

**COMMUNAL CONFLICTS AND PEACEFUL EXTRA JUDICIAL SETTLEMENTS AMONG
REFUGEES**

**Case Study: of Refugees in Nakivale Refugee Settlement,
Isingiro District**

**A Dissertation Submitted to the Department of Development
Studies in Partial Fulfilment of the Requirements for
The Award of Degree of Bachelor of Arts in Ethics
And Development Studies Of Uganda Martyrs
University**

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2013-B031-10021

OCTOBER 2016

DEDICATION

To all those who have trusted, appreciated and respected my abilities, especially, my research supervisor, Mr. Akpar Rene Nkongho; my father Mr. Warugaba Conny; mother Mrs. Warugaba Evasie; My sisters, Arinda Charlotte Warugaba, Warugaba Jacqueline, Warugaba Carol and my brothers, Warugaba Arnold and Kiiza Isaac Warugaba (RIP).

ACKNOWLEDGEMENT

I praise the Almighty God who enabled me to be where I am. I appreciate the gift of life, and in this; the crucial roles of my parents, Mr. Warugaba Conny and Mrs. Warugaba Evasie, who provided all that I needed since childhood; my dear sisters and brothers, who played a great role in my studies as mentors, as well as all family and relatives who provided me with emotional, social, psychological and any form of support during my studies.

My utmost gratitude goes to my supervisor, Mr. Akpar Rene Nkongho, for his guidance, corrections and patience that has led to the successful submission of this project.

Many thanks to my lecturers for the knowledge and new skills I have acquired through lectures.

MAY GOD ALMIGHTY BLESS YOU ALL!

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ABSTRACT

This study aimed at studying Communal conflicts and peaceful extra judicial settlements among refugees using a case study of Nakivale Refugee Settlement, Isingiro District. A descriptive research method called a case study research design was used for this study.

The study had a sample size of 50 respondents and these included Refugee NGO workers, Refugee community representatives and members of the general refugee community among others. The respondents were given different sets of questionnaires and interview guide questions. The two sets of questionnaires and interview guide questions administered to the refugee respondents and the officials were then used to collect raw data that has formed the basis of this research report. A slightly mixed data collection methodology that included a limited aspect of qualitative research were used, in that; some in-depth interviews were conducted with the refugee NGO workers as well as the refugees, ostensibly used to corroborate information got from the questionnaires. Documentary sources of data were also very crucial in corroborating information from both the in-depth interviews as well as the questionnaires. The study is divided into chapters, with chapter four; presenting findings and analyses and chapter five; drawing conclusions and recommendation.

In the first objective, the study concluded that electoral conflicts, structural, interest and interest conflicts were some of the forms of communal conflicts among others. In the second objective of the study, it was concluded that the common factors for the rise in communal conflicts among refugees living in refugee settlements in Uganda were among others; weak law and order, economic crisis, disputes over land, population explosion and ethnicity. In the third objective, It was concluded that; mediation, reconciliation, adoption of use of arbitration method and rehabilitation among others were the most important ways through which non legal settlements can be used in the study area.

It was recommended that; all concerned parties must ensure the availability of the necessary finance to design a national extra judicial settlements policy and implement it and encourage all communal conflict-affected communities to engage in reconciliation dialogue.

CHAPER ONE

INTRODUCTION

1.0 Introduction

Uganda is home to forced migrants resulting from international conflicts with an estimation of over 500,000 refugees. Uganda hosts refugees and forced migrants from Malawi, Kuwait, Pakistan, Iran, Iraq, Palestine, Bangladesh, USA, Canada, and Greece most of whose flight is politically motivated (Bagenda, Naggaga and Smith, 2003). One of the most known refugee settlements in Uganda is the Nakivale Refugee Settlement in Isingiro District in Western Uganda (African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, 2009).

The refugee settlement is multi-communal in the sense that sub communities tend to sprout basing on where the refugees originate. On that very basis, communal competitions for limited space and resources tend to flare-up and incidences of violence among different communal groups. Against the multiple legal and social backgrounds the refugees' adherence to Uganda's legal framework is limited and complex. Uganda police's presence and national judicial establishments are limited in the settlement. Given the fact that settlements tend to be more permanent than temporary in this context, contextual extra judicial settlements seem to be the major source of peace among these refugees.

The purpose of this research study is to assess communal conflicts and extra judicial settlements among refugees of Nakivale refugee settlement. This chapter is made up of the Background of the study, Statement of the problem, Objectives, Research questions, Scope of the study, Significance of the

study, Justification of the study, the Conceptual frame work as well as the definition of key words.

1.1 Background to the Problem

Since the mid-1950s, the majority of violent conflicts have been intra-state, relatively small in scale and located in developing countries (Gleditsch *et al.*, 2008). Conflict is one of the most widespread and tangible source and consequence of forced displacement. Yet judicial mechanisms in host countries that should deal with communal conflicts among refugees lag far behind (Verma 2010). This deficit is nowhere more apparent than in the Great Lakes region of Africa, where Uganda, Sudan, Rwanda, Burundi, Kenya, and the Democratic Republic of the Congo (DRC) have all experienced massive levels of war-induced communal conflict (Refugee Law Project, 2010). While the region is now host to a high number of ongoing and proposed experiments with the tools of extra judicial settlements international and hybrid tribunals, truth and reconciliation commissions, Gacaca, special courts, and International Criminal Court (ICC) investigations, none have effectively and explicitly dealt with communal conflict and its mitigation (De Greiff, 2012).

Refugee movements are generally the result of conflict but can also be a cause of conflict. In January 2003, the number of people 'of concern' to the United Nations High Commissioner for Refugees stood at 20.6 million, or about 1 in 300 of the world's population (UNHCR, 2003). Incidents of forced migration are likely to present a continued and growing challenge, because the causes of population displacement appear unlikely to diminish in the foreseeable future. The number of armed conflicts too has risen since 1950, reaching a peak of 55 in 1992. The post-Cold War years have seen a reduced number of armed conflicts, but

even for 2003, there were 29 active armed conflicts (Eriksson & Wallensteen, 2004). The global human population is likely to increase by around two and a half billion people over the next 50 years (UNFPA, 2003).

More so, land conflicts between refugees and host population can be attributed to two main factors, that is, exceeding of field or residential boundaries (encroachment) and acquisition by nationals (sometimes in the form of land loans). Conflicts in the refugee hosting areas are partly attributed to lack of clear refugee settlement boundaries (Nuwagaba, 2002). There are no clear demarcations between refugees' and host population's land. As a result there has been increased encroachment on refugee land by nationals, a practice exacerbated by weak administration systems. For instance, some encroachers have even acquired land titles on gazetted land, since the procedure of acquiring a land title is very simple and open to abuse.

Communal conflict is not a homogenous term: inevitably, it takes multiple forms and incorporates an excess of different experiences along cultural, ethnic, religious, generational, political, and economic lines. For instance, not only are there significant legal distinctions between refugees and IDPs for example those in Nakivale Refugee Settlement, Isingiro District, but within these two categories there is massive inconsistency with regard to the experience of communal conflict. Communal conflict can be defined as violent conflict between non state groups that are organized along a shared communal identity (Johan and Emma, 2012). Communal conflicts, often cause high casualties and severe disruption of livelihoods and may in the worst case destabilize entire regions or escalate into civil war (Emma, 2013). Sometimes these communal conflicts have been caused by ethnicity within state borders. For example, the

karamojong of Uganda are fond of raiding cattle from the Teso people since the Teso people counted their wealth in cows.

Communal conflict entails varying degrees of disagreements and hostility between settled groups in which neither the state nor government is the target. Sometimes it occurs within the state for example conflicts over land in Nakivale can be perceived as 'livelihood clashes' between refugees and nationals, since land is a critical resource for supporting livelihoods (Verma, 2001). Hence it is important to understand the interplay of various factors that influence access to and utilization of land by both host communities and refugees. Communal conflicts also occur across state borders, the implementation of the laws, policies, and social programs perceived by some as biased, constraints on judicial independence, un-equal participation in governance, mistrust (Both vertical and horizontal), land issues, right of access to justice and the due process of law, arbitrary arrests and detentions, have been identified as stumbling blocks to reintegration of Refugees across borders.

Of specific interest to this paper is the extent to which the features of communal conflict are overcome or mitigated through extra judicial mechanisms or arrangements. It is argued, therefore, that extra judicial settlements mechanisms must be focused on if the causes and impact of communal conflict is to be eradicated in volatile set ups made of groups that are divided along language, historical and cultural origins and goals, especially in refugee settlements (Hovil, 2009).

