it worthwhile to examine interactions among them in the context of cattle rustling in eastern and Northern Uganda. Instability arises from one or a combination of four distinct notions: stasis or factional conflict, corruption, the mutability of the laws, and changing global conditions. Sources of instability remain relevant because they express problem of instability in ways that are theoretically and practically useful for understanding the

role that democracy plays in addressing them. The premise that instability is inherent in democracies is a deeply flawed assumption. Democracy is a solution to instability and that the success of a democracy relies on its practical ability to address the ways stasis, corruption, mutable legislation, and global conditions emerge within a political society.

Democracy and human rights are clearly interdependent particularly when defined in the broader conceptualizations of democracy as substantive democracy, and human rights as civil, political, economic, social, and cultural rights. Different kinds of rights can be realized in democratic systems. Similarly, democracy can be sustained by promoting human rights. Theoretically, this relationship is evident. Interdependence of human rights and democracy could be examined through the existing political systems.

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Interdependence of stability, democracy and rights, implies that the human rights violation that happened during cattle rustling is an indication that to some extent the government of Uganda was undemocratic and the existing political system was unstable. In the context of Hohfeldian rights cattle rustling which occurred in Acholi, Lango, Teso, Sebei and Pallisa between 1986 and 1990 was a clear case of human rights abuse resulting from break down in democracy and subsequent political instability. The Hohfeldian terminology allows one to distinguish importantly different kinds of rights and so avoid needless confusion.

BACKGROUND

The Karamojong have been accused of rustling cattle in the Northern and Eastern Uganda in the 1980s. Karamojong is a term representing a group of people of Nilo-Hamatic ethnic origin living in north-east Uganda (Colonial Office Public Records Office London (CO), 1963). The Karamojong comprise of about 12 percent of the total Uganda's population (CO, 1952). The Karamojong raise cattle, camels, sheep and goats as well as cultivate millet and sorghum for subsistence. It has been claimed that although private armies armed with guns operated in 1910, their cattle raiding culture reached its climax after the Second World War. At the outbreak of the Second World War, Britain recruited a great deal from Karamojong ethnic community in recognition of its ethno-military culture and they served with distinction as soldiers for the Kings African Rifles conducted in Asia and Africa. Therefore, from 1940 onwards, the Karamojong pastoral communities reinforced their traditional raids with the skills gained during the colonial wars. Apart from providing troops for imperial policing duties, the Karamoja region remained economically deprived and having the lowest literacy and highest infant mortality compared to other regions in Uganda (Mburu, 2001).

When Uganda gained independence from Britain in 1961, the authorities of Uganda continued to exclude Karamoja from the social, economic and political changes that were taking place in the country. The Karamojong came to acquire more guns in the 1970s due to political instability existing in the country. The Karamojong acquired more guns in large quantities in the 1970s following the fall of Amin's government in Uganda by an alliance of Tanzanian

People's Defense Force and Ugandans in exile. Consequently, the Karamojong took unlimited quantities of small arms and ammunitions mainly from Moroto barracks that the fleeing Amin's soldiers had abandoned intact (Mburu, 2001).

Even if the Karamojong were indeed the ones who did the cattle rustling in northern and eastern Uganda in 1980s, the NRA government is to blame for it. That is because having liberated Uganda, the NRA military allowed the Karamojong to keep some firearms for self-defense against cattle thieves from Sudan and Kenya. Therefore, the Karamojong increased their stock of guns with more than 150,000 illegal guns. Besides, the Karamojong increased their arms through illegal purchases, barter and rustling (Human Rights Watch, 1999).

By early May 1986 in Northern and Eastern Uganda, particularly in Acholiland conflict began. That was when the former Uganda National Liberation Army soldiers who had been defeated by the National Resistance Army (NRA) regrouped in Southern Sudan and decided to fight NRA (Otunu-Ogenga, 2002). The newly formed Uganda People's Democratic Army (UPDA) comprised of mainly ex-UNLA soldiers attacked the NRA in Acholiland on 20th August 1986 (Acer, 2004). In June 1987, amnesty was offered to any rebel who could voluntarily give up fighting and surrender to NRA. In December 1987, between 1300 and 1800 rebels of UPDA surrendered (Behrend, 1999).

