



Enhancing capacities for local peacebuilding in Bunyoro sub-region, Western Uganda

Submitted in Fulfilment of the Requirements of the Degree of Doctor of
Philosophy in Public Administration – Peace Studies

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June 2018

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Declaration

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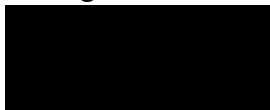
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Abstract

A central goal of peacebuilding efforts in the 21st Century is to localize peace through involving local actors to achieve sustainable peace. Since the 1990s, in pursuit of sustainable peace, attention has been paid to the renaissance of traditional approaches to peacebuilding, and successes were documented in Ethiopia, Rwanda, Kenya and Ghana. In Uganda, peacebuilding programmes were registered in three regions of Acholi, Karamoja, and Teso. Since the discovery of oil in Bunyoro sub-region, conflicts have been reported especially land-related conflicts due to land grabbing. Efforts such as the setting up of the National Petroleum Fund (NPF) to regulate exploration, development and production of oil, the National Oil Company (NOC) to enhance the country's commercial interests in the oil sector, increasing land titling, setting up district land tribunals, and other government efforts and policies on oil and gas which are intended to address the problem, are not yielding expected results. It seems that local actors at the grass roots level are left out. Therefore, using an action research approach, this study implemented activities aimed at local capacity enhancement in order to realize sustainable and peaceful communities. The overarching objective of this study was to enhance capacities for local peacebuilding in Bunyoro sub-region through equipping them with knowledge and skills necessary for preventing, resolving and managing conflicts in their communities. The design for this study had three components: exploratory, action research and evaluation components. Data was collected using focus group discussions and in-depth key informant interviews. Purposive sampling was used to obtain a sample of 23 participants in a case study of Hoima district, Bunyoro sub-region. An action team consisting of traditional chiefs, clan leaders, village leaders (Local Council 1 LC1), civil society organizations, and key informants was formed to prevent, resolve and manage conflicts in their communities. The short term outcomes of this study indicate that local peacebuilding capacities have been enhanced through strengthening of Bunyoro traditional approaches of peacebuilding with an action team that consisted of traditional leaders.

Key words: local peacebuilding, enhancing capacities, Bunyoro sub-region

Acknowledgements

My sincere gratitude goes to Professor Harris who has not only been my supervisor but also my mentor as well, for he practices what he teaches. His enormous inspiration, guidance and support through research materials have been unabated. Geoff, you have been more than a supervisor because you have always come to my rescue on several occasions on academic and financial fronts. I will always remember your ‘you might find this useful’ e-mails. This is worth emulating. God bless you.

To my action team members, never gave up. I applaud your commitment, your spirited fight towards contributing to peace in the region. You did a wonderful job. Don’t relent, and never give up the peacebuilding struggle. Special thanks to the Bunyoro kingdom officials, elders and clan leaders; you were not selfish, you gave all the support I needed. God bless you abundantly.

To my wife, Joy, and my daughters, Laura and Susannah, you endured a lot during my absence while in South Africa and Hoima; we have reaped together the dividends: peace be with us all.

“Now unto God and our Father be glory forever and ever. Amen.” Philippians 4:20

Dedication

I dedicate this thesis to my brother Herbert Kiiza Muhumuza. You inspired me and supported me all the way since childhood; through the storm you remained by my side. When everybody was against us, you never gave up on me and my siblings. You have been my brother, my father, my friend and my mentor. You challenged me with ‘the ball is in your court’ statement.

In your office, you told me your wish; to see me graduating with a doctorate degree; God has answered your prayers.

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List of abbreviations

AFIEGO	African Institute for Energy Governance
ALB	Area Land Boards
BTPAT	Bunyoro Traditional Peacebuilding Action Team
BUKITAREPA	Bunyoro Kitara People's Reparation Association
CNOOC	China National Offshore Oil Corporation
CPA	Comprehensive Peace Agreement
CR/PB	Conflict Resolution/PeaceBuilding
CSOs	Civil Society Organisations
CT	Conflict Transformation
DC	District Commissioner
DLC	District Land Board
DPCs	District Police Commanders
FDC	Forum for Democratic Change
FDI	Foreign Direct Investments
FGDs	Focus Group Discussions
HWF	Harambe Women's Forum
I4P	Infrastructure for Peace
IDPs	Internally Displaced Peoples camps
KJV	King James Version
LCI	Local Council One
LPCs	Local Peace committees
LPI	Life and Peace Institute
LRA	Lord's Resistance Army
MNCs	Multi-National Companies
NAVODA	Navigators of Development Association
NFA	National Forestry Authority
NGOs	Non-Governmental Organisations
NOC	National Oil Company
NPA	National Peace Accord
NPC	National Peace Commission
NPF	National Petroleum Fund
NRM	National Resistance Movement

NRM	National Resistance Movement
NSC	National Steering Committee
PAMAB	Protracted Area Management Advisory Board
PRO	Public Relations Officer
PWDs	People With Disabilities
RCT	Randomized-Controlled Trial
RDC	Residence District Commissioner
RPC	Committees and Regional Peace Committees
SCBAG	Civil Society Budget Advocacy Group
UBOS	Uganda Bureau of Statistics
UN	United Nations
UNHCR	United Nations High Commission for Refugees
UNRA	Uganda National Roads Authority
USAID	United States Agency for International Development
USAID-SAFE	United States Agency for International Development – Supporting Access to Justice Fostering Equity and peace
USD	United States Dollar
USIP	United States Institute of Peace

PART ONE

CHAPTER ONE: INTRODUCTION

“Not everything that is faced can be changed. But nothing can be changed until it is faced.” James Baldwin

1.1 Background

Globally, more than 1.5 billion people are living in areas affected by violence, wars, and crimes, a situation that has curtailed achievement of the 2015 Millennium Development Goals (MDGs). Therefore, a post-2015 agenda must acknowledge and specify sustainable peacebuilding and state-building goals (Tsuma, Pentori and Mashiko 2014: 9). The central goal towards peacebuilding efforts in the 21st Century should aim at localizing peace by partnering with local actors to put more vitality into the peace process (Funk, 2012:7; 2012:392). While increasing evidence reflects the failure to resolve conflicts by externally driven international intervention due to the absence of local actors' involvement, the evidence also shows that participation of local actors in peacebuilding has contributed tremendously to sustainable peace. This is seen, for instance, in Ethiopia, Ghana, Kenya, Rwanda and Uganda (MacGinty and Richmond 2013: 763); Musingafi *et al.* 2015: 75; Moix 2016: 59).

Relatedly, Yousufzai and Goha (2005) cited in Nizar *et al.* (2013) also observed that many achievements have been realized by the efforts of local practitioners and peace builders in the communities they serve using traditional approaches and indigenous institutions. Nizar *et al.* (2013: 106) further contend that it is of great significance to enhance local actors because they are cheap to maintain, they are always within the community, they are reachable, and can quickly be involved if there is any peacebuilding activity. Reliance on the local will of the people and active participation begets much stronger local identification. There is a need for utilizing and empowering indigenous resources in averting conflicts in our societies (Funk 2012:392). In Zimbabwe, great achievements in regard to conflict resolution and general peacebuilding in rural areas have been realized under traditional leaders because they are regarded as ‘custodians of traditional law’ (Rukuni *et al.*, 2015:75). In Rwanda, though the hearing of genocide crimes under the *Gacaca*, a traditional court ended in 2010, an immense work was done. Today, *Abunzi*, local mediators in post genocide, are still doing an indispensable job in executing the agenda of local ownership of conflict resolution in their communities (Mutisi 2012:41). In the Ethiopian region of Afar, traditional elders have done work in resolving conflicts among clans and tribes (Kwesi and Fantaye 2012: 89).

Michell and Hancock (2012: 2-3) rightly assert that, most often, much concentration has been put on prevention, peacekeeping, peacemaking and humanitarian assistance. However, what has been lacking in most initiatives is enhancing local communities to prevent conflicts on their own in future. Thus, it is always prudent for the local communities to be equipped with knowledge and skills so that possible future violent conflicts are handled early before they escalate. In the same vein, Funk (2012: 392) concurs by adding that efforts directed towards peacebuilding, in most cases, have alienated local actors, local expectations have been ignored and, in the end, they have replaced one set of problems with more problems, not solutions.

In Uganda, traditional approaches have been used in peacebuilding in northern Uganda, an area which was torn apart by Joseph Kony's Lord's Resistance Army (LRA). According to Bainomugisha and Tumushabe (2005:50), during LRA conflict in Northern Uganda, the religious leaders were instrumental on the issues of conflict resolution and played a key role. The traditional approach of peacebuilding was undertaken using *Mato Oput*, a mechanism for ensuring law and order in the Acholi region (Murithi 2002:292). In Buganda, *Ekika*, a kinship group, entails an endogenous system of conflict resolution; it has been at the forefront of peacebuilding within Baganda, the largest ethnic group in Uganda, since the pre-colonial era (Sentongo and Bartoli, 2012:14). In the Bunyoro sub-region and the Albertine region in general, both formal (local council leaders and district land tribunals) and informal (cultural institutions and elders) mechanisms are helping in resolving conflicts in the local communities (International Alert 2013: 37).

1.2 Problem Statement

In recent times, the world has witnessed an increase in the attention given to developing local peacebuilding before, during and after violent conflict. This has significantly matched with what has already been implemented at the national level (Michell and Hancock 2012: 01).

With the discovery of oil in Uganda, it is expected that government revenue will increase, people will get jobs, standards of living will improve, and poverty levels should fall. Hence, there should be increased economic growth at regional and national levels (Refugee Law Project 2014: 206). However, since the discovery of oil in the Bunyoro sub-region, some conflicts have been reported, especially land related conflicts, due to land-grabbing (Kizito 2015: 31). As a result, suspicion and alienation have been witnessed in the area (International Alert 2013: 18; Refugee Law Project 2014:206).