The 1951 Refugee Convention deliberately excludes all mention of civil and political rights once a person has attained refugee status, although a person accorded refugee status thereby holds economic, social and cultural rights such as housing, education

and access to work. Conversely, though, the conferral of refugee status is confined to those individuals who suffer breaches of civil and political rights this study consider refugees to also include ethnic, economic and environmental legacies. The link between communal conflict and extra judicial settlements at present is crucial.

The field of extra judicial settlements has traditionally been heavily focused on institutions within national borders like the Nakivale Refugee Settlement, Isingiro District, which is this study's case study. Where there has been significant communal conflict of the population like in the Nakivale Refugee Settlement, Isingiro District, in theory, states should tailor their extra judicial settlements processes to reflect the needs of that population. UNHCR does take an interest in rule of law and extra judicial settlements issues but they are not part of its core mandate of refugee protection. One would expect that the UNHCR mandate would promote have a series of complex operational and political process of extra judicial mechanisms for upholding peace in communal conflicts (Refugees International, 2007).

According to Mulumba (2002), the Government allocates land to refugees for cultivation. As the refugees make use of it, and as they earn incomes from livelihood activities, and gradually scale back relief. Unlike many of its neighbors, which encamp refugees, the Ugandan government promotes the 'self-reliance' of refugees; this means that rather than limiting responses to refugees to humanitarian relief, a space is open for a development-based approach to refugee assistance (Betts 2012). Uganda is a signatory to all principal international legal instruments for refugee protection: the 1951 Refugee Convention, the 1976 Protocol and the 1969 OAU (Organization of African Unity) Convention. In 2006, Uganda adopted new refugee

legislation, the Refugees Act, which reflected the international standards of refugee protection established within these preceding international legal instruments. The Act recognizes the right of refugees to work, to move freely within the country and to live in the local community, rather than in settlements (Dathine 2013).

In line with the Act, the Ugandan government promotes refugee 'self-reliance'. Within each settlement, land is allocated to each refugee household in order to facilitate refugees' economic independence through agricultural livelihoods. With a less-stringent refugee policy than neighboring states, and its relative peace, Uganda represents an attractive destination for refugees - as of 2012, the country hosts approximately 200,000 refugees/asylum seekers from diverse nationalities. These refugees are spread across several settlements throughout the country, and within the capital.

According to BBC (2016), Uganda has been praised for having some of the world's most welcoming policies towards refugees. Nakivale refugee Settlement stretches for 184 square kilometers and covers rolling hills, fertile fields, a lake and many streams. It is a home to more than 100,000 people who have been granted refugee status. As the number of refugees continues to rise around the world, many countries are struggling to cope. The UN refugee agency, the UNHCR, has praised Uganda as having progressive and forward thinking policies for the more than half a million refugees in the country. One thing that makes Uganda unique is that refugees are taken in immediately and helped without a lot of questions or suspicions

The Nakivale refugee settlement was established and declared

refugee land in 1960, when the conflict in Rwanda became more intense and many Tutsis who needed to flee from the new Hutu regime crossed the border and settled down in the Nakivale area. Before the establishment of the settlement the area was owned and occupied by the Ankole kingdom. In order for the settlement to become official, the colonial government exchanged the land of Nakivale for another land area with the kingdom. Nakivale refugee settlement, located near the Tanzanian border in Isingiro District, Southern Uganda, currently hosts one of the largest number of refugees in the country with over 62,849 refugees. Whilst refugees from the Democratic Republic of Congo constitute the majority of the settlement's population, Nakivale also accommodates refugees and asylum seekers from diverse countries, such as Somalia, Rwanda and Burundi. Although the size of the settlement varies according to different sources, it is estimated at well beyond 100 square kilometers. This enormous area is geographically divided into three administrative zones that is Base camp, Juru and Rubondo. These three zones, in turn, contain a total of 74 individual villages (Naohiko, and Josiah, 2013).

The nationals living within the settlement are a minority and are scattered all around Nakivale. On the one hand, the government claims that before the establishment of the settlement there were very few nationals living in Nakivale due to fly infestations. On the other hand, many nationals claim to have been living on the land for generations. The Ugandan government accuses the nationals of living illegally inside the settlement. The OPM systematically tries to make the nationals move by placing the refugees on their land or giving their land plots for cultivation to refugees without substitution. The nationals strongly believe they are entitled to the land since

they originate from Uganda, unlike the refugees. However, the government does not take stronger actions against the nationals since this could harm their political agenda and generate greater opposition. Even before the establishment of the settlement, the fertile land and the lack of set boundary or division of land have contributed to an inflow of nationals (Al, 2012)

While refugees of the same nationality tend to concentrate in specific areas of Nakivale, there is evidence of dense economic interactions between refugee communities of different nationalities within the settlement. Nakivale is saturated with an active-in-kind and cash economy based on internal trade across its refugee population, and carried out via a network of trading centers and markets. Nakivale consists of three large zones that is Juru, Rubondo and Base Camp, each featuring markets and trading centers of their own (Alexander, et al 2014).

1.3 Statement of the Problem

The integration of refugees in many countries affected by war often takes place in fragile political, economic, social and legal contexts. Whether as refugees who have fled across a border or as internally displaced persons (IDPs) who have remained within the geographical borders of their state, communal conflict often represents a chronic failure on the part of the government to ensure the safety of its communities. The need to deal with the fallout from communal conflict, therefore, is critical to the future long term coexistence in pluralist societies or settlements. Also extrajudicial settlements promote contextual grounding and local ownership of peace among conflictual communities sharing geographical space and resources

in proximity, in the aftermath of communal conflict and to the rebuilding of the crucial bond of citizenship. Relevant to this process are the key goals of extra judicial settlements namely, to foster civic trust, and contribute to reconciliation and democratization of communities.

In such scenarios, the attention is often focused on the refugee population as they are obviously in a crisis situation. Nonetheless, people of host communities have similar difficult living conditions where the presence of refugee camps often makes their lives even more challenging (UNHCR 2011, p2). The host countries normally have interactions with refugees on how they can communally live together in the same environment regarding the way communal conflicts are settled. In Nakivale for example there are community committees that have been put in place whereby problems and issues of both nationals and refugees are discussed during meetings and concern security, poor living standards, poor health services and general issues such as theft and destruction. Issues such as crime, rape and serious theft however are not handled in any of the levels but brought straight to the police. Additionally, nationals also discuss how to develop further within the community, such as by improving and diversifying their livelihoods (Bagenda, Naggaga and Smith 2003). Therefore, if the host country does not properly understand and have knowledge of these relationships as a having great importance for ensuring a sustainable and peaceful coexistence between nationals and refugees, they will experience spillover effects of conflicts the refugees come with from their countries of origin. Therefore the researcher is prompted to investigate the Communal conflicts and extra judicial settlements among refugees of Nakivale refugee settlement Isingiro District.

1.4 Objectives of the Study

1.4.1 General Objective of the Study

This study aimed at establishing the communal conflicts and ways of peaceful extra judicial settlements among refugees of Nakivale Refugee Settlement, Isingiro District.

1.4.2 Specific Objectives

The study aimed at achieving the following specific objectives;

- 1) To find out the forms of communal conflicts in the Nakivale Refugee Settlement
- 2) To establish the factors causing the rise in communal conflicts in the Nakivale Refugee settlement
- 3) To explore how non legal peaceful solutions have been used to address communal conflicts in Nakivale Refugee Settlement

1.5 Research Questions

The study was to attempt to find answers to the following questions:

- 1) What are the forms of communal conflicts in the Nakivale Refugee Settlement?
- 2) What are the factors causing the rise in communal conflicts in the Nakivale Refugee Settlement?
- 3) How have the non legal peaceful solutions been used to address communal conflicts in Nakivale Refugee Settlement?

1.6 Scope of the Study

The scope of the study addressed three aspects in the course of the research; these involved the following; -

1.6.1 Conceptual Scope

The study focused on Communal conflicts and peaceful extra judicial settlements among refugees using the case study of Nakivale Refugee Settlement, Isingiro District. It specifically concentrated on the contributing factors of communal conflict in refugee societies, the communal challenges in refugee settlements in Uganda and the role of extra judicial settlements in settling communal conflicts.