Besides, in May 1988 more than 10,000 rebels surrendered in Gulu and Kitgum, leading to signing of a peace agreement between UPDA and NRA on 3rd June 1988 (Lamwaka, 1998).

As early as March 1987, the NRA forced a large portion of the Acholi population to abandon their farms and homes and take refuge in camps or Gulu town. The NRA has also been accused of looting livestock, burning houses, supplies and agricultural fields (Odoi-Tanga, 2009). Although government argues that the cattle rustling was carried out by the Karamojong, local informants believe that the NRA was responsible. They think that NRA soldiers often disguised themselves as Karamojong cattle raiders. However, according to Behrend (1999) there is still confusion regarding the identity of cattle thieves. During the 1986 and 1988 period cattle rustling also happened in Lango located in Northern Uganda and Teso located in Eastern Uganda. Consequently, by 1988 over one million herds of cattle had been rustled from northern and eastern Uganda. To those who lost their livestock during the cattle rustling, cattle were

their main source of capital. It was out of cattle wealth that families in the eastern and northern Uganda could derive milk; get money to pay dowry, school fees and meet medical bill; or get bull-locks and oxen to plough their gardens (Odoi-Tanga, 2009:p.312-354).

EVIDENCE OF CATTLE RUSTLING IN NORTHERN AND EASTERN UGANDA

Although cattle rustling occurred in eastern and northern Uganda, records on the statistics of cattle, goats and sheep raided are hard to find to be sure over one million herds of cattle were raided from the two regions between 1996 to 1990 (include the reference for this assumption). Estimate given by Gersony (1997) implies that replacement of the plundered cattle from the two regions might require not less than \$85 million.

However, records of number of cattle raided from Acholi sub-region are readily available. Up to the time of cattle rustling, cattle had long been one of the main sources of wealth in Acholi. By 1985, nearly 300,000 cattle had been raided including numerous goats, and sheep. Livestock was also one of the sources of long-term savings. Cattle wealth was used in financing treatment of the sick, education and marriage dowry (Gersony, 1997).

According to Gersony (1997), in 1986 and much of 1987, farmers provided livestock to the UPDA, sometimes against promissory notes payable after the victory they expected. The UPDA used most of these livestock for food, but some might have been traded in Sudan for arms and ammunition, which were in short supply. The NRA confiscated cattle as needed to support its operations. Fear preempted, some Acholi liquidated parts of their herds before such confiscations could happen. Karamojong cattle raiders continued to raid livestock from Kitgum, as they had done throughout history. However, from around August 1987, during the Alice Lakwena period an event unique in Acholi history happened. A large group of Karamojong cattle raiders swept through Kitgum and eastern Gulu and removed almost all the livestock in the two regions. Those who resisted the rustlers were brutally attacked.

Furthermore, Gersony (1997) reports that in areas where both Karamojong and NRA soldiers were present, some farmers reported that the latter colluded in these activities, whereas generally Karamojong raiders were

seen operating on their own. It is believed that in western Gulu, at about the same time, a similar large-scale removal of livestock was conducted by NRA forces. Data provided by veterinary officers indicates that the cattle population of Gulu and Kitgum in 1985 was about 285,000. By 1997, the cattle raids depleted almost all the herd.

In 1997, ten years after the raids, the combined herd for both districts was estimated at 5,000 herd, less than 2% the earlier number. Goats, sheep and other livestock similarly were affected. More importantly, Gersony (1997) estimates the replacement cost of the plundered cattle herd alone at close to US\$25 million.