Efforts such as increasing land titling, setting up district land tribunals, the National Petroleum Fund (NPF) aimed at regulating exploration, the development and production

of oil and the National Oil Company (NOC) aimed at enhancing the country's commercial interests in the oil sector respectively, and other government policies on oil and gas put in place to address the problem, are not yielding expected results; it seems local actors at the grass roots level are left out. Therefore, there is need for local capacity enhancement in order to realize sustainable and peaceful communities in the Bunyoro sub-region. With the possibility of full scale conflict in the offing due to land grabbing, compensation issues, displacement of the people, alienation and suspicion, a potential time bomb needs to be forestalled.

Consequently, it was necessary to establish preventive peacebuilding efforts through empowering the local actors at the grass roots level to ensure sustainable peace and harmony in the region. This study filled an apparent gap by conducting an action research study which equipped local actors such as traditional and local leaders with more knowledge and skills in preventing, resolving and managing conflicts in their communities.

Against this background, this study sought to explore traditional conflict resolution/peacebuilding infrastructures and management in the region, and also assessed their current effectiveness in dealing with the challenges faced in Bunyoro region. Based on the findings, and together with an action team, we designed and implemented a programme for strengthening these traditional infrastructures/ mechanisms and the management of conflicts. Then we undertook a preliminary evaluation of the outcomes of the initiatives implemented.

1.3 Conceptualization of Key Terms

1.3.1 Traditional mechanisms of peacebuilding

A traditional conflict resolution mechanism is defined as “a community governance mechanism used in a variety of contexts – for instance, traditionally when major changes occur in the community or important decisions need to be taken, such as when an elder dies, a new member to the group is initiated, or at times of crisis involving grazing, disease or war ... [it is] used to discipline and sanction those who break community laws” (Chapman and Kagaha 2009: 03). Chapman and Kagaha further advance that traditional conflict resolution mechanisms are a means of regulating conflicts because the main goal is to curb the occurrence of tensions within the community resulting from the members who disobey the community rules owing to the fact that the communities are located in remote areas where formal justice is hardly accessed (*Ibid*).

1.3.2 Peacebuilding

According to Okoro (2010: 40), the term ‘peacebuilding’ was first coined by Johan Galtung in 1976. He was the first to explain the difference between ‘peacebuilding’ and ‘peace-making’ and, as a result, in 1978, the United Nations (UN) incorporated peacebuilding in its operations. It is a comprehensive concept that encompasses, generates, and sustains the full array of processes, approaches, and stages needed to transform conflict towards more sustainable, peaceful relations (Ober, 2012: 04). Former UN Secretary General, Boutros Boutros-Ghali, defined peacebuilding as “action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict” (Barnett *et al.* 2007: 35).

Peacebuilding is a concept which entails all “traditionally distinct disciplines ranging from human rights and humanitarian assistance to development, conflict resolution, security and law” (Brigg 2008: 02). For Okoro (2010: 40), peacebuilding as a process entails “all stages of conflict from the pre-conflict stage to the post conflict phases, with the aim of laying a basis for sustainable peace in the war torn societies.” He likens peacebuilding to positive peace, and also usually addresses the root causes of the conflict. It is one of the main avenues for achieving positive justice and freedom. Richmond (2005) opines that peacebuilding involves short and long term frame works, short term focuses on emergency, relief and control of violence, while long term focuses more on development, conflict transformation and social change.

1.4 The Main Aim of the Study

The overall aim of the study was to enhance capacities for local peacebuilding in Bunyoro sub-region. That is, to empower local actors in peacebuilding, especially the traditional leaders, with knowledge and skills so that they are able to prevent and resolve conflicts before they can erupt within their communities. This aim is embedded in a philosophy whereby, if local people are empowered with peacebuilding skills and knowledge at the grass roots level, they are in a position to prevent, resolve and manage conflicts in their communities sustainably. This is because they are in a position to cope with internal and external shocks (Tsuma, Pentori and Mashiko 2014: 45).

1.4.1 Specific study objectives

- 1) To explore traditional conflict resolution/peacebuilding infrastructures and management in the Bunyoro sub-region;
- 2) To assess their current effectiveness in dealing with conflicts in the Bunyoro sub-region;

- 3) To design and implement a programme for strengthening these traditional infrastructures, and to design, manage and implement the new infrastructure;
- 4) To undertake a preliminary appraisal of the outcomes of the initiatives implemented.

1.5 Significance of the Study

This study specifically delved into traditional peacebuilding mechanisms used in the Bunyoro sub-region. It is acknowledged that, when local actors are empowered with knowledge and skills, they can resolve the conflicts within their communities sustainably. That said, as primary actors, they know well their positions, interests and needs; thus, they know the questions and answers for their problems and have the potential to resolve the conflicts and disputes better than outsiders.

Therefore, this study sought to make two contributions:

Firstly, by spotlighting traditional mechanisms of peacebuilding, the study will help in strengthening existing traditional approaches to conflict resolution/peacebuilding (CR/PB) or establish new ones, and also help in solving deeply entrenched community conflicts. As already discussed earlier, efforts to resolve conflict by external actors have not been successful; therefore, by enabling local actors to use traditional approaches in resolving conflicts, undoubtedly, the current and future community conflicts will be dealt with sustainably. In the long run, peace and tranquillity in the Bunyoro sub-region and beyond will prevail.

Second, an action team that was formed to identify, prioritize, implement, review and evaluate the actions and impacts in the Bunyoro sub-region might become an important resource towards the formulation of a national Infrastructure for Peace (I4P).

1.6 Theoretical Framework

This study was informed and underpinned by two theories, namely: Conflict Transformation (CT) theory and Infrastructure for Peace (I4P) theory. Lederach rightly asserts that conflict transformation means to, “envision and respond to the ebb and flow of social conflict as life-giving opportunities for creating constructive change processes that reduce violence, increase justice in direct interaction and social structures, and respond to real-life problems in human relationships” (Lederach 2003: 14). Supporting the same viewpoint, the Berghof Foundation describes conflict transformation as, “a complex process of constructively changing relationships, attitudes, behaviours, interests and discourses in violence-prone conflict settings.” It deals with addressing “underlying structures, cultures and institutions” that perpetuate violent political and social conflict

(Berghof Foundation 2012: 23). It is built on a foundation of inclusive approaches while handling conflicts.

On the other hand, in his own contribution, Van Tongeren (2013: 91) defines Infrastructure for Peace (I4P) as, “building standing capacities or infrastructures for peacebuilding and prevention within countries, communities and regions, involving the main stakeholders. I4P is “a dynamic network of interdependent structures, mechanisms, resources, values and skills which, through dialogue and consultation, contribute to conflict prevention and peacebuilding in the society” (Kumar 2012:385; Tsuma, Pentori and Mashiko 2014:385).

1.7 Research Design

The research design for this study has three components, namely: exploratory, action research and evaluation components. The exploratory component helped to answer objectives 1 and 2, while objectives 3 and 4 were answered under action research and evaluation components. This study adopted a qualitative approach because it helps in understanding the social phenomenon holistically. Chilisa and Preece (2005:142) highlight that qualitative research focuses on understanding human behaviour from respondents point of view and as well as from the ‘context and setting’ in which the situation occurs. As recommended by Creswell (2014:08), this study was supported by a social constructivist worldview. Social constructivists believe that “individuals seek understanding of the world in which they live and work. Individuals develop subjective meanings of their experiences meanings directed towards certain objects or things” (Creswell 2014:37), and the goal of the researcher is to “rely as much as possible on the participants’ views of the situation being studied” (ibid 2014:08) (see section 5.2).

A total study population of both key informants and focus group discussions (FGDs) was 23 participants. It comprised of five traditional chiefs, five clan leaders; five local council/village leaders; four members from civil society organisations and oil companies, two officials from the judiciary, and two officials from the Police.

A non-probability method of sampling was adopted. Through this, participants were purposely selected. Four methods of data collection were used. These were: In-depth interviews, focus group discussions, non-structured observation, and review of available documents.

One-on-one, in-depth interviews were conducted with purposely selected judiciary, police, oil company officials and CSO officials, while FGDs were held with traditional chiefs, clan leaders, and local council/village leaders.

Primary data was obtained using interview guides for key informants, while focus group guides were used during the group discussions. A check-list of events and items to be observed was developed for non-structured observation. Secondary data was obtained from text books academic journals, government websites and other authentic sources.

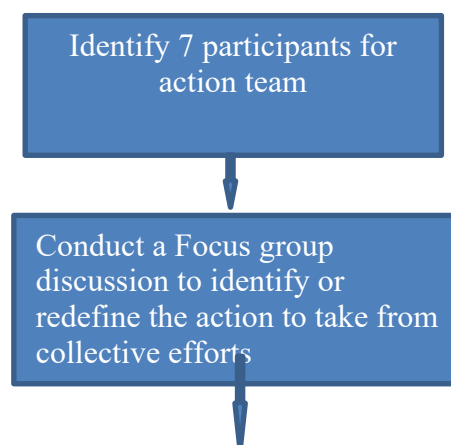
Data was analysed thematically. Creswell (2013: 179) highlights that the process of analysis entails “organizing data, conducting a preliminary read-through of the database, coding and organizing themes, representing the data, and forming an interpretation of them.” The purpose was to draw research findings from dominant and significant themes within the raw data.