1.6.2 Geographical Scope

The study was carried using across sectional survey of respondents in Nakivale Refugee Settlement, Isingiro District. Nakivale Refugee Settlement, Isingiro District is situated in southwest Uganda in Isingiro District near the borders of Tanzania and Rwanda. It currently shelters over 60,000 documented refugees covering an estimated area of 84km² and having of 48 villages connected through roads and paths. The remote area on the shores of Lake Nakivale has been hosting refugees for more than 40 years hence serving as the study's geographical scope. The camp is multicultural hosting refugees from Somalia, Rwanda, Burundi, Ethiopia, Eritrea, Kenya, Sudan and DR Congo who mostly practice cultivation as a livelihood.

1.6.3 Time Scope

The data sought by this study was from the last 15 years (2000-2015) because it was within this particular period that awareness on the actual importance of extra judicial settlements in refugee settlement and IDP camps in the country from the Uganda Law Society and refugee affiliated agencies both internationally and locally was spread. This is the same time that the Ministry of Justice's Annual Policy Review had heightened several challenges among the refugee settlements that needed

extra judicial settlements to address them. The research was carried out within a period of six months spanning two semesters.

1.7 The Significance of the Study

The findings of the study would be useful or important in many different ways and to many different persons or groups of people as observed below;

Refugee Community Workers

The findings of the study would help refugee workers and experts in establishing the role of extra judicial settlements in settling communal conflicts and therefore the best measures to combat the challenges facing refugee settlements as this researcher will give recommendations as to what needs to be done to better the situation of refugee settlements in Uganda. Consequently, the experts may act on the possible ways of mitigating the salient issues with more research into this area.

Policy Makers

The study would help policy makers in identifying the policy aspects of administering extra judicial settlements within refugee settlement in the country. Many policy makers in Uganda do not really understand what is on ground within these refuge caps yet they are expected to make policy recommendations and in so doing they take, some matters lightly and hence make poor policies that have no effect on the betterment of the situation. Hence, this study is to provide evidential literature that policy makers could use to better their judgment in designing relevant policies basing on this researcher's findings and hence recommendations.

Academicians

Academicians would benefit from this study, as they will in one point in time refer to the findings of this researcher and draw their own analyses. Therefore, the findings of the study acted as a future reference or secondary data for other researchers who used the aid of this study to fill the missing gaps in this research.

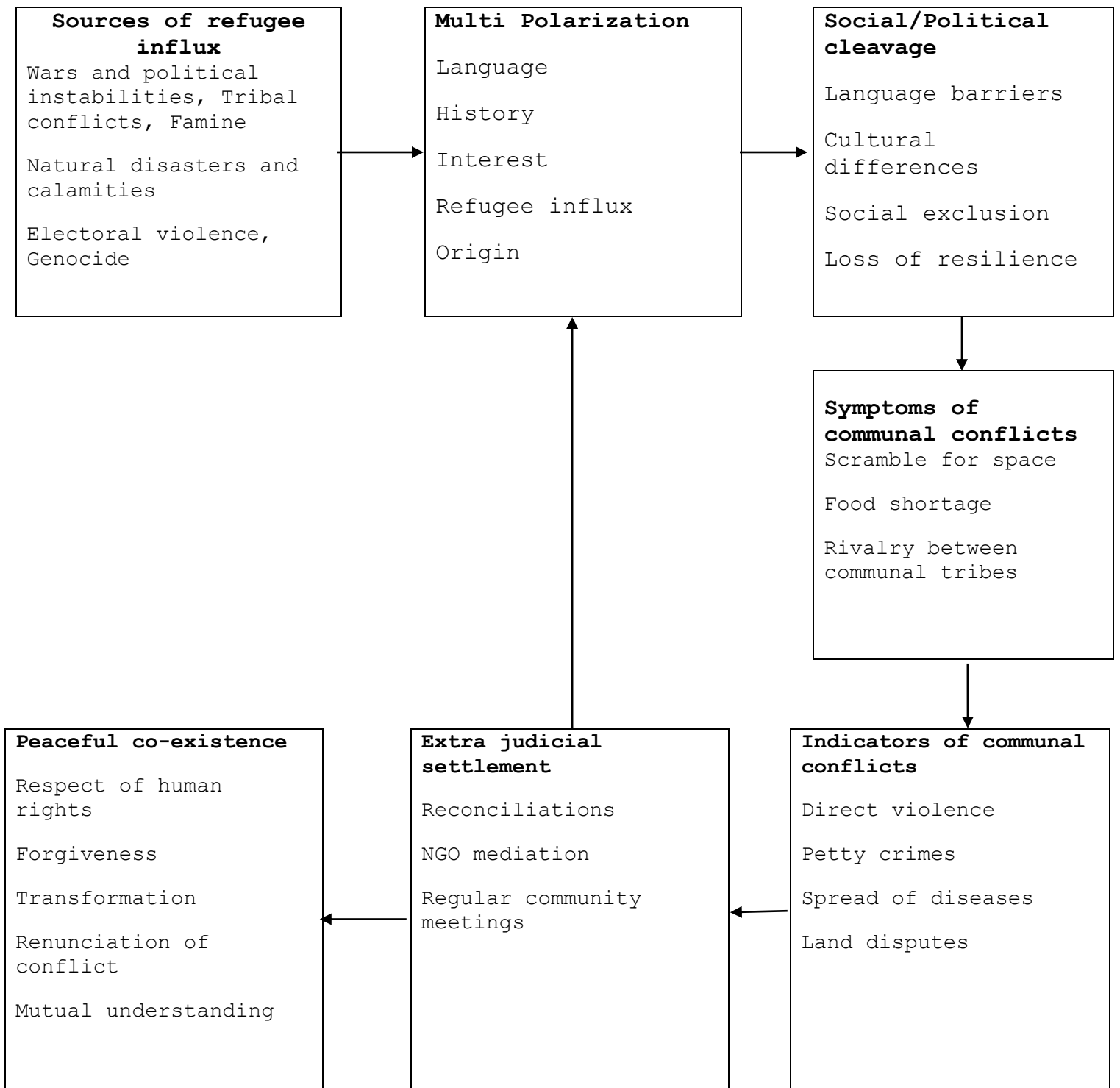
Refugees

Many refugees lack justice and have nowhere to turn in an effort to seek redress. This study is to act as a sensitization tool from which the refugees can be able to understand the impact of extra judicial settlements in their lives within the settlement areas. From this, they will be able to underscore the values of seeking justice from their own established justice systems within their camps to obtain equality and justice not to mention the observance of their human rights.

1.8 The Conceptual Framework

The relationship between communal conflicts and extra judicial settlement can be conceptualized at a fairly general level. Political wars, cultural conflicts, famine among others were identified as sources of refugee influx which lead to multi polarization in refugee settlements along lines of language, history, origin and interest. The result of this multi polarization then results into language barriers and cultural differences, leading to scramble for land, food insecurity and rivalry between communities. The symptoms identified then lead to indicators of communal crime that include direct violence and petty crimes which are curbed down using peaceful non legal approaches like reconciliation, NGO mediation and regular community meetings. If the extra judicial approaches do not lead

to peaceful co existence, then the cycle repeats itself and more communal conflict cases tend to sprout within the refugee settlement as presented below:



CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter presents the review of literature related to the Communal conflicts and extra judicial settlements among refugees. The review is based on the objectives of the study which are: to find out the forms of communal conflicts, to establish the factors causing the rise in communal conflicts and to explore how non legal peaceful solutions have been used to address communal conflicts

2.1 Forms of Communal Conflicts

Communal conflicts can take many different forms, and in order to understand the different dynamics of communal conflict, it is useful to analyze their underlying causes and the issue over which the conflict is fought. Different conflict issues may necessitate different types of interventions and conflict resolution strategies.