To put this loss in perspective by 1997, the Gulu branch of the Cooperative Bank which was serving principally the rural clientele and was one of only two banks in Gulu, observed that in times of insecurity, savings deposits tended to increase. Yet, on average for the years 1991 through 1996, it estimated its total deposits at about US\$1.5 million. In an instant, the Acholi farmers were deprived of the milk their cows provided; the additional acreage and higher yields which their oxen permitted them; their fallback form marriage dowries and education; and the savings which carried them through drought, hard times, sickness and old age retirement.

The self-respect attached to cattle ownership and the cultural functions upon which exchange of cattle had relied were disrupted. It also deprived them of livestock upon which they relied for cash and food. Probably, some of the factors that could have motivated the Acholi to launch or continue the armed anti-NRA struggle were: pride, military humiliation, sense of betrayal and alien rule, loss of government power and its economic impact. Those factors were compounded by the loss of their livestock and the defeat of the Lakwena forces at the end of 1987. Six months later, the UPDA signed a peace agreement with the NRA. However, not all the rebel forces abandoned the armed struggle perhaps because of bitterness over the cattle raids (Gersony, 1997).

Police Tracking Force in the past had restricted Karamojong raiders to sporadic incidents along the eastern Kitgum border. Its disappearance contributed to the lawless environment in which these raids occurred. The Acholi people wanted disarmament of their active insurgents. There was no reported confrontation in Acholi between the cattle raiders and the police, military or other Government authorities. That led the

local population to believe that they were tolerating the plundering, which later occurred in the same magnitude in other districts. Of course 33 Authoritative government sources acknowledged some of the NRA raids in western Gulu, which they attribute to corrupt elements in the military at that time. Efforts at restitution by the government were made for a fraction of these thefts. Government sources also accepted that the Karamojong raids were carried out with little armed Government opposition. However, the reason they gave was that in 1987 the NRA's armed forces were relatively small and not yet consolidated.

Consequently, the Acholi were forced to confront both the UPDA and Lakwena forces at the same time. This allowed the NRA few resources to spare to combat the cattle raiders and made them hesitant to risk opening another major armed front against Karamoja. Truly there was widespread belief in Acholi that the Government instigated or at least approved the raids. That could have been the source of irrecconcilable and continued bitterness against the present administration (Gersony, 1997).

In 1983 cattle population in Lira District was estimated at 185,210 and that of Gulu District was estimated at 126,375. In Kitgum the cattle population fell from 156,667 in 1986 to 7,609 in 2002. In Gulu cattle population fell from 223,524 in 1986 to 12,179 in 2002 (Uganda Bureau of Statistics, 2002).

Yet in the entire country, the cattle population rose from 3 million in 1986 to (5,749,412) six million in 2002 (Uganda Bureau of Statistics, 2002; Nampinto, Phillipps and Plumpre, 2005; Van Aker, 2004; Veterinary Departments of Gulu and Lira, 2004).

The NRM victory led to deterioration of security solution in Teso and cattle rustling became a major activity in the region. The NRM decided to disband local militias that had been in existence during Obote II regime for defending Teso against cattle rustling from neighboring Karamoja. As a result a series of raids in 1986–1987 depleted the cattle stocks in Teso. The loss was estimated at 500,000 (or 93%) of cattle that had been available as a major asset of the Iteso people (Buckley-Zistel, 2008).

Due to lack of livestock data on Apac, the cattle and human population for Lira District is used to compute the cattle population of Apac based on the ratio of their human population and the fact that the Apac and Lira are sister districts with similar cultural background

(see details computations in Table 1 and Table 2).

In Table 1, G is the rate at which the LPI is increasing. It is the g that was used in computing and extrapolating the cattle statistics up to 2011 as in Table 2. Therefore, the total cattle population for the five districts was estimated at 3,144,887. The computation was based on the existing buying exchange rate figure of US\$.1 to UGShs.2,498. The average weight of each herd of cattle was valued at 200 Kilograms and the price of meat was valued at US\$.3.6 per Kilogram (i.e. price of meat at Gulu Municipality on 30/12/2013).

Therefore, to redress the losses met by all those who lost cattle in the five districts may require total compensation amounting to at least US\$2.27 billion.