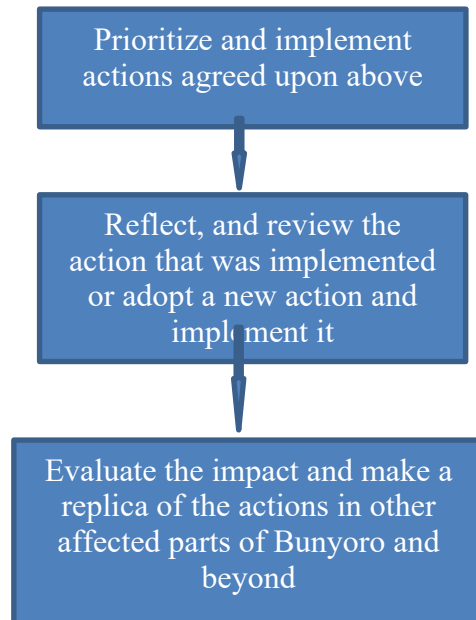
1.8 Justification for Focusing on the Research Area

Several research studies have been conducted on local actors’ roles in peacebuilding. However, the aspect of how traditional approaches have been used in preventing, resolving and managing conflicts in the Bunyoro sub-region, and their effectiveness in addressing the challenges faced in the region, seems to be under-researched. Besides, the focus of the research is to prepare young Ugandan local leaders to actively participate in conflict management processes.

1.9 Action Research Plan

The diagram below shows the steps that were undertaken to carry out this research.





1.10 Overview of the Thesis

This study sought to explore the traditional conflict resolution/peacebuilding infrastructure and management systems in the Bunyoro sub-region, and to assess their current effectiveness in dealing with conflicts faced in the region.

This first chapter consists of the introduction, the problem statement, and main aim of the study, the objectives, the significance of the study, the theoretical frame work, its justification, the research plan, and an overview of the thesis. It also contains the operationalisation and conceptualisation of key terms such as “Traditional mechanisms of peacebuilding”, “peacebuilding”, and “infrastructure for peace (I4P)”.

Part Two: Literature Review

Chapter Two presents the detailed theoretical framework, that is, conflict transformation theory and the infrastructure for peace (I4P) theory. It gives a detailed review of both, and discusses emerging themes from the blossoming concept of I4P.

Chapter Three aims at exploring traditional mechanisms of conflict resolution, peacebuilding infrastructures and management. It gives detailed traditional mechanisms of peacebuilding, and how they have been used in resolving conflicts in Africa.

Chapter Four reviews the effectiveness of traditional mechanisms and/or approaches to conflicts faced in the Bunyoro region. A detailed assessment of the traditional mechanisms in dealing with conflicts in the region is presented in this chapter, mainly focusing on the success of these mechanisms.

Part Three: Methodology

Chapter Five looks at detailed research design, research methodology and data collection methods that were used in this study. It also explains how data analysis was done, with a detailed research process in general.

Part Four: Data and analysis

Chapter Six presents the findings, mainly focusing on traditional mechanisms of conflict resolution/peacebuilding infrastructure and management.

Chapter Seven introduces findings on the effectiveness of traditional mechanisms in dealing with conflicts in the Bunyoro region.

Part Five: Conclusion

Chapter Eight focuses on the interventions carried out by the action team: Bunyoro Traditional Peacebuilding Action Team (BTPAT) local peace team and presents preliminary evaluation of the short term outcomes of the project.

Chapter Nine presents the summary, conclusion and personal reflections.

The next chapter, Chapter Two, considers the theoretical framework for the study and a summary of the related literature reviewed.

PART TWO

CHAPTER TWO

THEORETICAL FOUNDATIONS

One way to truly know our humanness is to recognize the gift of conflict in our lives. Without it, life would be a monotonously flat topography of sameness and our relationships would be woefully superficial” (Lederach 2003:18).

2.0 Introduction

The first part of this chapter presents theoretical perspectives on Conflict Transformation and Infrastructure for Peace (I4P) as a theoretical framework underpinning this study. It should be noted here that Infrastructure for Peace (I4Ps) already exists in the form of traditional mechanisms of conflict resolution, and this will be dealt with as an independent issue in Chapter Three. Nonetheless, both conflict transformation and infrastructure aim at intervening and providing solutions to conflict situations. The main thrust of this study is driven by a bottom-up approach encapsulated in infrastructure for peace theory.

2.1 Conflict Transformation Theory

2.1.1 Definition

Conflict transformation refers to “seeking constructive change” Lederach 2003:04. It is “a set of specific techniques” (Lederach and Maiese 2009: 08). It entails all constructive activities which supersede resolution of particular conflicts and disputes (Lederach 2003:04). Its main thrust is on transforming deep-rooted, armed conflicts into peaceful solutions (Paffenholz 2009: 04).

According to Botes (2001: 6), conflict transformation is, “a process of moving from conflict inhabited systems to peace systems.” Similarly, Miall (2004: 04) defines conflict transformation as, “a process of engaging with and transforming the relationships, interests, discourses and, if necessary, the very constitution, of society that supports the continuation of violent conflict.”

From the definitions above, there is a common thread whereby authors depict conflict transformation as a life-changing process. For the purpose of taking a stand in this study, conflict transformation is a process that aims at altering negative aspects of a conflict to bring forth desirable transformed relationships, interests and generally constructive changes among the conflict parties.

2.1.2 Description of conflict transformation theory

Conflict theories play a crucial role in reinforcing practical interventions (Miall 2004:02). A rich conflict theory considers the context of conflict such that the external actors must be brought on board for meaningful transformation to be realized (Miall 2007: 19). As far as conflict and peacebuilding are concerned, the theory of conflict transformation is somewhat new (Berghof Foundation 2012: 07), and is based on an assumption that a conflict develops from a latent phase to a manifest phase (Berghof Foundation 2012:50). Conflict transformation theorists contend that modern conflicts do “require more than the framing of positions and identification of win-win outcomes” (Miall 2004:04). Its main thrust is on intervening in conflict situations just like other schools, for instance conflict resolution and conflict management (Ibid: 17). As far as conflict transformation is concerned, Lederach affirms that it gives a clear viewpoint of understanding conflict differently from that of conflict resolution. Whereas conflict resolution aims at ending what is not desired, conflict transformation goes beyond and aims at changing the processes directed at ending what is not desired and also building what is desired (Lederach 2003:29-30).

Proponents of conflict transformation theory recognise that transforming a conflict is a gradual process, done in a sequence, through which various actors play crucial roles (Miall 2004:04). In addition, conflict transformation has agents of transformation which are usually drawn from various levels, tracks and sectors. These include: Diasporans, governments, non-state actors, men and women, conflict parties and peace envoys (Berghof Foundation 2012:26). For conflict to be transformed, it has to undergo the following processes: articulation or dis-articulation, conscientisation and de-conscientisation, complexification and simplification, polarization or de-polarization, escalation or de-escalation (Galtung 1996:90) cited in Miall (2004:04). According to Harris (2011:124), conflict transformation aims at enhancing relationships between different parties in such a way that, if the relationship is good, it becomes easy to have their relationship restored, but if the relationship is bad, the reverse is true. In this regard, there is a need to create mutual respect among the parties if there is no relationship at all. This may not be the case with conflict resolution for it does little to enhance building of relationships or respect among the conflict parties (Harris 2011:124). Similarly, Miller and King rightly assert that conflict resolution employs a “variety of approaches aimed at terminating conflicts through the constructive solving of problems, distinct from management or transformation” (Miller and King 2005: 25). As for Van Tongeren, he states that at the heart of peacebuilding, there is need for sustained and transformative work which subsequently feeds into an infrastructure for work (Van Tongeren 2011:400).

Relatedly, there are three levels of actors in conflict transformation namely: top leadership actors who comprise of military, political and religious leaders; middle range leaders who include respected leaders in certain sectors like in academia or Non-Governmental Organizations; and grassroots leaders who comprise of local and community level leadership (Frazer and Ghetas 2013: 5-6).

In his own contribution Miall (2004:17) explains that,

Conflict transformation is a comprehensive approach, addressing a range of dimensions (micro- to macro- issues, local to global levels, grass-roots to elite actors, short-term to long-term time scales). It aims to develop capacity and to support structural change, rather than to facilitate outcomes or deliver settlements. It seeks to engage with conflict at the pre-violence and post violence phases, and with the causes and consequences of violent conflict, which usually extend beyond the site of fighting.

Conflict transformation helps in directing and influencing theoretical and conceptual underpinnings to peace (Berghof Foundation 2012: 07), and aims at “transforming the very systems, structures and relationships which give rise to violence and injustices (Ibid: 22). Conflict transformation focuses on identifying the genesis of a conflict through comprehending the systems and relationships in broader context by emphasizing a “crisis-responsive” approach, not a crisis-driven one. As Lederach rightly sums it up, conflict transformation addresses “both the episode and the epicentre of conflict.” At the epicentre of a conflict, transformation examines the web of relationships and patterns from which a conflict emanates, while an episode of conflict is portrayed as a visible conflict within a relationship (Lederach 2003:31). According to Lederach, conflicts provide us with opportunities for growth. We should not regard conflict as a bad aspect, but rather, a means or an avenue for “understanding ourselves, others and our social structures.” He goes on to add that, without conflict, “life would be a monotonous, flat topography of sameness, and our relationships would be woefully superficial” Lederach 2003:18). The Life and Peace Institute (LPI), in similar vein, points out that, in conflict transformation theory, conflict is not generally bad or negative *per se*, but is a permanent feature of all societies all over the world (Life Peace Institute 2009: 19).

The theory of conflict transformation inherently focuses on tracking and creating positives from negatives, and attempts to comprehend the deep rooted, rational and structural patterns while considering how to provide innovative solutions to harmonize relationships (Lederach 2003:19). Similarly, according to LPI (2009:19), conflict transformation seeks to change the attitudes, behaviours and challenges of the actors with the overarching goal of transforming them positively. At the heart of conflict transformation, Lederach argues (2003:19), change process is paramount, because a

conflict must be transformed from a destructive aspect to a constructive aspect, and this can only be made possible by instilling “capacity to see, understand and respond to the presenting issues in the context of relationships and on-going change processes.” As Lederach (2003:20) further postulates, under conflict transformation, peace is not regarded as static, but rather, as “a continuously evolving and developing quality of relationships.” In conflict transformation, dialogue is paramount, for it promotes constructive change. It is crucial in ensuring justice and peace at interpersonal and structural levels (Lederach 2003:21).