Land related conflicts are increasingly becoming a threat to rural economic activities such as agriculture in most sub-Saharan African Countries (Andre, 2013). The prevalence of these conflicts is escalating at a time when crop yields are stagnant or even declining for some countries in the region. It is therefore apparent that as governments grapple to enhance technology adoption and revamp the agriculture sectors performance to met the high and increasing demand for food, land tenure security becomes crucial in attaining this goal. However, Institutions governing Land, including the protection of property rights, conflict resolution mechanisms and enforcement of contracts are still weak in most African countries to curb

the conflict threat. Coupled with population pressure and hence, land scarcity, land conflicts have raised concerns over likely food insecurity and high poverty incidence in the affected areas. Also land conflicts affected portfolio choice of crops (fewer cash crops) and social capital. In addition, small scale land conflicts have a potential to turn into widespread civil wars, thereby threatening national security

A first set of communal conflicts takes place in connection with local or national elections. A core reason for this is that political allegiance in many countries follows ethnic lines and when one group's candidate loses, this group might seek revenge against the other group. This is often worsened by the patrimonial systems that characterize most countries where communal conflicts are common. Such systems include a strong patron-client relationship in which access to power becomes extremely important (Fjelde 2009). One of the most severe incidents of communal conflict in recent years followed the Kenyan 2007 presidential election. When the result that the sitting President Mwai Kibaki had won over his main opponent Raila Odinga was announced, large areas of Kenya exploded in communal conflicts between different ethnic groups as most people viewed it as a stolen election. That the election included many inaccuracies was also confirmed by the international community. The violence that followed was mostly described in apolitical terms and as 'ethnic hatreds'. However, closer investigation of the violence shows multiple and clear political connections. Behind the different militias were often local politicians who provided them with weapons and shelter and directed the violence.

Nadig, (2010), constituted that interested conflicts are a visible when two groups of people have a struggle over some

resources or any rare commodity it will be almost certain that a conflict will arise from that. Interest conflict comes as a result of this struggle and the result is such that the opponent's interests are sacrificed at the expense of the other group. To some degree Asukastalo can be said to have noticeable characteristics that can be compared to this type of conflict. Generally speaking this kind of conflict is frequent in position, physical resources and money.

Nadig, (2010), cited that another form of communal conflicts is structural Conflicts. These conflicts are unique in a way because the people involved in the actual conflict have no control over the causes. Land in Kenya for example is a very sensitive issue and this has been a major bone of contention in most parts of Africa. As the population keeps increasing, the land will be a scarce commodity hence people will compete for it. This model however does not fit because there are no forces external to the people in dispute. It is however worth mentioning that this kind of conflict requires structural kind of solutions. It is through concurrence of the concerned parties that an external force is in existence in the conflict that a solution may be found. Even then mediation has to come into existence to help the parties understand that it is beyond their control that they are in the conflict

Value conflicts another type of communal conflict. According to Macionis and Plumer, (2007), the definition of values can be summarized as the measures that one holds in discerning good or bad that varies across cultures. Of all the conflicts, one can argue that value conflicts are widespread in the contemporary society. One may define easily value as an attribute held so strongly due to cultural orientation, upbringing or external influence in one's lifetime. In as much as one grows up and

exposes oneself to various stimuli and phenomenon it is possible that one adjusts to it. However in situations that compromise the strong structures inherent (values) since development or childhood, it becomes uncommon that one may change to adhere to it (phenomenon). Furthermore, these values form the character and personality of the person in most cases. In addition, in the event that one is put under pressure or the values held are contrary to the other party's, then there arises conflict in ideology that compels one party to compel or disagree hence disputes. The writer goes ahead to denote that value differences are a difference in orientation of various issues like education, culture, frugality, merit, community and ethics, to mention but a few.

2.2 Factors causing the rise in Communal Conflicts in Refugee Settlements

Deininger, et al., (2011) constituted that, Communal conflicts have been attributed more to internal phenomena like dispute over ownership of land and population explosion, elite competition for economic and political resources, tussles over chieftaincy titles and use of derogatory words and terms to refer to a group. Nevertheless, intra-ethnic conflicts can be generated by externally-induced factors and policies emanating from outside the ethnic group. Deininger & Castagnini, (2011) make the point clearer when they argue that moves to solve inter-ethnic clashes through reservation of political offices on an ethnic basis can foster intra-ethnic conflicts. In other words, intra-ethnic conflicts can arise when sub-groups of an ethnic group compete for political and economic resources allocated to the ethnic group at national or regional levels.

The theoretical framework suggested that three mechanisms are important for the prevalence of violent communal conflicts (De Haan, 2009). The first mechanism proposed that government bias would make sanctions less proportional and thereby contribute to violent communal conflicts. This mechanism gains empirical support from the analysis of the three regions. The significance of this mechanism primarily stems from four different, but interrelated, dynamics. Lack of fair sanctions has contributed to violent communal conflicts by lowering the threshold for using violence among favored groups; decreasing the likelihood that disfavored communities will seek legislative solutions to the disputes they are involved in, upsetting local power balances, and disrupting traditional conflict management devices.

The studies on communal riots have established a clear nexus between various trivial causes and communal violence which cannot be denied. Besides the general and religious causes, some of the trivial causes responsible for communal violence and disturbance are summarized as; changing the route of processions, clashing of times of prayers of different communities, cow slaughter, desecration or destruction of places of worship, disputes over places of worship, dispute between property owners and tenants, distribution of objectionable pamphlets, disturbances in religious processions/functions among others

Economic competition obviously results in communal conflicts. It was an underlying cause of communal riots being frequently mentioned in some recent writing on the subject. The riots of Aligarh, Moradabad, Bihar Sharif, Udaipur, etc., are the example. , J.O. and Kolawole, (2011) explain that the riots in Moradabad, Khurja, Aligarh, Bhagalpur, Ahmedabad, Baroda and Surat were specially targeted because in these towns Muslim

craftsmen, artisans, foundry owners and weavers reap the reward of favorable economic climate and trading relations with oil rich Gulf countries

Ega, et al. (2012) indicated that often, communal conflicts exploit the economic backwardness of their community to mobilize it against other community. The economic crisis in our society leads not only to communal violence but also to atrocities over women, Scheduled Castes (SC) and members of weaker sections of society. The present inflation and worrying economic condition is also responsible for communal violence.

Business rivalries are also regarded as the cause behind the communal conflicts (Negedu, 2009). The society is so interdependent in its business activities that it is difficult to visualize a situation where give and take among various sections is non-existent. Entrepreneurs and artisans cannot flourish without each other's assistance. Any bitterness in their relationship would affect the whole industry adversely

Weak law and order is one of the causes of communal violence (Bessette, 2012). After partition, the most of communal violence took place because of the weak law and order. There was failure of the police and administrative officers' in gauging the intensity of the communal situation in advance. This very cause is attributed behind many serious communal riots

False and exaggerated rumors pave an easy way to communal violence. In almost all riots the role of rumors in rousing communal zeal is quite famous (Bessette, 2012). Rumor plays a mischievous role in fanning the flames in a surcharged atmosphere. It is always a key in the hands of communal elements to engineer communal violence. The most effective to incite the

mass is the rumor of the women or girl of one community being molested, raped or kidnapped by the members of another community among others.

2.3 How the non legal peaceful solutions been used to address communal conflicts

Mediation can be defined as the process of settling disputes or misunderstanding using a third party member who plays the key role (Fasona, 2010). This process entails a common understanding of the dispute at hand, a clear picture of the disagreement from both-sides-of-the-coin perspective such that the mediator is aware of each party's grievances separately. In principle, the success of mediation is nestled in the stronghold of a variety of virtues. The mediator in this case is expected to be of calm, reasonable, respectable, non-partisan and patient amongst much needed traits. To be able to be accorded the honor and audience to come in between and facilitate the reconciliation process one is regarded as esteemed and of reasonable mature ground in resolution. Fuller (2010) emphasizes further the need for perfect knowledge of the circumstances leading to the dispute, the parties involved and the ethical mode of performance by the mediator. In this case the mediator professionally handles both information kinds with discretion and confidence so as not to jeopardize any positive sign whatsoever of reconciliation.

Gefu, et al. (2011) cited that often the end achieved after the mediation process comes reconciliation. At this point the parties are in tandem. As argued earlier in the chapter, in the consensus model of conflicts, the sole-purpose is to bring the community together and if some people are not in good terms then it will be impossible to work as united community. There comes a point when the disputed parties come together during or after

mediation, to forge a common understanding and forge a common way forward. In this case these parties do not think independently but reason with the other (ex-disputed) to yield a solution on the way forward. In most cases this part of resolution is sweet and filled with emotion, empathy, sympathy and mixed feelings of distrust and confidence. Parties want to try and make their relationship better

Ajuwon, (2010) appraises the arbitration method for resolving communal conflicts, doping it the best especially in commercial disputes although it is expected that the parties involved rarely redeem the initial business relationship they enjoyed prior to the conflict. The academy asserts that Arbitration is fundamentally adverse and legal in context consequentially ending in a-winner-takes-it-all situations. According to the mediation and arbitration department of the world intellectual property right association, arbitration is characteristic of consent amongst the 2 parties, it is neutral procedure such that the arbiters aren't expected to take sides with any disputed party, the proceeding is carried out in a confidential manner and finally, the decision of the arbitration tribunal is final. It is important to note also that unlike mediation, which is a procedure that ends with both parties in consensus mode, most arbitration proceedings jeopardize the pre-existing relationships be it individual or commercial.