This may exclude all the other benefits missed that they should have been compensated for by Government of Uganda that should have given them maximum protection from the dangers of cattle rustling. The figure of total compensation required is by far extremely conservative (i.e. less than the actual) because all the realistic figures used in the computations are on the lower side.

Gersony (1997) made an ingenious contribution towards the value of compensation by providing a means of estimating the implied replacement cost of the plundered cattle herd altogether to be close to US\$85 million. But we hereby reject Gersony's (1997) implied estimate because it is far below the realistic value of compensation worth US\$838 million that should have been given to the cattle losers. That is because extremely conservative estimate of the total number of cattle rustled from Northern and Eastern Uganda by 1986 equals at least 1,163,364. In the case of Gulu and Kitgum, the minimum compensation could be US\$234 million for the 337,377 estimated herd of cattle they lost by 1996, not US\$25 million that Gersony (1997) computed. Similarly, the estimates are based on the fact that each herd of cattle could have yielded 200 Kilograms of meat, and that the price of meat at Gulu Municipality by 30/12/2013) was valued at US\$.3.6 per Kilogram.

Recall, the total amount of herds of cattle rustled in Northern and Eastern Uganda by 1996 is estimated at 1,163,364 and it equals estimates that may be derived from graph provided by (DIIS) Danish Institute For International Studies (2012). The equality between the computed amount of rustled cattle made by DIIS (2012) and the other computed in this study may imply

that the computations in the paper are reliable.

DISCUSSION ON EVIDENCE OF CATTLE RUSTLING BASED ON RIGHTS AND THEORY OF RIGHTS

According to this paper the replacement cost is by far much higher than the value Gersony (1997) estimated. Using extremely conservative calculations (i.e. making estimates on the lower side), the northern and eastern districts that lost cattle due to rustling have the right to claim for compensation amounting to at least US\$2.27 billion, excluding other benefits that they could have derived from the animals. The final computation is based on projection made by using the livestock productivity index (LPI) to arrive at herds of cattle figure of 3,144,887 that could have been available by 2011 had maximum peace prevailed.

In the context of Hohfeldian rights cattle rustling which occurred in Acholi, Lango, Teso, Sebei and Pallisa between 1986 and 1990 was a clear case of human rights abuse resulting from break down in democracy and subsequent political instability. In typical legal systems, the owners of cattle had a claim against others that they had not to rustle them and others had a duty to the owner not to rustle the cattle.

Our claims and duties, like all Hohfeldian relations, have three parts: two agents and a content. Before cattle rustling, the cattle owners had a claim with respect to the cattle raiders that they had not to rustle their cattle. The owners and rustlers were the agents whereas "no raiding cattle from their owners" was the content. If the rustlers had liberty to own cattle available before raid, that could have implied the following: one, the raiders had no duty with respect to others to own the available cattle; two, they had a duty with respect to others not to own the cattle; and three they had claims with respect to others that they refrain from preventing them from owning the cattle herd in question. But if the phrase is understood in the Hohfeldian sense, it implies only two.

In the Hohfeldian terminology, one is a set of liberties distinct from two and three set of claims. In typical legal systems, the cattle owners (if they wanted) had the power to change the cattle rustlers' duty to refrain from raiding their cattle into a liberty to take away their cattle.

If the raiders were allowed by the owners to willing take away the cattle then the raiders no longer had a duty to refrain from raiding cattle. Correlative to owner's power is raider's

liability. Raiders had a liability to have their duty to refrain from rustling changed into a liberty to rustle. During the cattle rustling, the cattle owners were in a helpless situation. That caused their immunity to occur because they could not change some Hohfeldian relation. The situation was as if the cattle owners allowed raiders who were strangers take them away, forcing them to have immunity to the rustlers and to see them take away their cattle. Cattle rustling was illegal i.e. had no legal effect. The correlative of that immunity was a disability.