Besides, conflict transformation advocates for building capacities for peace through living with contradictions and paradoxes. Eventually, this creates a vivid picture on how to approach a situation from the general to the specific (Lederach 2003:52). Conflict transformation further advocates for developing “capacity to hear and engage the voices of identity.” This then enables recognition of roles of identity which is essential in understanding the epicentre of the conflict. “Identity is lodged in narratives of how people see themselves, who they are, where they come from, and what they fear they will become or lose ...” (Lederach 2003:55).

2.1.3 Conflict transformation as a ‘three in one focus’ gadget

Lederach illustrates conflict transformation as a gadget with lenses capable of capturing: 1) the immediate situation 2) the underlying patterns and context and 3) a conceptual framework. These help in tackling conflicts by addressing specific aspects, and at the same time, enable us to look beyond to comprehend the whole conflict situation (Lederach 2003: 11; Lederach and Maiese 2009: 08). The Berghof Foundation (2012: 22), in similar vein, points out that conflict transformation is a comprehensive approach that attempts to address, 1) the immediate situation and, hence, to terminate it; 2) midterm situations by working towards healing the wounds that resulted from the immediate situation; and 3) long term situations dealing with the root causes of the conflict, or that might cause conflicts in future. However, in his contribution, Miall (2004: 04) argues that the structure and relationship of conflict parties may be hidden within conflictual relationships that go beyond the immediate visible situations.

By using multi-layered lenses, Lederach and Maiese (2009: 08) argue that these provide the sharpest focus on the aspects of a conflict. They opine that conflict transformation is about “a way of looking and seeing, and provides a set of lenses through which we make sense of social conflict.” In addition, Lederach postulates conflict transformation as a way of “looking as well as seeing.” ‘Looking,’ he says, connotes paying attention to

something – in this regard, to a conflict or dispute – while ‘seeing’ refers to deeply understanding something (that is, the conflict or dispute) (Lederach 2003:09).

Hence, with conflict transformation, coming up with a quick, superficial solution does not satisfy. Rather, transformation calls for a framework dealing with the content, context and the structure of the relationships, while subtly addressing the conflict itself (Lederach 2003:12).

Conflict transformation theory provides a framework which fosters inquiry, provides lenses to scrutinize what is happening, while using tools that aid us to think and bring along constructive change. It also asks questions such as, “Where are we going? Why do we do this work? And what are we hoping to contribute and build?” (Lederach 2003:70).

Lederach (1995) cited in Miall (2004: 04) asserts that, “conflict transformation must actively envision, include, respect, and promote the human and cultural resources from within a given setting. This involves a new set of lenses through which we do not ‘primarily see’ the setting and the people in it as the problem and the outsider as the answer. Rather, we understand the long-term goal of transformation as validating and building on people and resources within the setting.” Conflict transformation seeks to comprehend a conflict situation not in a lineal manner, but rather, in a broad pattern (Lederach 2003:16). In conflict transformation, relationships are central and, in order to come up with a durable solution, we ought to concentrate more on the less visible aspects of the relationships than on the more visible ones like fighting, for instance. Nonetheless, relationships, visible and invisible, immediate and long term, are the blood stream for transformational processes (Lederach 2003: 17). In conflict transformation, in order to arrive at a solution, focus must not be put on issues at hand, but rather, “look through the issue” to comprehend the general picture beyond the immediate issue. The purpose is to focus on and thoroughly examine the content and, ultimately, be able to present the context and relationship patterns which Lederach calls “developing a capacity to see by presenting issues as a window” (Lederach 2003: 49).

2.1.4 Conflict transformation levels

Conflict transformation involves creating platforms that enable us to understand all sections of a conflict, that is immediate, medium-term and long-term. They become arenas which make it possible to come up with solutions after analysing the patterns of change in systems and relationships (Lederach 2003:45). According to Lederach, conflict transformation has goals for change at personal, relational, structural and cultural levels. At a personal level, conflict transformation aims at reducing negative and destructive

effects of social conflict, and maximizes individual growth physically, emotionally, intellectually and spiritually. At a relational level, conflict transformation focuses on increasing understanding and reducing poorly functioning communication. At a structural level, conflict transformation focuses on comprehending the underlying causes of social conflicts, promotes non-violent mechanisms, and increases people's potential to be involved in making decisions that influence their lives. On a cultural level, conflict transformation attempts to identify and recognize aspects which lead to an increase in violent manifestations of a conflict, and also to put in place mechanisms necessary for positively responding to and handling conflicts (Lederach 2003:27). Additionally, the Berghof Foundation (2012: 26) affirms that conflict transformation is anchored on the principle of respect for local capacities and ownership, inclusiveness and multi-partiality processes, and fair play. Furthermore, personal qualities such as empathy, humility, self-rejection, tenacity and perseverance must be exhibited.

2.1.5 Categories of conflict transformers

There are five types of conflict transformers, namely:

(1) Context transformations – These are responsible for changing the parties' perceptions or their viewpoint of the conflict situation, as well as their initial plans. (2) Structural transformations refer to all those changes that occur within the basic structure of the society in regard to actors, their underlying issues, incompatible goals and relationships where the conflict is entrenched. (3) Actor transformation – This seeks to alter or change leadership decisions, to change goals, to help intra-party change, and to stimulate change in a party's constituencies as well as the actors. In other words, it is about change in leadership decisions in regard to their entire approach to conflict. (4) Issue transformation – This refers to changing a party's key issues pertaining to a conflict. This is usually a slow and painful process, and entails transcending contested issues, seeking constructive compromise, changing issues, and de-linking or re-linking issues. In other words, it involves re-framing positions on certain key issues in order to arrive at a compromise or solution. (5) Personal or elite transformation – This involves changes in perspectives and hearts, as well as gestures of reconciliation. It refers to changing the hearts and minds of individual leaders or groups with decision making powers. This is an important aspect which sometimes involves external actors getting on board, seeking to effect personal changes among individual leaders. Thereafter, in this context, success is usually manifested in reconciliatory gestures portrayed by these leaders (Miall 2004: 9-10).

Conversely, Vayrynen (1991: 04) cited in Miall (2007:4-5) suggests that conflict can be transformed by four types of change namely: (1) Actor transformation, which entails the

emergence of new actors, or change in the conflict parties' framing of their goals and interests; (2) Rule transformation, which involves change in the norms affecting actors' interactions; (3) Structural transformation, which involves change in the relationships between the parties; and (4) New power structures or change in the existing social structures.

2.1.6 Non-violence and conflict transformation nexus

From the literature reviewed, some scholars suggest a connection between non-violent resistance and conflict transformation practice. According to Lederach (1995:15), non-violent resistance and conflict transformation share similar strategies, that is, "social change and increased justice." Supporting the same viewpoint, Galtung (2000: 30) regards peace as "the capacity to handle conflict autonomously and creatively," and for him, the overarching goal of conflict transformation is to have peace. He further asserts that this can only be made possible by conflict transformation through putting in place all mechanisms necessary for conflict parties or actors able to handle conflicts non-violently and creatively (Galtung 2000: 30).

Similarly, Dudouet (2008: 02) also maintains that non-violent resistance should be part and parcel of conflict transformation, since they both use the same approaches towards achieving peace and justice, coupled with conflict intervention methods like dialogue, problem solving, restoration of relationships – for instance, through mediation, negotiation, and restorative justice, to mention a few. Conflict transformation focuses on building constructive relations among the actors, and puts in place structures required for durable peace. This is achieved by addressing underlying causes of a conflict so as to pave the way for non-violent strategies (Berghof Foundation 2012: 07).

Relatedly, Galtung (2000:03) attests that a conflict is transformed when positive goals for all conflict parties are imaginatively combined together without violence, whereas failure to do so leads to violence. In support of the above assertion, the Berghof Foundation (2012: 07) reiterates that proponents of conflict transformation regard conflict as a "valuable, indeed indispensable, part of social change and development, but do not see violence as inevitable in the relations and interaction between conflicting parties." On the other hand, Frazer and Ghetas (2013: 06) describe conflict transformation as a process of changing the mind-set of societies from dealing with conflicts in a violent way to a non-violent way through addressing structural and direct causes.

2.1.7 Conflict transformation transformed

Although there are similarities with other conflict theories especially on intervention, Miall argues that the theory of conflict transformation is very different from others for it emphasizes systematic change of social structures, parties and institutions in which conflicts are entrenched. Conflict transformation theory proponents envision that it needs to go beyond handling visible aspects of the conflict to become a theory of ‘conflict-in-context’ (Miall 2007: 2; 2004:17). The theory of conflict transformation also advocates for transformation of the transformers themselves. This is an aspect that has not received much attention. Nonetheless, to achieve this, one of the proponents of conflict transformation theory, Nhat, who is also a Vietnamese peace activist, suggests smiling (Miall 2004:16). He explains, “if we are peaceful, if we are happy, we can smile and blossom like a flower, and everyone in our family in our society will benefit from our peace” (Nhat 1987, cited in Miall 2004:17).

The practice of smiling, Miall argues, is part and parcel of the mindfulness whereby a conflict transformer must learn the art of transforming personally, and eventually be able to transform others. “Conflict transformation, like mindfulness, tends to and waters seeds without knowing exactly how they will grow. ... Transforming collective conflicts requires a deep awareness of ourselves and our inter-being with others” (Miall 2004:17). Conflict transformation theory supporters further indicate that successful efforts towards conflict transformation are largely determined by society’s history of peaceful change of power from which norms, rules, and institutions are legitimised and accepted. Consequently, this positively strengthens the society’s civic institutions, culture and ability to handle conflicts (Miall 2004:11).