Rehabilitation also the process of making a new, of a person's way of living, perceptions for life changing purposes has been vital in mitigating communal conflicts; it is the activities that necessitate the turning point of an individual in need of intervention (Magel, 2008). It is a process of social, political and economic adjustment to, and underpinning of, conditions of relative peace in which the participants, especially those who

have been disempowered and immoderate by violence can begin to priorities future goals beyond immediate survival. Survivors not only need a stake in achieving these adjustment goals but need ultimate direction over the means to achieve them

Punishments have tended to depend on the circumstances and magnitude of the violation rather than the perpetrator's communal affiliation (Haralambos, 2010). Importantly, no community has enjoyed blanket impunity, and this has contributed to cooperation among the communities. Likewise, no group has been repeatedly punished in an unjust manner. This has enhanced cooperation because it is easier to uphold trusting relations when communities expect that violations will be punished in a relatively fair manner. In particular, the proportional sanctions have increased the propensity to seek legislative solutions to communal conflicts

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

This chapter focused on the research methods that were used during the study and they were categorized in the following sections, research design, area of study, survey population, sample size, sample selection technique, data collection instruments and data analysis and also the study limitations and how they could be overcome.

3.1 Research Design

In this study, a qualitative approach was employed and specifically, a case study research design was used. A selection of this design was made because it was very flexible to use especially with data collection. Also given the limited time and resources available, it was deemed appropriate to select a particular case to investigate that presented the vast majority of similar cases.

Burns and Grove (2003) define a research design as a blue print for conducting a study with maximum control over factors that may interfere with the validity of the findings.

3.2 Area of Study

The study was carried out in Nakivale Refugee Settlement, Isingiro District. Nakivale Refugee Settlement, Isingiro District is situated in southwest Uganda in Isingiro District near the borders of Tanzania and Rwanda. It currently shelters over 60,000 documented refugees covering an estimated area of 84km² and having of 48 villages connected through roads and paths.

3.3 Population of Study

The study aimed at attaining information from; Refugee community elders, Refugee NGO workers, Local Government officials, Refugee village representatives, Extra judicial settlements experts attached with different NGOs as well as members of the general refugee public making a total population of 50 key informants/respondents from whom data and findings was got. The respondents were selected using both systematic sampling methods and purposive sampling techniques. However, members of the general refugee public were selected randomly. The population of the study is characterized as multicultural hosting refugees from Somalia, Rwanda, Burundi, Ethiopia, Eritrea, Kenya, Sudan and DR Congo who mostly practice cultivation as a livelihood.

3.4 Sample selection and size

Kothari (2008) defines Sample size as the number of items to be selected from the universe to constitute a sample. Ideally one wants to study the entire population.

The sampling procedure for this study involved a systematic sampling method for the quantitative approach whereas a purposive sampling technique was used in the qualitative study. This offered a great chance of selecting the qualified respondents who had useful data for this study, that is, those who directly related to research objectives, who then formed the subgroup of key informants. Those people were then picked through face-to-face contact. In this study, the sample size constituted of 100 respondents who included 10 Refugee community elders, 5 Refugee NGO workers, 10 Local Government officials, 10 extra judicial settlements experts attached with different NGOs as well as 15 members of the general refugee public. Hence, the total population of the study consisted of 50. The respondents

were categorized in two groups namely, the key informants and respondents.

3.4.1 Table 3.5.1 showing the sample size

| Approaches | Sample size | Type of sample population | Data collection |
|-------------------|---------------------|---|------------------------------|
| Quantitative | Systematic sampling | 10 Refugee community elders, 5 Refugee NGO workers, 10 Local Government officials, 10 Extra judicial settlements experts attached with different NGOs 15 members of the general refugee public Total = 50 Respondents | Questionnaire administration |
| Qualitative | Purposive sampling | 10 groups of 10 discussants Total = 50 Discussants | Structured interviews |

3.5 Sources of Data

The source of information was both primary and secondary. Data on the research variables under investigation was obtained from the various sources depending on availability and ease of access.

3.5.1 Primary Data

Primary data was obtained from respondents who were selected to participate in the study and responses generated from structured and semi-structured questionnaires that were prepared by the researcher. The researcher conducted field research where

interviews and questionnaires were administered to the selected respondents to obtain information from the selected area. Hence, interviews and questionnaires constituted instruments for primary data collection.

3.5.2 Secondary Data

The whole process involved a critical examination of existing literature from textbooks on extra judicial settlements and refugees, search engines for journal articles and online data about extra judicial settlements and refugees, magazines and thesis reports to comprise the literature as the sources of secondary data for this study.

3.6 Data Collection Tools

A data collection method was the method and instrument that was employed by the researcher in order to aid and facilitate data collection. For primary data, the methods included;

3.6.1 Questionnaire Administration

This method involved the researcher using pre-set list of questions to draw responses or opinions from the respondents. Questionnaires were used as a tool for this study and these were normally categorized as self-administered questionnaires. This method was important for this research since some of the targeted respondents who had busy schedules like Refugee community elders and Refugee NGO workers were comfortable with it. This method was only limited to people who could read and write.

3.6.2 Interview Guide

This is one of the most recommended methods of data collection especially for social research. The method involved an interaction between the interviewer and the interviewee. The

interaction was either face to face or over the phone. For this research, in particular, this method was used on all planned respondents including; Refugee community elders, Refugee NGO workers, Local Government officials, and members of the general public. The interview guide or schedule was used as the tool for this method. The study involved interviews of 5 groups of 10 people.

3.6.3 Observation

This method involved the researcher studying the research subjects by critically examining them with her naked eye. The method was mainly applicable where the research subject(s) were overt. Observation as a method was very important to this research as it enabled the evidencing of the contributing factors of communal conflict in refugee societies, the communal challenges in refugee settlements in Uganda and the role of extra judicial settlements in settling communal conflicts. The observation guide or checklist was used as a tool here.

3.6.4 Document Reviewing

This was referred to as a secondary data collection method. It involved the researcher revisiting earlier records on the study subject(s) in a way of comparing notes with what has been written and recorded about extra judicial settlements and refugees or in relation to it. Such write-ups were in form of journals, newspapers, magazines, textbooks, diaries, reports, brochures, among other records. This method was more commendable on issues that were studied over time, that involved trends. These were also used in this study.

3.7 Quality Control Methods

Validity and reliability was secured by pre-testing the research instruments before setting out to the field to ascertain whether they actually provided answers to the research variables and questions.

Secondly, the researcher double-checked the instruments both in the field and out of the field in order to do away with omissions and errors.

Questionnaires were pre-tested at the university with the help of experts from the Institute of Ethics and Development Studies, most especially the researcher's supervisor.

Triangulation was carried out where data was collected using different methods and was compared to find consistent patterns which indicated that the research instruments were valid.

3.8 Data Analysis Techniques

3.8.1 Qualitative data analysis

To ensure coherence, comprehensiveness, legibility and completeness, editing was used in qualitative data analysis to eliminate any error and omissions, coding was done to create data categories for classifying the data to be analyzed. I.e. code categories, themes and classifications. All this was involved in the qualitative analysis of data. Data analysis was done by explaining and comparing of the extensive variations, quotation of data sources and discussion of research data so that the third party could easily comprehend it.

3.9 Ethical Considerations

The researcher sought consent from the respondents and observed confidentiality of research/information that was being collected.

The researcher made it clear to the respondents that the research was for academic purposes and the information got was not to be revealed to anybody else but be kept confidentially.

The researcher avoided deception in the process of research and was honest and trustworthy about the aims, goals and procedures of the study.

The researcher also ensured confidentiality prevails during the course of the research. Through this, the identity of the different respondents remained hidden as regards to their views in regards to the study topic.

The researcher also made sure that no harm was left on the respondents through creation of a scenario where they were left in pain for example asking personal questions that could have triggered emotional memories.