Another way to say that cattle owners had an immunity to cattle rustlers giving themselves a liberty to raid is to say that the raiders had a disability to give themselves a liberty (i.e. no claim) to rustle. The Hohfeldian vocabulary allows one to distinguish claim-rights, immunity-rights, liberty-rights and power-rights (Wellman, 1985). The right that government compensates people who lost their animals to raiders is a claim-right. The rustlers have a no-claim to the money and government has a duty to compensate all those people who lost their cattle to raid. The victims of rustling have right to free speech about their compensation and it is an immunity-right.

They are at liberty to say cattle rustling made them poorer than before and they have immunity to having the government to extinguish this liberty. There is nothing that the government could do that would cause the losers of cattle to say, cattle rustling has brought them abject poverty.

The right to press for more compensation for cattle they lost during cattle rustling is a liberty-right (Hart, 1982). Those who lost cattle have the liberty to seek for compensation, a claim against interference with seeking for compensation. Government has a power-right to change cattle loser's duty to compensation for the cattle lost into a liberty to be compensated for the lost animals. Owners of cattle had active right to drive their cattle.

Passive rights are rights that another person do or not do something. Passive rights are subdivided into positive and negative rights. The cattle losers have a positive right that government gives them their compensation. The cattle losers' right that government does not compensate them for the cattle they lost is a negative right. We have seen that choice theories have a central problem that there seem to be rights which do not protect the right-holder's choices. Suppose that army officers were ordered by their commander to rustle cattle. The officer clearly

had a right to raid as directed. But they had no choice because they had a duty to perform the rustling. The rights of beings which cannot choose (e.g. being Acholi, Itesot or Lango) pose another problem for choice theories. If rights necessarily protect an individual's choices then individuals who cannot choose cannot have rights. For that matter several scholars have offered alternatives to the choice and interest theories.

Why would some disagree with Wellman's claim that there are three parties to every right? Consider those who lost cattle during the raid and government of Uganda.

They lost all the cattle they had. On Wellman's view, it is not possible for those who lost cattle to prevent raiders from rustling their cattle. On an interest theory, cattle owners still had the interest not to be raided. Wellman's theory has the counter-intuitive implication that those who violate the criminal law do not violate the legal rights of their victims. His view has this implication because it is like the state which has the power to file a charge of cattle rustling (Dworkin, 1984). Even under Benthamian right cattle rustling is wrong since it was immoral.

Suppose that the soldiers starved for a long time, had no food and they rustled some cattle to eat to survive, to avoid death. It seems that their right to life was in conflict with the cattle owner's property rights.

To Feinberg it would be permissible for them to transgress on the cattle owner's property rights (Feinberg, 1980). Here the rustler's rights would be referred to an external right whereas the rights of the cattle owner's would be taken as an internal right.

On the prima facie view, cattle owners had a prima facie right that their cattle not be taken by soldiers. At the same time soldiers who might have raided had a prima facie right to take away cattle from their owners for food. Thomson prima facie view favors government in that the conflict between these rights is resolved by asserting that the soldiers' right outweighs the cattle owner's right. To Thomson, during cattle rustling the cattle owners did not have a right that their cattle be raided. No rights transgression actually occurs because it merely seemed that you were transgressing on the cattle owner's rights. Thomson example is difficult because it is not clear how any limit on owner's would not also affect rustlers' rights.

The paper argues that both the rights

based theory and utility theory can provide plausible account of rights. For example once the right of a community has been found to be violated and it is at a loss, the community has to be compensated accordingly. The two analyses are proper to account for the rights and loss victims might have encountered. The right based theory helps to confirm that a right has been violated, whereas the utilitarianism enables us to assess the magnitude of the problem. If a community or groups are said to have rights, then their loss can be calculated individually and aggregated to have the victims compensated as one unit. The paper does not support the eliminative individualist notion who thinks that there are no group rights and that all claims of group rights are false. A non-eliminative individualist thinks that there are group rights, that some claims of group rights are true and that all group rights can be analyzed as sets of individual rights (Rainbolt, 2006).