2.1.8 Conclusion

In a nut shell, as Lederach advises, conflict transformation requires us to be creative and enhance moral imagination. In conflict transformation, the main thrust is to build a framework for addressing the content, context and the structure of relationships (Lederach 2014:15), and it does not necessitate large numbers to effect transformation; change starts small and, as he further explains, “the key to enduring change is not mass numbers of people but the quality of relationship between unlikely people.” Therefore, a challenge in front of us is to transcend the notion of thinking that an individual cannot initiate transformation of a protracted conflict single-handedly. Nonetheless, conflict transformation is not about working with people who support you *per se* but even foes. Lederach continues to assert that it is hard to create more people to think like we do, and the difficult work of peacebuilding is to “create quality relationships among the people

who do not think alike.” In conflict transformation Lederach further contends that the guiding question must be “how do we end something not desired and build something we do desire?” (Lederach 2014:28).

2.2 Infrastructure for Peace Theory

2.2.1 Definition

Several scholars have attempted to situate and comprehend the term ‘infrastructure for peace’. According to Van Tongeren (2013: 91), infrastructure for peace (I4P) refers to “building standing capacities or infrastructures for peacebuilding and prevention within countries, communities and regions, involving the main stakeholders.” However, Tsuma, Pentori and Mashiko (2014:46) define I4P as, “a network of interdependent systems, mechanisms, structures, resources, values and skills held by government, civil society and community institutions that promote dialogue and consultation, prevent conflict, and enable peaceful mediation when violence occurs in a society.” As for Nishanka (2012: 01), I4P refers to all domestic and national efforts aimed at creating or building on existing attempts in order to reduce violence and problem solving.

From various attempts to establish the term, there seems to be an ‘amalgamation of efforts’ by different stakeholders as a common thread in all definitions given by all the scholars above. It is worth noting that, as a strategy for achieving peace, concerted and galvanized efforts are paramount in building cohesion, anticipating, preventing, and achieving sustainable peace. None of the stakeholders can operate independently and be able to achieve tangible results; I can argue that, as nascent concept in peacebuilding, I4P thrives well when it works as a system whereby different interdependent parts help each other to achieve a desired goal. In his article *Infrastructures for Peace*, Van Tongeren (2011: 402) further argues that there are various forms of conflicts on land, resources, religion, ethnicity/identity, chieftaincy, and marginalisation of some communities among other others. But countries have no concrete analysis on the potential of conflict, nor do they often have instruments and mechanisms to deal with such conflict. Kumar (2012:386) concurs by highlighting that, with infrastructure for peace in place, it is possible to manage the ever-repeated land conflicts, conflicts on natural resources, help in apportioning of mineral wealth and even, resolving contested elections.

2.2.2 Categories of I4P

Infrastructure for peace is classified into two categories, informal and formal. According to Suurmond and Sharma (2012: 3), formal I4P “has a physical structure, a degree of organisation, stability, mandate, resources, and training, and is recognised as such by their

beneficiaries or ‘users’.” Formal I4P examples include: community mediation committees, local peace committees, peace radio stations, peace agreement monitoring mechanisms, religious institutions, and zones of peace. Informal I4P, on the other hand, involves those activities that, “emerge on an *ad hoc* basis, do not require a physical structure, and operate without funds.” Examples include the many traditional dispute resolution mechanisms. In western Uganda, among the Batoro, a committee called *Ekitahurizo* comprised of mainly the elderly who would call people in the village and sit to resolve any kind of conflict that emerged. In case of clan disputes, a committee made up of clan heads called *Bakuru b’enganda* would sit and resolve conflicts between two or more clans. The same committee would sit to resolve conflicts between individual members of different clans. Similarly, in Ankole, whenever there was a conflict between individuals or tribes, informal committees always convened to restore peace and harmony. Later, in early 80s, there emerged formal committees called *mayumba mwenda* (nine houses), these were responsible for resolving village disputes. It is worth noting that although these were introduced by Obote II government in early 80s, people embraced them but still continued to use the informal traditional peace committees.

2.2.3 Government as cornerstone of a dependable I4P

It is noteworthy that, in some countries, government and state agencies play important roles in the formation of I4P. In Ghana for example, the government played a crucial role in the formation, co-ordination and operation of infrastructure for peace (Van Tongeren 2011:401). This is to indicate that without involvement of government as stakeholders in I4P ‘system’, there is possibility for it becoming ineffective. Nevertheless, this is quite different from how it unfolds in other countries whereby, in most cases, actors from the government side do not adhere to what is expected of them. This is due to the fact that, in most cases, a bad image is portrayed by state actors in conflict situations. In many instances, some government officials are war entrepreneurs whose main goal is to perpetrate conflicts so that they can gain from them. This was the case of Northern Uganda’s war waged by Lord’s Resistance rebels where Uganda’s top military officials were implicated in awarding themselves tenders to supply food to the displaced persons. In such scenarios, it is hard to rely on government as stakeholders in I4P in any given nation. However, without the involvement and commitment of the government (which is their mandate), the efforts of civil societies or grass roots dialogues may wither and remain unproductive because they are unable to filter up to national level (Nishanka 2012:10).

Odendaal (2010) cited in Nishanka (2012) highlights that, without national-level commitment, local peace forums might not be effective but rather vulnerable to spoilers. Thus, as Harris (2011:131) advises, as a condition for enhancing, promoting and implementing a culture of peace, collaboration with the government is necessary because there are some principled people in government who can help in implementing a such a culture. That said, it is possible to have peace loving civil servants at district or national level who can help in implementing a national infrastructure for peace.

Arguably, the formation of local peace committees (LPCs) and regional peace committees was a success in South Africa because they had a legal national mandate which emanated from the National Peace Accord (NPA), and Van Tongeren (2011:404) further observes that, had it not been endorsed by NPA, local peace committees were bound to face an insurmountable task and extreme resistance. This success was because the functionality of the LPC was embedded in the peace architecture in terms of logistics or administrative support – for instance in the form of funding, networking and administration. Nevertheless, we must always remember that, much as the structure seemed to be top-down as a result of the mandate obtained from the NPA, local actors remained vibrant, present and owned the responsibility. Similarly, according to Odendaal (2012:51), the legitimacy of national peace committees and I4P in general hinge on government support as witnessed in Ghana, Kenya and Ethiopia. Such mandates, Odendaal argues, should not be established by the external actors because the strongest I4P is established by the local actors under trial and error, the Ghana and Kenya style. VanTongeren (2011:400) also emphasises that the backbone of I4P entails national, district and local peace councils.

It is possible to argue that individual elements – for instance, local peace councils – do not constitute peace infrastructure. The point here is that I4P is a means to conflict transformation. This because conflict transformation is not always possible and, therefore, I4P provides an avenue, opportunity and content necessary for managing and resolving any given conflicts. In Burundi, a study conducted by Mulanda (n.d: 18) indicates that there was training of peace committees on non-violence and the peaceful resolution of conflicts. A change of mindset was successfully achieved because, prior to the training, the Hutus and Tutsis never trusted each other, but at the end, they became peacemakers whereby even the Tutsi soldiers were part of the transformed peace committee members.

In his contribution, Harris (2011:122) highlights the importance of creating a culture of peace which must be achieved by creating “a new mindset towards conflict and violence.” This is a gradual process; it takes time but, eventually, the culture of violence creeps away

as time goes by. Yet, the culture of peace can only evolve when infrastructures for peace are put in place. Several examples of I4P include:

- Ministries of peace

As Harris (2011:124-125) argues, enforcing a culture of peace does not mean the end of conflicts, because different people have different viewpoints. Through a ministry of peacebuilding, it is believed that a culture of peace can be implemented and, to achieve positive results, Harris highlights the following functions of ministries of peacebuilding:

To publicize and encourage existing peacebuilding activities. The ministry will not take over existing initiatives but will make them known and provide support to help them to expand and be more effective;

To encourage other ministries and other civil society organizations to undertake new initiatives which will promote a culture of peace. Examples in the education sector will be the training of teachers in appropriate skills and ways of thinking about conflict; writing textbooks and developing curriculum materials in the areas of conflict resolution, non-violence and peace; the establishment of peace studies as an academic discipline at universities; and organizing student exchanges with neighbouring countries and between different regions of the country ...

Where there is no obvious ministry or civil society organization available for a task, to take initiatives itself. An example could be the establishment of a civilian peacebuilding standby brigade, perhaps involving members from different countries, to offer assistance in case of natural disasters and in recovery efforts following armed conflicts;

To celebrate the achievement of peace ... just as war has heroes, so does peace, and these should be celebrated ... The ministry would co-ordinate peace-related ways of celebrating its country's national days.

Similarly, in an effort to institutionalize peace, Suter (2004: 173) advocates for a national Ministry for Peacebuilding in every country, and further argues that it should be responsible for spearheading and implementing a country's peace policies. For Suter, the ministry of peacebuilding in each country has to serve two major purposes, namely: (1) to emphasize the need for resolving conflicts non-violently at both domestic and international levels. In so doing, it would provide avenues for people to express their desires on peaceful resolution of conflicts. Besides, the ministry would be in charge of enlightening citizens and ensure that they comprehend that all non-violent resolution means must be exhausted before using armed force; (2) The ministry of peacebuilding would ensure the formation of an institutionalized peace perspective so that the human

resource attached to the ministry is moulded to act peace, think peace and talk the language of peace (Suter 2004:174).

Harris (2011: 125) rightly asserts that a peacebuilding ministry is entrusted with some tasks, and these include: peace education, treating the wounds of violence, peacebuilding, peacekeeping, peacemaking and demilitarization. In order to build a peaceful and resilient society, Harris further opines that there is a need for ministry of peacebuilding to work in collaboration with other ministries, for instance the ministries of defence, education, and foreign affairs, and the police, as well as civil society organisations because their responsibilities and roles would overlap with those of a ministry of peacebuilding (Harris (2011:130) .