3.10 Limitations of the Study

In conducting the research the researcher was faced with a number of methodological challenges as highlighted below:

Securing appointments for data collection were hard because some respondents like Local Government officials, Extra judicial settlements experts and Refugee NGO workers were busy on their work duties which meant calling back; the researcher thus, looked for alternative respondents and also became more

aggressive in that regard.

Respondents were not willing to avail the researcher with the required information due to negative attitudes, suspiciousness and speculations. In this case, the researcher highlighted the importance of the study and also created awareness before setting out to the field.

Communication inefficiency as a result of language barrier was a major obstacle for most respondents to read and interpret the questions especially the Refugee community elders, Refugee village representatives and members of the general refugee public. Therefore, where necessary a research assistant who understood vanacvular was employed for this study.

CHAPTER FOUR

PRESENTATION, ANALYSIS AND DISCUSSION OF FINDINGS

4.0 Introduction

The role of this study was to assess the role of extra judicial settlements in settling communal conflicts using a case study of Nakivale Refugee Settlement, Isingiro District. The main objectives of the study were to find out the forms of communal conflict in the Nakivale Refugee Settlement, to establish the factors causing the rise in communal conflicts in the Nakivale Refugee Settlement and to explore how non legal peaceful solutions have been used to address conflicts in Nakivale Refugee Settlement.

Under this chapter, the findings of the study were presented, interpreted and discussed under major themes related to the research questions. The presentation of the data was laid out in this chapter and is by both qualitative analysis where explanations were given and quantitative analysis that provided a stronger basis for interpretation and discussions with the aid of tables and graphs.

4.1 General Findings

In general, there were 50 respondents targeted by the researcher. Of these 50 respondents, all responded positively by answering the questionnaires and accepting to be interviewed by the researcher. The number that responded represented 100% and those who did not respond represented 0% as represented in table 4.1 and figure 4.1 below.

Table 4.1: Showing the general response of respondents

| Response | Frequency | Percentage |
|-----------------|------------------|-------------------|
| Responded | 50 | 100% |
| Non Responded | 0 | 0% |
| Total | 50 | 100% |

Source: Primary Data

4.1.1 Demographic Analysis of the Respondents

During the course of this research, in the 50 of those who responded, 35 respondents were female representing 70% and the 15 of the respondents were male representing therefore 30% of the respondents. This is because Nakivale Refugee Settlement largely constitutes large numbers of females as compared to their male counter parts. The researcher also found out, through interviews with different organizations that displacements tend to affect women more than men due to the collapse in the social and protection systems. This also implied that there was gender imbalance as observed from the percentage of women involved compared to the percentage of men involved. This also assisted the study to obtain information from distinct sides thus acquiring unbiased data. This information is represented in the table 4.1 below.

Table 4.1: Showing the gender response

| Gender | Frequency | Percentage |
|---------------|------------------|-------------------|
| Male | 15 | 30% |
| Female | 35 | 70% |
| Total | 50 | 100 |

Source: Primary Data

4.1.2 Marital Status of Respondents

Respondents were further asked to disclose their marital status in an effort to determine the background factors that could aid the researcher in her study of Communal conflicts and peaceful extra judicial settlements among refugees in Nakivale Refugee Settlement, Isingiro District. Their responses were tabulated as seen below in table 4.2,

Table 4.2: Showing Marital Status of Respondents

| Marital Status | Frequency | Percentage |
|-----------------------|------------------|-------------------|
| Married | 15 | 30% |
| Single | 13 | 26% |
| Separated | 10 | 20% |
| Divorced | 12 | 24% |
| Total | 50 | 100 |

Source: Primary Data

From table 4.2 we can reveal that out of the 50 respondents that were interviewed by the researcher, 30% who were the majority were married, whereas 26% were still single. 20% were separated whereas another 24% were divorced from their marriages. This helped the researcher determine the influence of the respondents' backgrounds on the outcome of the study.

4.1.3 The Age Bracket of Respondents

Respondents were further asked to disclose their ages in an effort to gauge their responses from a world experience view in an effort of Communal conflicts and peaceful extra judicial settlements among refugees in Nakivale Refugee Settlement, Isingiro District. Their responses were tabulated as seen below in table 4.3,

Table 4.3: Showing the age bracket of respondents

| Age | Frequency | Percentage |
|--------------|------------------|-------------------|
| 18-30 | 10 | 20% |
| 31-40 | 25 | 50% |
| 41-50 | 10 | 20% |
| 51- above | 5 | 10% |
| Total | 50 | 100 |

Source: Primary Data

Table 4.1.3 shows that 20% of the respondents were between the ages of 18-30 years, 50% were aged between 31-40 years and these were the majority of the respondents, 20% were aged between 41-

50 and the rest of the respondents who made up another 10% were aged 51 and above. The researcher therefore found out that the majority of the respondents interviewed were aged between 18-30, 41-45 years and 31-40 years. This showed that respondents are distributed in different age groups and they all raised different views that were relevant to the study under investigation. This also assisted the researcher to acquire varying views from distinct age groups

4.1.4 The level of education of respondents

Respondents tasked to reveal their levels of education in order to be able to weigh their responses and opinions against their level of expertise or theoretical understanding of the issues being discussed about the role of extra judicial settlements in settling communal conflicts. Their responses were tabulated as seen below in table 4.1.4,

Table 4.4: Showing the Level of Education of Respondents

| Level of Education | Frequency (f) | Percentage (%) |
|---------------------------|----------------------|-----------------------|
| No Education at All | 3 | 6% |
| Primary Level | 20 | 40% |
| Secondary Level | 20 | 40% |
| Graduate Level | 5 | 10% |
| Post Graduate Level | 2 | 4% |
| Total | 50 | 100% |

Source: Primary Data

Table 4.4 shows that the majority respondents 40% were primary drop outs, with another 40% representing respondents that have had gone as far as secondary level of education. 6% represented respondents who had attained no education at all, followed by those who had reached the graduate level who also scored 10% as well, those who had a post graduate qualification made up only 4% of the study population. This also helped the researcher to quickly collect data since the respondents were able to read and write. The educational attainment of respondents is an important indicator of their knowledge about the communal conflicts and ways of peaceful extra judicial settlements among refugees of Nakivale Refugee Settlement, Isingiro District

4.2 The Forms of Communal Conflict in the Nakivale Refugee Settlement

The first objective of the study was to identify the forms of communal conflict in the Nakivale Refugee Settlement. To achieve this objective, respondents were asked to mention the factors that contribute to refugee situations in society and their responses were as follows

It was revealed from the study respondents were of the view that electoral conflicts were among the forms of communal conflict in the study area. One of the Refugee Non Government Organization workers interviewed said that:

A first set of communal conflicts takes place in connection with local or national elections. In most cases, the political allegiance in many countries follows ethnic lines and when one group's candidate loses, this group might seek revenge against the other group

"...for example last year one of the Somali men who was running for Refugee Welfare Community in the Somali village was killed and people started saying that his opponent is he one that had planned for his death..." (Interview with respondent A, 6th June 2016, Nakivale Refugee Settlement)

In line with the study findings, Fjelde (2009) notably argued that electoral conflicts are often worsened by the patrimonial systems that characterize most countries where communal conflicts are common. This implies that such systems include a strong patron-client relationship in which access to power becomes extremely important.

It was also revealed from the study that respondents pointed out that the greatest form of communal conflict was interest conflicts in the study area. This is because Interest conflict comes as a result of this struggle and the result is such that the opponent's interests are sacrificed at the expense of the other group. This was in agreement with Nadig, (2010), who notably pointed out that constituted that interest conflicts are a visible when two groups of people have a struggle over some resources or any rare commodity it will be almost certain that a conflict will arise from that.

The study findings also revealed that structural conflicts were acknowledged as another form of communal conflicts. One of the interviewed Refugee community elders said that:

Land in the refugee camp is a very sensitive issue and this has been a major bone of contention in conflicts. As the refugees keep increasing, the land has become a scarce and this has brought a lot of structural conflicts here in the camp.

"When we come to Nakivale, we are given two small pieces of land each. One piece is where we are supposed to build our houses and we use the other piece to plant crops. One of my pieces of land, which I was supposed to use for planting crops, was being claimed by my neighbor. I am Hutu and my neighbor is Tutsi. He kept on telling me that because I am Hutu therefore I am not entitled to two pieces of land. He threatened to kill me many times and this has made me live in fear..." (Interview with respondent B, 6th June 2016, Nakivale Refugee Settlement).