CONCLUSION AND RECOMMENDATIONS

Stability, democracy and human rights are distinct, but interrelated concepts. Examining the relations among the three terms leads us to conclude that cattle rustling which occurred in Acholi, Lango, Teso, Sebei and Pallisa between 1986 and 1990 was a clear case of human rights abuse resulting from break down in democracy and subsequent political instability. The right based theory helped us to confirm that the rights of those who lost cattle to the cattle raiders were violated, whereas the utilitarianism enabled us to assess the magnitude of the problem. Utilitarianism would enable us determine the extent of the case as a first step towards finding the right way of compensating those who lost cattle during rustling. It would therefore be prudent enough for those who lost cattle during rustling to be compensated with at least US\$2.27 billion as at 2011 for the cattle they lost.

As at 2014 the amount of compensation could be far greater than US\$2.27 billion. The figure of the benefits missed from milk output could also be enormous and it needs to be critically researched upon, reported and published. The reason for such ventures could be for the future government of Uganda responsible for oil extraction to compensate the cattle losers as far as possible.

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Table 1. Estimating the 1983 cattle population in Apac District by that of Lira District

LIRA	Human Population	APAC	Human Population	Old Districts	Cattle Population
Alebtong	163, 047	Apac	249, 656	APAC	170, 906
Amolatar	96, 189	Kole	165, 922		
Dokolo	129, 385	Oyam	268, 415		
Lira	290, 601			LIRA	185, 210
Otuke	62, 018				
TOTAL	741, 240	TOTAL	683, 993	RATIO	0.922769

Source of Data: Districts of Uganda by 2002 Census in The Wikipedia, The Free Encyclopedia.

Table 2. Assessing Future Cattle Population Using Livestock Productivity Index (LPI)

YEAR	LPI	G	GULU	LIRA	TESO	KITGUM	APAC
1983	46.8			185210			170906
1984	48.1	0.028748		190534			175819
1985	49.5	0.029106	233524	196080		156667	180937
1986	42.8	-0.135354	201916	169540	500000	135462	156446
1987	42.1	-0.016355	198613	166767	491822	133246	153888
1988	44.8	0.064133	211351	177462	523364	141792	163757
1989	50.6	0.129464	238713	200438	591121	160148	184957
1990	57.8	0.142292	272681	228958	675234	182936	211275
1991	60.1	0.039792	283531	238069	702103	190216	219683
1992	61.4	0.021631	289664	243219	717290	194330	224435
1993	64.1	0.043974	302402	253914	748832	202876	234304
1994	62.1	-0.031201	292966	245991	725467	196546	226993
1995	63.6	0.024155	300043	251933	742991	201293	232476
1996	64.7	0.017296	305232	256291	755841	204775	236497
1997	65.7	0.015456	309950	260252	767523	207940	240152
1998	68.2	0.038052	321744	270155	796729	215852	249290
1999	70.4	0.032258	332123	278870	822430	222815	257332
2000	72.4	0.028409	341558	286792	845794	229145	264643
2001	75.8	0.046961	357598	300260	885514	239906	277071
2002	84	0.108179	396283	332742	981308	265859	307044
2003	94.6	0.126190	446290	374731	1105140	299408	345790
2004	97.9	0.034884	461859	387803	1143692	309853	357852
2005	100.8	0.029622	475540	399291	1177570	319031	368453
2006	101.3	0.004960	477899	401271	1183411	320613	370280
2007	105.3	0.039487	496769	417116	1230140	333273	384902
2008	107.6	0.021842	507620	426227	1257009	340553	393309
2009	111.7	0.038104	526962	442468	1304907	353529	408295
2010	114.5	0.025067	540172	453559	1337617	362391	418530
2011	115.7	0.010480	545833	458313	1351636	366189	422917

Sources: World Bank Data (1984-2011) for LPI, Uganda Bureau of Statistics (UBOS), Lira and Gulu District Veterinary Offices, Van Acker (2004), Various Issues.