That said, Harris highlights five conditions necessary for sustaining a ministry of peacebuilding: Firstly, it is important to work on changing the mindset or thinking of the people, so as to do away with a culture of violence and adopt a culture of peace. This is an important pre-requisite for establishing a resilient ministry of peacebuilding. Second, it is very important to work hand in hand with the governments. This is very pertinent in order to have a mandate and support from the government to enable the implementation of a peacebuilding agenda in the country. Third, there is a need for flexible planning. This is essential for executing the future vision and mission, objectives and principles as well as a programme of action in order to achieve the desired goals. The fourth condition is the necessary resources in terms of both commitment by the members and finances. Lastly, resilience is required for a peacebuilding ministry because positive results can never be achieved in a fortnight (Harris 2011:131-132).

- Informal institutions of conflict resolution: Wajir of Kenya

As a result of ethnic divisions, marginalisation of communities, livestock rustling, border disputes, land tenure and political conflicts, a group of women from Wajir district in Kenya initiated efforts to resolve these issues using traditional mechanisms after the failure, through formal approaches by the government, to provide security and development in the areas near the Somali and Ethiopian borders. This came as a result of deaths of more than 1200 in over four years (Odendaal 2010:40). A committee consisting of civil society organizations, religious leaders, elders from different clans who were involved in setting up mediation processes, youths, women, and formal authorities who comprised district commissioners, representatives from security departments and members of parliament, was formed to provide solutions to the recurring conflicts in the

area. The aim was to sensitise the local communities to the need for peace (Van Tongeren 2011:408). The peace committee was successful in resolving conflicts in the district, and the model was consequently replicated in other districts of Kenya (Odendaal 2010:08).

- Local Peace committees and commissions

Odendaal (2010:07) describes local peace committee as “an inclusive committee operating at sub-national level (a district, municipality, town or village). It includes different community sections in conflict, and has the task of promoting peace within its own context.” Van Tongeren rightly states that, “creating an infrastructure for peace means developing mechanisms for co-operation among all relevant stakeholders in peacebuilding by promoting co-operative solutions to conflicts, and institutionalising the response mechanisms to conflicts, in order to transform them. National, district, and local peace councils are cornerstones of such an infrastructure” (Van Tongeren 2011:400). Issifu (2016:141) affirms that, for conflicts to be successfully resolved, local peace committees should be established in order to have sustainable peace. In Kenya, for instance, a bipartisan and an independent national peace commission consisting of 13 commissioners – one from each province, and the rest of the members from academia, youths, civil society organizations, women, and persons with disabilities – was appointed by the president and approved by Parliament (Van Tongeren 2011:409). In the late 1980s and 1990s, local peace commissions in Nicaragua and South Africa respectively contributed immensely towards local peacebuilding (Odendaal 2010:01). Supporting the same view, Issifu highlights that local peace committees have done a great job of conflict resolution, most especially at the grass roots level, through the use of traditional advocacy, mediation, negotiation, agreement, consensus building, awareness creation, community level capability building, and empowerment (Issifu 2016:142).

As for Mulanda (n.d), peace committees are “local peace infrastructures aiming at resolving existing conflicts, transforming relationships and preventing recurrence of violent conflicts.” Odendaal sums it all up by suggesting that a local peace committee is an umbrella name which refers to all “district peace advisory councils, district multi-party liaison committees, village peace and development committees, and committees for inter-community relations.” He further asserts that these local peace committees focus on dialogue, promote mutual understanding, build trust and create constructive problem solving as well as joint action to prevent violence (Odendaal 2010:07). Similarly, Issifu (2016:144)

further notes that, “the application of negotiation, mediation, reconciliation, advocacy, joint problem solving, community conferencing and the like are part of the African conflict resolution components used by local peace committees to guarantee most of the positive conflict outcomes in countless war-prone states in Africa.”

- Peace clubs in schools

In a study conducted by Mulanda (n.d:10), peace committees have been instrumental in managing conflicts at the grass roots level in Burundi. Efforts have been made in schools where peace clubs were established to enhance reconciliation among school going children. For instance, there were positive impacts documented when the principals of the two schools of Kabuguzo and Murumane tried peace clubs. Consequently, it was noted that children from reconciled homes found it easy to play and sit together in class. Odendaal (2010:07) summarises the concept of local peace committees by stating that, “The peace sought by local peace committees means ending the violence of the past; preventing any occurrence or recurrence of violence; acknowledging that local patterns of exclusion and discrimination need to be transformed, and with all participants committing to collaborate and take action in that transformation to deal with the most threatening and urgent problems facing the community.”

That said, I4P reflects “diverse, domestic, and interconnected forms of engagement between conflicting parties and other stakeholders” with the overarching objective of assisting parties through, for instance, capacity building with advice; helping the process through mediation between conflict parties; facilitating public participation; and implementing the resultant recommendations. Van Tongeren further stresses that the President of Kenya, through the National Steering Committee (NSC), played a great role in supporting I4P in the country because the National Peace Commission (NPC) was appointed by the President and was approved by Parliament. It could be argued, however, that much as the governments have been seen providing mandates and support to the operation of I4P, as in the cases of Ghana, Kenya, and South Africa, there are cases, for instance in Ethiopia, where national peace committees have fallen into political traps. This was because the president was the chairperson of the NPC, and it became hard to push forward when the relationship between state and opposition was strained. There was no longer a level ground for peacebuilding to be realised (Odendaal 2012: 44).

In a nutshell, therefore, a government’s commitment is crucial for the establishment and, later, as a pace-setter for the success of infrastructure for peace in any given country.

Without doubt, as Van Tongeren argues, for peace to take root, it must not be left to the politicians alone to operate. Local peace committees create a framework for operation, and should always remain ready to engage all parties involved.

2.2.4 I4P as an anatomy for comprehending conflict

Nishanka (2012:01) claims that, “building structural capacities for all conflicting parties and stakeholders” and changing the “minds and hearts” of conflicting parties is not enough. Rather, putting structural capacities in place is fundamental in transforming a conflict. Indeed, the ultimate aim of peacebuilding is to transform a conflict. An I4P is a body of people representing all levels of society with the ultimate goal of achieving peace. The mandates of national peace committees are in accord with the context in the country. In other words, they are usually not context specific. For instance, what is designed for Kenya might be for elections, while in South Africa, the mandate was to prevent violence (Odendaal 2012:42). Angom (2018:135), highlights that in Northern Uganda, both formal and informal peace committees contributed tremendously to transforming the conflict. Wasonga (2009:35) concurs that informal approach like Mato Oput has played a key role in healing, reconciliation and reconstruction of Northern Uganda which has not been done by International justice system.

Peace infrastructure is composed of various inter-connected actors at different levels, and this can give peace a voice in areas which are torn by violence, or at least, be an agent of change in a quest for peaceful co-existence in the community (Nishaka, 2012:01). It is a structure that explains a connection between institutions and organisations at all levels of a society so that peacebuilding capacities are optimized (Odendaal 2012:40). For VanTongeren (2011:400), the main argument zeroes on the importance of I4P which was applied in the pioneer countries, for instance, in South Africa, where it played a major role in controlling the escalation of conflict, especially after releasing political prisoners. Had it not been for the well-established local peace committees and regional peace committees that were established after Comprehensive Peace Agreement (CPA), it would have been disastrous. According to Van Tongeren, more credit should be given to Odendaal whose ground breaking research contributed much to peacebuilding, not only in South Africa but the entire continent.

As for Nishanka (2012: 01), I4P is a concept that enables us to understand the anatomy of the conflict, highlighting the internal and domestic efforts directed towards reducing violence in the communities. According to Nishanka, I4P should be regarded as all domestic and national efforts aimed at creating or building upon existing attempts in order to reduce violence and problem solving. To achieve that, there must be a collaborative

institutional framework between state and non-state actors (Van Tongeren 2011:413). In this regard, it is possible to state that I4P provides that needed analysis and a means of how a conflict can be approached, addressed and diagnosed. It truly gives a distinct overview of all layers that must be in place to approach the conflict.

2.2.5 I4P an insider mediator

Infrastructure for peace is seen as being endogenous in the situations occurring at the grass roots, and with high chances of reaching various stages of conflict (Kumar 2012:386). For instance, some citizens concerned for peace in Kenya helped to set up internal efforts to resolve post-2008 Kenya election violence, and opened space for Kofi Anan's mediation (Ibid:392). Thus, gone are the days when it was only national and local actors involved in vaccinating children and building village feeder roads, while only diplomats and NGOs did conflict prevention and mediation in developing countries (Kumar 2012:398). Today, there is a new trend where local grass roots and national actors are on top of the game in as far as peacebuilding is concerned. They are actively involved in initiating peaceful co-existence, tolerance and peacebuilding dialogues. Kumar (2012:398) argues that the approach has changed and is immensely less costly, such that equipping local actors has registered huge successes in, for instance, Kenya, Ghana, and East Timor, with barely USD15m, whereas the budgets for peacekeeping missions always vary from around USD350m and above. With the budget of merely USD3m a year, an I4P can be established to help achieve sustainable solutions.

In this regard, it is worthwhile to argue that a small budget of even less than three million US dollars can help in motivating a simple team of elders, women, youths, local council leaders and government representatives whose ultimate goal is to achieve peace in any given community. If anything, money should not always be an overriding factor if everybody is committed to achieving peace. As one of the conditions for attaining a resilient culture of peace, Harris highlights that commitment is pertinent. Worth noting Even if the conflict is multi-faceted, as long as the actors are organised, committed and have the will to reach an agreement, the issue of gargantuan budgets need never arise.

In their contribution, Suurmond and Sharma (2012:82) argue that the formation of community mediation centres operated by trained mediators is an important structure of Infrastructure for Peace in a sense that village and sub-county, as well as district mediation, if put in place, can play a major role in enabling people to access justice, especially for those who cannot access formal justice in formal courts. As insider mediators, for instance, village mediators can handle disputes between neighbours, family

members and relatives, while sub-county and district mediators can deal with cases of land, boundaries, assault, crop destruction and land grabbing.