In line with the study findings, Nadig, (2010) argued that structural Conflicts are unique in a way because the people involved in the actual conflict have no control over the causes. It is however worth mentioning that this kind of conflict requires structural kind of solutions. It is through concurrence of the concerned parties that an external force is in existence in the conflict that a solution may be found.

Additionally, Value conflicts were also found to be among the communal conflicts in refugees in Uganda. This is because different refugees have different values which form the character and personality of the person in most cases. One of the refugees interviewed said that:

We have different cultural orientation and upbringing which has external influence on our values. Therefore, we end up having different values that may cause conflicts.

This rhymed with Macionis and Plumer, (2007) who argued that values can be summarized as the measures that one holds in discerning good or bad that varies across cultures. Of all the conflicts, they argued that value conflicts are widespread in the contemporary society.

4.3The factors causing the rise in communal conflicts in Nakivale Refugee Settlement

The second objective of this study was to establish the factors causing the rise in communal conflicts in Nakivale Refugee Settlement. Respondents were again asked as to what they thought were the most significant factors causing the rise in communal conflicts in Nakivale. Their responses were tabulated as seen as follows;

It was revealed from the study that one of the factors leading to the rise in communal conflicts in refugee settlements in Uganda was weak law and order. This implied that the laws and regulations are not followed as expected and the administrators are not effectively doing their jobs. This was in line with Bessette, (2012) who arguably noted that after partition, the most of communal violence took place because of the weak law and order. There was failure of the police and administrative officers' in gauging the intensity of the communal situation in advance.

"When we come to Uganda we do not know the laws of the country because they could be different from where we come from. You might find picking something from a neighbor's garden is stealing and yet where we come from it's not. This has led to people being imprisoned because of doing acts that are against the law" (Interview with respondent A, 5th June 2016, Nakivale Refugee Settlement).

"...when these refugees arrive in Uganda from different countries at war, they are so much ignorant about the laws that govern this country. The other day, a Burundian refugee was arrested after she borrowed money from a friend and refused to pay it back. She was taken to the community leaders but claimed she had not borrowed any money and thus ending up in police custody. These refugees need sensitization and we are trying as much as we could to hold regular talks with

them so that they are made aware of the reigning laws of Uganda.” (Interview with Respondent C, 5th June 2016, Juru, Nakivale Refugee Settlement)'

The refugees have different and mixed origins and tribes. So it's hard to properly mix up and also earn the trust of the public administrators. This was through observation where by in the settlement there are protection houses meant for people who are being faced by challenges of tribalism at the places where they were allocated.

It was also revealed by the respondents that economic crisis was yet another factor that led to the rise in communal conflicts in Nakivale Refugee Settlements. This rhymed with Ega, et al., (2012) who indicated that often, communal conflicts exploit the economic backwardness of their community to mobilize it against other community. The economic crisis in our society leads not only to communal violence but also to atrocities over women, Scheduled Castes (SC) and members of weaker sections of society. The present inflation and worrying economic condition is also responsible for communal violence.

Disputes over land ownership as another significant factor leading to the rise in communal conflicts in refugee settlements in Uganda; this means that the refugees do not have enough land and find it hard in even securing safe, affordable housing. This implies that safe, affordable housing is expensive and for that reason, large families often choose to live together, creating stressful, congestion, noisy environments that are hardly conducive to studying or resting. This was through personal observation where the refugees in the settlement are overcrowded and there is high scarcity of land.

The study finding also revealed that population explosion played a vital role in the rise of communal conflicts. One of the extra judicial settlements experts attached with different NGOs interviewed said that:

"With the increasing population of refugees, there is increased competition for the scarce resources in the camp. Therefore, community committees that have been put in place whereby problems and issues of both nationals and refugees are discussed during meetings and concern security, poor living standards so that they can live together in harmony" (Interviewee D, 6th June 2016, Base Camp, Nakivale Refugee Settlement).

Another faction of the study informants were of a view that ethnicity was the main reason for the communal conflict. In conformity with the findings, one of the respondents attested that:

In many cases ethnicity and racism deprives refugees of training and education opportunities since the natives are sometimes considered first when accessing such opportunities

In line with the findings, Deininger and Castagnini, (2011) argued that ethnicity and racism are major barriers faced by refugees and migrants. In many cases racism deprives migrants of training and education opportunities. Discrimination also in accessing employment certainly exists on the basis of ethnicity, cultural customs and unrealistic English language requirements.

It was also revealed from the study that Socialization differences and barriers were also responsible for the conflicts. The findings from the study revealed that socialization barriers can limit their integration in the societies. This implies that the refugees normally have cultures which are different from their hosting countries. It is more difficult to start a new life in host countries. Usually they

have no skills, they cannot speak or write in English and they are starting to live in a new society with different values and culture. Most of these refugees have different sorts of traumas and their self-esteem is very low. It can be noted that most of the refugees will spend a few years before they can familiarize to the new society, and during this time most of them will live with financial support from the government welfare system. In this case, integration of these different cultures becomes a challenge and also a barrier to socialization.

4.4 How non legal solutions have been used to address communal conflicts in Nakivale Refugee Settlement

The third and last objective of the study was to explore how non legal solutions have been used to address communal conflicts in the study area and to achieve this objective, respondents were tasked to identify some key areas that extra judicial settlements impacts on the settlement of communal conflict in refugee settlement areas in Uganda and their arguments were as below.

From the study it is evident that respondents believed that mediation is one way the non legal solutions have been used to address the communal conflicts in refugee settlements. This rhymed with Fasona, (2010) who pointed out that mediation is very important whereby settling disputes or misunderstanding can be done using a third party member who plays the key role. One of the interviewed officials from the refugee NGOs said that:

When a common understanding of the dispute at hand, the mediator gets a clear picture of the disagreement from both sides of the parties involved such that the mediator is aware of each party's grievances separately

It was also noted from the findings that reconciliation has also tried to curb down communal conflicts within refugee settlements. This was in line with Gefu, et al., (2011) who argued that often the end achieved after the mediation process comes reconciliation. At this point the parties are in tandem. This implies that the sole-purpose of reconciliation is to bring the community together and if some people are not in good terms then it will be impossible to work as united community.

The study also indicated that the arbitration method has been used as a non legal solution towards bringing an end to the communal conflicts in refugee settlements. Ajuwon, (2010) appraises the arbitration method for resolving communal conflicts, deeming it the best especially in commercial disputes although it is expected that the parties involved rarely redeem the initial business relationship they enjoyed prior to the conflict. One of the interviewed extra judicial settlements experts attached with different Non Government Organizations argued that:

"Arbitration is characteristic of consent amongst the 2 parties, it is neutral procedure such that the arbiters aren't expected to take sides with any disputed party, the proceeding is carried out in a confidential manner and finally, the decision of the arbitration tribunal is final." (Interview with respondent D, 6th June 2016, Nakivale Refugee Settlement)

Furthermore, the respondents were of the opinion that rehabilitation of both perpetrators and victims of conflicts is key in ending communal conflicts among refugees. This is because rehabilitation is the process of making a new, of a person's way of living, perceptions for life changing purposes has been vital in mitigating communal conflicts. In line with the study findings, Magel, (2008) notably argued that it is the activities

that necessitate the turning point of an individual in need of intervention. Rehabilitation is a process of social, political and economic adjustment to, and underpinning of, conditions of relative peace in which the participants, especially those who have been disempowered and immoderate by violence can begin to priorities future goals beyond immediate survival.

It was also revealed that the respondents were of the idea that other non legal methods can be used to resolve conflicts like giving punishments to the wrong doers. Punishments have tended to depend on the circumstances and magnitude of the violation rather than the perpetrator's communal affiliation as agreed by Haralambos, (2010).one of the respondents interviewed revealed that no community has enjoyed blanket impunity, and this has contributed to cooperation among the communities. Likewise, no group has been repeatedly punished in an unjust manner.

This implies that punishments have enhanced cooperation because it is easier to uphold trusting relations when communities expect that violations will be punished in a relatively fair manner.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

In this chapter, the research was summarized; concluded and possible recommendations about the research were made.

5.1 Summary

The summary of the findings were relayed in correspondence with the study key objectives;

In totality, this research was all about Communal conflicts and peaceful extra judicial settlements among refugees. It was carried out in Nakivale Refugee Settlement, Isingiro District. The study findings were reached using both primary and secondary sources of data. For the primary data, the research engaged Refugee community elders, Refugee Non Government Organizations workers, Local Government officials and extra judicial settlements experts attached with different Non Government Organizations as well as members of the general refugee public who amounted to 50 key informants.