It is sensible to argue that the impact of community mediation as part of I4P is an important tool for empowering the powerless, such as women and youths, because it builds confidence among them. With this kind of empowerment, communities are able to handle their own disputes and, in the long run, enhance capacities for peacebuilding. This can be achieved with few resources in any peace-loving community on the globe. Relatedly, Odendaal (2012:45) rightly asserts that peacebuilding is not for the elites *per se*, but is a responsibility for the whole society. The resources needed for peacebuilding lie within the local community, not from the external actors; however, external actors can come in as facilitators and with logistical support, but the onus must be on the primary actors who must ensure that peace in their community prevails. That said, the emergence of I4P in Ghana and later in Kenya was as a result of indigenous initiatives that were meant to provide solutions in particular contexts.

2.2.6 Top-down and bottom up approaches for I4P

Arguably, it has been observed that the mandates for Infrastructure for Peace have been received using bottom-up as well as top-down approaches. For instance, the peace accords in South Africa, Malawi, Northern Ireland and Sierra Leone, all reflect a top-down approach of I4P, while Kenya and Ghana provide good examples of bottom-up approaches, with peace committees evolving from the local communities (Odendaal 2012:43). It should be emphasised that the bottom-up approach seems to be more sustainable than the top-down approach owing to the fact that the former involves local people and is pro-people, while the latter tends to be an initiative emanating from the national level which, in most cases, includes policies and involves the state and elites. This is not to say that elites cannot initiate a sustainable infrastructure for peace, but rather, the level of cohesion and ownership is not as enthusiastic as in the case of non-elites at the grass roots, which usually is not as prompt or efficient.

2.3 Conclusion

Nishanka (2012) concludes by suggesting that I4P is a nascent concept. Its applicability is not one-size-fits-all, and its establishment takes time and must be designed in line with the country's context. It is also necessary to learn from the experiences (on functioning, organisation and situation contexts) from other parts of the world. In addition, he further argues that it is not a guarantee to have all diverse sets of both national and domestic actors involved in conflict management, conflict settlement and transformation; some of them need to stay outside in order to play more important roles. His argument, precisely,

is that I4P should be about “building the structural capacities” of actors and stakeholders to enable them transform a conflict. Importantly, Infrastructure for Peace is not an elusive concept but rather a blossoming one. It is what all countries experiencing conflicts need to embrace in order to have a culture of peace and, specifically, peaceful coexistence. With the staggering 1.5 billion people globally living in areas affected by violence, wars, and crimes, major success will be achieved if the concept of I4P is given priority by the countries affected. This can be achieved by introducing ministries of peace. Without doubt, after the failure of various approaches to peacebuilding, I4P seems to be a real beacon of hope in providing long lasting solutions in the areas torn by conflicts. This is because it ensures inclusivity of all parties in building cohesion and finding solutions; it provides an anatomy for understanding the root causes of any kind of conflict; it is less costly, and it is a crucial insider mediator.

In a nutshell, the overarching approach of this study is bottom-up. It is embedded in an Infrastructure for Peace theory. For this study, the Infrastructure for Peace and the conflict transformation theories supplement each other. The Infrastructure for Peace concept will be discussed in detail in the form of traditional mechanisms of conflict resolution in the next chapter. On the other hand, the theory of conflict transformation, as already discussed above, is deep rooted in transforming all dimensions of a conflict; indeed, it may not be possible to transform a conflict in the short term.

PART THREE

CHAPTER THREE

TRADITIONAL CONFLICT RESOLUTION/PEACEBUILDING MECHANISMS

“Understanding conflict and developing appropriate models of handling it will necessarily be rooted in, and must respect and draw from, the cultural knowledge of the people” (Lederach 1995: 10).

3.0 Introduction

Africa has myriad cultures and customs. Since conflicts are undeniably inevitable, there are also various intervening approaches to do away with a plethora of challenges faced in various societies. This chapter underscores traditional conflict resolution mechanisms or approaches and from the literature reviewed various key themes emerged.

Before the coming of colonialists to Africa, the traditions, customs and practices of different ethnic groups were dominant. The majority depended on social capital in order to preserve harmony, and social order, and so restoring disputes was the duty of elders, healers and other important people in the society (Kariuki 2015: 13). There is no society on planet earth which takes pleasure in skirmishes or conflicts. However, as long as people live together, conflicts are inevitable between individuals or groups, and when these conflicts remain unresolved, they become complex and develop into a deep-seated dispute (Angessa 2013: 12). According to Mensah (2005: 1), a traditional conflict resolution mechanism is a social capital and is defined as “the capability of social norms and customs to hold members of a group together by effectively setting and facilitating the terms of their relationship ... [hence] sustainability facilitates collective action for achieving mutually beneficial ends.”

In Africa, traditional mechanisms of conflict resolution are intertwined with morals. In other words, while giving the judgement between the conflicting parties, focus was always put on reconciliation and, throughout the court judgements, efforts were always put on preventing the breakdown of the relationship between conflicting parties (Musingafi, Dumbu and Mupa 2011: 96). Boege (2011: 432) argues that traditional approaches to conflict management evolved a long time ago in the ‘pre-colonial and pre-

contact history’ of societies but have kept on changing due to exposure to the outside world. Boege concurs with (Muingua 2013: 1) who also posits that traditional conflict resolution approaches have been in existence long before the arrival of colonialists. Prior to the coming of Europeans, in African traditional societies, conflicting parties used to have disputes resolved amicably through mediation from the elders and close family relatives. Similarly, in his argument, Udofia (2011: 105) further asserts that the concept of peacebuilding in African traditional societies is as old as time, and was always taken seriously because without peace, it was believed that ancestors would not be happy and this implied that the whole community would be punished. Likewise, Tsuma, Pentori and Mashiko (2014:45), argue that it is prudent to create a local system to do away with ‘external and internal shocks.’ Although traditional leadership in Africa is inevitable, the relationship with the modern state is a tricky one (Mutisi 2012: 9). From observation, one can argue that traditional approaches to conflict resolution and peacebuilding in general, are not an alien concept in African societies. They have been there since time immemorial, they are still being used in resolving conflicts, and will remain a key ingredient in achieving sustainable peace because they are interwoven and embedded within the cultures, beliefs and customs of Africans.

According to Igbokwe (1998) cited in Rukuni *et al.* (2015: 75), there are three distinctive factors that succinctly elucidate why Africans still and will remain anchored on traditional and informal means of resolving conflicts. These are: firstly, many Africans live in rural areas where it is seldom possible to access state justice; second, the nature of justice offered by the formal courts is inappropriate because it is retributive. Retributive justice under a formal court system portrays offenders as “bad and always will be” (Harris 2014: 74). This kind of settling disputes among rural folks creates hostility and is not sustainable. Third, state justice in most African countries has an inadequate infrastructure in as far as resolving minor village disputes is concerned. In his contribution, Boege (2006:08) further affirms that the modern justice system is time consuming, costly and formalistic, with much confrontation in the procedures, not minding about the outcomes which aim at punishing the perpetrators.

Traditional approaches of conflict resolution become the best alternative because the relevance of endogenous knowledge systems is linked to the significant role played by the principles of transparency, community participation and ownership, and their ability to enhance the capacity to solve their own problems (Kwaja 2009: 71). Undeniably, traditional conflict resolution mechanisms have been instrumental in resolving conflicts in most African communities. For instance, in Ethiopia, one of the institutions called *Guma* has played an important part in bringing warring parties together (Angessa

2013:21). In Rwanda, the *Gacaca* has contributed immensely towards bringing justice, healing and truth-telling as well as reconciliation (Mutisi 2009: 26). In Uganda, *Mato Oput* played a great role in Acholi during the post-LRA insurgency in Northern Uganda where a mediation process, trust building and accepting wrong doing, compensation and restoration were all at play (Wasonga 2009: 27). However, success depends on how particular a culture practices particular mechanisms. As mentioned above, traditional courts have registered success in the respective countries, and it is high time the same wisdom is propagated in other countries affected by ceaseless but preventable conflicts.

3.1 Features of traditional conflict resolution mechanisms

Literature reviewed in this study indicates that traditional conflict resolution approaches have several features. To begin with, traditional approaches of peacebuilding are not a panacea in all situations of conflicts. They are context specific. In this case, Boege (2006) argues that they work well where the relationships and values are in place and established. Nevertheless, what must be remembered is that what works for a certain community might not work for another, unless they are neighbours and share values and customs. In situations where a conflict is between a local community and modern or outside actors, it becomes very complex and poses more challenges to the applicability of traditional approaches. In other words, it is possible to argue that traditional conflict resolution approaches thrive well when the conflict is between or within families, neighbours, or within or between villages (Boege 2006: 10).

Under traditional conflict resolution mechanisms, the composition, numbers and the procedures vary from one ethnic group to another and also depend on specific customs and practices. Members comprise religious leaders, wise men, and other prominent leaders in the community.

Unlike a formal court system where the judges are chosen by the state, in traditional courts, it is the conflicting parties who choose the judges based on their reputation in the society, their deep knowledge or understanding of society norms, wisdom and rich experience (Enyew 2014:141).

Boege (2006:09) highlights that, in traditional conflict resolution systems, traditional leaders are always entrusted with the responsibility of oversight during the peacebuilding process because they are respected, and have rich experience as mediators, facilitators, negotiators and peace makers. Conflict resolution is normally hinged on voluntary consensus and voluntary agreement that is consensus based and so there is no coercion. Similarly, Penal Reform International (2000: 15) concurs by asserting that the process is voluntary and not backed by state coercion; it relies on social pressure to ensure

attendance and compliance with a decision. The procedure is informal and participatory and is based on principles of restorative justice. Besides, the decision is founded on compromise rather than strict rules of law; both of the disputants and their supporters usually play a central role in the decision making.