The first objective of the study was to find out the forms of communal conflict in Nakivale Refugee Settlement. From the study findings we can reveal that out of the respondents that aided this study, majority of them were of the view that electoral conflicts were among the forms of communal conflicts in the study area. Others were of the argument that perhaps the greatest form of communal conflicts was the interest conflicts whereas structural as another form of communal conflict in the study area which was cited by only a few of the study population. A considerable number of respondents argued that

value conflicts were also another form of communal conflicts while the rest of the study population were of the suggestion that other forms of communal conflict were responsible of conflicts within the refugee settlement.

The second objective of this study was to establish the factors causing the rise in communal conflicts in Nakivale Refugee Settlement in Uganda. From the study findings it was revealed that out of the total respondents a considerable number suggested that one of the factors causing the rise in communal conflicts within refugee settlements in Uganda was the weakness in the law and order. Another portion of the population attributed economic crisis as a factor leading to the rise in conflicts within the settlement whereas others blamed it on disputes over land ownership. In addition, a similar identified that population explosion led to the rise in the communal conflicts within the refugee settlement in Uganda. Ethnicity was also blamed on by a small portion of the study population while the rest cited that other factors like famine and drought as well as human rights violation could not be ignored for their contribution in the rise of communal conflicts in the Nakivale refugee Settlement in Uganda.

The third and last objective of the study was to find out how non legal peaceful solutions have been used to address communal conflicts in Nakivale Refugee Settlement and it was evident that out of the total respondents, some believed that mediation was one of the key impacts of extra judicial settlements in addressing communal conflicts in refugee settlements in Uganda, others were of the view that reconciliation among refugees in the refugee settlements was another important role of extra judicial settlements in addressing communal conflicts. Other

respondents were of the argument that the most important impact of extra judicial settlements in settling communal conflicts in refugee settlements was that it provided room for the use of the arbitration method while a number of the study interviewees were of the argument that rehabilitation was one of the ways how non legal solutions have been used in addressing communal conflicts within the refugee settlement. Other ways were also identified during the course of interaction with the interviewees for example, preventive deployment for peace enforcement

5.2 Conclusion

The conclusions of this study were in accordance with the research questions;

The first question of the study was; what are the forms of communal conflict in Nakivale Refugee Settlement? The study concluded that electoral conflicts, interest conflicts, structural conflicts and value conflicts among others were the most significant forms of communal conflicts in society among others.

The second question of this study was; what are the factors causing the rise in communal conflicts in Nakivale Refugee Settlement? From the study findings, it was concluded that the common factors causing the rise in communal conflicts in refugee settlements in Uganda were among others; weak law and order, population explosion, economic crisis, disputes over land ownership ethnicity among other factors like drought and famine, refugee influx and human rights violation

The third and last question of the study was; how have non legal peaceful solutions been used to address communal conflict in

Nakivale Refugee Settlement? It was concluded that; mediation, reconciliation, use of arbitration method and rehabilitation among other methods like early warning system were among the ways through which non legal solutions have been used to curb down communal conflicts within the settlement.

5.3 Recommendations

In the process of carrying out this research, the research came up with the following recommendations:

All concerned parties must ensure the availability of the necessary financial and human resources to not only design a national extra judicial settlements policy but to also implement such a policy in serious and without undue interference manner.

The government of Uganda should build trust among victims of communal conflict by ensuring that persons most responsible for atrocities committed on both sides of communal conflicts (both state and non-state actors) are subject to the same prosecutorial process.

The government should ensure that a comprehensive reparations package, which may include individual compensations, is available to victims.

The government should Support the National Reconciliation Bill and the establishment of a National Reconciliation Forum, as proposed in this Bill. In any case, convene a truth-telling body sensitive to the needs of survivors and ensure that its recommendations are implemented.

The government should engage in broad institutional reform based on the findings of the truth-telling body, in particular those aimed at rectifying historical marginalization.

The government should recognize that questions of accountability, sustainable peace and reconciliation need to be addressed on a national level.

The government should formally recognize existing traditional judicial mechanisms intended to bring about reconciliation within the refugee settlement camps.

Ensure that government structures formally apologize for the role of state perpetrators in the communal conflict and involve themselves in memorialization/commemoration initiatives.

The government should encourage all communal conflict-affected communities to engage in reconciliation dialogue with each other to resolve lingering cross-ethnic hostilities.

The government of Uganda, through the Office of the Prime minister and other Non Governmental Organizations should make sure that they set up enough sporting grounds like football stadiums as it was observed that some refugees resolve conflicts and misunderstandings through engaging in different sporting activities.

5.4 Further area of study

For filling in the missing gaps in this research, more study should be conducted to examine the challenges facing state governments in addressing refugee issues in their boundaries and how these problems can be fixed using a case study of the government of Uganda.

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APPENDIX: I

QUESTIONNAIRE

I am student of Uganda Martyrs University conducting research as a requirement for the Bachelors degree of in Ethics and Development Studies. The title of the research is "**COMMUNAL CONFLICTS AND PEACEFUL EXTRA JUDICIAL SETTLEMENTS AMONG REFUGEES: A CASE STUDY OF NAKIVALE REFUGEE SETTLEMENT, ISINGIRO DISTRICT**". A random method has been used to select you and it is important that you answer questions on behalf of those who are not selected. The information you give us was kept confidential, it will not be revealed to any one, and even your identity will not be revealed when the findings are reported. Thank you very much for agreeing to participate in this research.

1.0 SOCIO-ECONOMIC BACKGROUND

1. Age Bracket

- a) 18-30
- b) 31-40
- c) 41-50
- d) 51- Above

2. Gender

- a) Male
- b) Female

3. Nationality.....

4. Languages spoken

- a) French
- b) English
- c) Mother tongue
- d) Others.....

5. Marital status

- a) Married
- b) Single
- c) Separat
- d) Divorce

6. Education Level

- a) No Education at A
- b) Primary Level
- c) Secondary Level
- d) Graduate Level
- e) Post Graduate Lev

7. Years of Residency in the study area

- a) 1-3 years
- b) 4-6 years
- c) 7-10 years
- d) 10 years and above

8. Level of income

- a) Sufficient
- b) Not sufficient

9. What do you understand by the term communal conflict?

.....
.....

10. What do you think are the forms of communal conflict in refugee settlements anda?

- a) Electoral conflicts
- b) Interest conflict
- c) Structural conflict
- d) Value conflicts
- e) Others

11. What do you think are some of the key factors that lead to rise in communal conflicts among refugees in this settlement?

- a) Weak law and order
- b) Economic crisis
- c) Disputes over land ownership
- d) Population explosion
- e) Other

12. What are the socio-economic problems that face the refugee settlements in Uganda at large?

.....

13. What do you understand by the term extra judicial settlements in your own opinion?

.....

14. How has this form of justice affected the welfare of refugees in this settlement?

.....

15. To what extent has extra judicial settlements influenced the lives of refugees in such settlements like Nakivale?

.....

APPENDIX II
INTERVIEW GUIDE

1. How many year have you been in this area?

.....

2. What is your level of income?

.....

3. How would describe the disagreements that occur among refugees in day to day?

.....

4. What do you think are some of the factors leading to the rise in communal conflicts in this settlement?

.....

5. Are there any formal bodies in the settlement that attend to those conflicts?

.....

6. How successful are these formal bodies of conflict resolution in this settlement

.....

7. What initiatives do the settlers use in the absence of formal bodies?

.....

8. How do they practically use these non formal initiatives?

.....

APPENDIX III

OBSERVATION CHECKLIST

This is an observation checklist for conducting a study in Nakivale Refugee Settlement, Isingiro District on **Communal conflicts and peaceful extra judicial settlements among refugees**: as a requirement for my degree in Ethics and Development Studies and to successfully satisfy all the requirements.

| SAMPLE | ACTIVITY | OBSERVATION | REMARK |
|---|--|--------------------|---------------|
| Refugee community elders | See how they implement extra judicial settlements in their respective communities | | |
| Refugee NGO workers | Observe how they perceive extra judicial settlements and its impact on the welfare of their beneficiaries (refugees) | | |
| Local Government officials | Observe their views on the extent of extra judicial settlements' influence in the refugee settlement | | |
| Extra judicial settlements experts attached with different NGOs | Observe their explanation of extra judicial settlements to the refugee community | | |