In some countries, for instance Ethiopia, the *Gumaa* system uses “confession, honesty, repentance and sincere apology as a fertile soil in which the seed of peace is rejuvenated” (Angessa 2013:15). Angessa supports the approach, arguing that traditional mechanisms of conflict resolution are used to restore violated social rules and detached emotional attachment through full confession, honesty, repentance and sincere apology rather than mere restitution or compensation of lost life or property. Ultimately, since traditional mechanisms of conflict resolution are deeply embedded in the culture of society, they are regarded as always close to the people, they are cheap, take less time to bring criminals to justice, and are “in community for community” (Angessa 2013:21). The legitimate team is always composed of elders who are mature in age, knowledgeable about the process and have solid political experience. Enyew (2014: 125) plausibly states that African traditional conflict resolution mechanisms were largely run by the elders. They always involve reconciliation of the disputants, their families, and the restitution of the victims. This ensures reintegration of the offenders, restores the erstwhile relationship, and helps maintain their future relationship to avert any possible act of revenge in the community.

With traditional approaches of conflict resolution, the arbitrators are usually not strangers to the disputants. In fact, the arbitrator would know the relationship between the disputants and would be aware of the dispute before it is brought to his notice officially. In most cases, arbitrators know the nature of the dispute and all the intricacies involved, previous strained relationships between the parties, as well as knowing whether one of the parties came into the community recently or a few years ago, and so forth. Ultimately, this gives leverage and better resolution of the disputes than the formal state courts where unquestionably, the judge or arbitrator is a stranger to the case or dispute (Penal Reform International 2000:26).

Because traditional conflict resolution approaches are usually designed for specific contexts, Boege (2006: 6) highlights that there is no single universally applicable traditional conflict transformation approach. It is further argued that a typical traditional society is the exact opposite of modern society whereby even the features of conflict resolution are also opposite. For instance, Boege notes that African traditional society is patriarchal and, so in all cases, the composition of the conflict resolution leadership was

made up of only men (Boege 2006:06). He further maintains that African traditional conflict resolution methods aim at restoration of the relationships and of order in society. That is why the focus is not about punishing the perpetrators but rather on restitution as a means to reconciliation. That is because, without restitution, it is hard to restore harmony and relationships in the community since the damage is already done and inflicted upon the community (Boege 2006:07).

According to Allot (1968, cited in Penal Reform International 2000:27), all avenues of reaching a solution were used in most African traditional societies, but reconciliation based on consensus was the utmost common feature. This is because, as Boege (2006) points out, the three core elements of traditional approaches – that is, forgiveness, reconciliation and restoration – are an absolute trademark of African traditional institutions committed to peacebuilding. Boege (2006: 08), further notes that, being consensus based, the conflicting parties are given a chance to negotiate an agreement regarding the interpretation of the past. This paves the way for confessions by the perpetrators whereby they ask for forgiveness and the victims also accept the apologies. It is further indicated that traditional conflict resolution approaches are holistic in a way that they are not split into economic, political, social, judicial and spiritual departments, but instead, cover all these aspects at once. Indeed, to Boege, people's traditional lifestyles are indivisible so that life is lived as a whole and is seldom divided.

In addition, inclusion and participation in conflict resolution is another main feature of traditional approaches. All parties participate in finding solutions which must also lead to a win-win outcome. Boege (2006:13) further contends that, since everybody is responsible for the conflict, all should be part of finding the solutions. Much as this approach seems to be complex, it has higher chances of being successful than the formal approach which only focuses on primary actors (Boege 2006:13). Hence, during the deliberation and reconciliation stage, elders ensure full participation of the victims, offenders, their respective families and community members. Also, steps are taken to ensure that the victim and the family are compensated. After this, elders are supposed to fix a day on which to conduct final customary ceremonies and rituals (Enyew 2014:144).

Another important feature of traditional conflict resolution approaches is that they deal with psychosocial and spiritual aspects of conflict as well as their transformation. In this regard, Boege (2006:09) indicates that the approaches do not stop at negotiation or finding solutions, but also ensure spiritual and mental healing as well. It is possible to argue that the process of mental healing has been lacking, yet it is a very important aspect of peacebuilding which ultimately creates a fertile ground for long lasting and sustainable

peace. Moreover, religion and family are well known to be interwoven in African traditional mechanisms of resolving conflicts. For instance, taboos, divination, spirit mediums, and expectations of sharing, as well as family structures like lineage and clans, are all inseparable issues in the process (Musingafi, Dumbu and Mupa 2011:96).

Thus, the features of traditional mechanisms of conflict resolution seem to be identical in most African societies where traditional court systems are popular. These features include: (1) Inclusivity and participation of the community members during conflict resolution; (2) Judges or arbitrators are mainly elders of high calibre, mature in age, knowledgeable, responsible for presiding over disputes, and are no strangers to the warring parties; (3) Confession, honesty, repentance, sincere apology, and restitution as cornerstones towards reconciliation and restoration of damaged relationships between conflicting parties; (4) Reconciliation based on consensus is given high attention; (5) Psychosocial and spiritual aspects are very important while dealing with transformation and general emotional healing of the conflicting parties; (6) There is no rushing during a court process, and it is believed that the more time a dispute takes to be resolved, the better because focus is put on inclusion and participation by all for a win-win outcome.

One rare difference to these typically common features seen in African traditional conflict resolution approaches is found in South Africa's *Ubuntu* where the elders are allowed to preside over both civil and criminal cases between disputants, all of whom must be Africans, and be living within the traditional leader's area of jurisdiction, but the traditional leader presiding over the case must be authorised by the minister.

3.2 Strengths of traditional conflict resolution approaches

The concept of justice in traditional conflict resolution was understood as “what the society considered to be fair and just in relation to the general context and not ‘what is fixed in advance’ by the law” (Wanitzek 1990: 258). Traditional conflict resolution approaches have played a pivotal role in maintaining peace and stability in most African societies (Enyew 2014:125). They have been recognised for thriving well in circumstances of state failure, or when the state is weak. It is also observed that the renaissance of traditional conflict resolution approaches has been a result of state collapse. Thus, traditional approaches of peacebuilding command a high legitimacy in as far as taking measures towards conflict transformation and peacebuilding are concerned. Issifu and Asante (2016) contend that traditional conflict resolution approaches save time and swiftly respond to the crisis in rural areas. Besides, this approach is dominated by the peace actors whose aim and emphasis is social healing and purification. Assefa (1993 cited in Issifu and Asante 2016: 14), also agrees that traditional conflict resolution

approaches have contributed immensely to the reduction of disliked court case loads. In the long run, they have contributed to saving public money and have significantly minimized the challenges of having a few overworked judges serving in regular courts.

Relatedly, Penal Reform International (2000) agree that traditional approaches to conflict resolution are accessible by the local person without transport and with distance and financial challenges. In rural areas, formal courts are hard to access due to the distance coupled with irregular bus schedules, which sometimes culminate in fines charged for contempt of court after missing the court hearing or failure to turn up (Penal Reform International 2000: 08). Boege also contends that it is due to the fact that they are not state-centric and are usually process oriented and unhurried that has rendered this approach successful. The feature of unhurriedness enables conflict transformation to prevail. This gives time to both conflicting parties to calm down, revisit and renegotiate the issues. Boege (2006:12) further comments that parties are “more realistic than standard international diplomacy” where peacemakers are after rapid, fixed and tangible results in negotiations. In this regard, the process of conflict transformation must take time since, “time is more important than the solution.” In other words, traditional conflict resolution approaches are process focused rather than outcome focused. A dispute should rather take long to be resolved and reach a sustainable solution, especially through reconciliation, than being hurried and haphazardly concluded as with the case in the formal court systems.

Traditional mechanisms of conflict resolution do not use a non-investigative approach but rather use a reflective, narrative and restorative approach. This is one of the greatest strengths in this approach and, as Angessa (2013: 21), argues, these approaches are flexible and more valuable to the lives of the common man in a society because they can effectively build the social bonds and reintegrate the warring parties in social, moral and psychological ways.

Moreover, Issifu *et al* (2015) cited in Issifu and Asante 2016:14), opine that traditional conflict resolution approaches aim at restoration rather than retribution, on restitution of friendship not with fault-finding, in truth-telling rather than fact-finding, on dialogue rather than blame, on apology and forgiveness rather than a zero-sum game, on accommodating rather than avoiding, and on co-cooperativeness rather than assertiveness. All these characteristics contribute immensely to the success of the traditional approaches in resolving disputes. With the same view, Penal Reform International (2000:03) highlights that traditional conflict resolution approaches are well appreciated and suit circumstances where people are staying in the same community

seeking reconciliation, bearing in mind that they need restoration because they must live together, work together and support each other in future. This makes African traditional approaches unique, and with more advantages than the formal approaches.

Penal Reform International (2000:06) further claims that traditional approaches of conflict resolution provide much greater access to justice than the formal approaches. It is possible to contend that, since traditional court sessions are conducted in a mother tongue, the majority of the common people are satisfied with the judgement unlike in formal court system where the judgement may be inaccurate, or wrongly interpreted or translated. Traditional leaders have the authority to bring to an end community conflicts, and to do away with hostility between conflicting parties, eliminating a desire for revenge among the conflicting parties, reducing the polarisations and, consequently, restoring peace to the community without external support (Angessa 2013:22). Similarly, Issifu and Asante (2016:14) also indicate that the local dynamics can only be understood by using traditional conflict resolution approaches due to the fact that they foster mutual self-help, respect, relevance and sustainable peace. Local participation is one of the ingredients of sustainable peace because people hardly revenge when the initiative is locally driven and owned by the community, rather than external people. In other words, since the approach is pro-people, it guarantees sustainable solutions.

In addition, mediators in traditional conflict resolution approaches have high profile moral status, seniority, should be neutral and command respect from the community members. Furthermore, the judge is normally known to the public and to the parties, and there are good opportunities for the community members to participate in reaching a solution to the conflict. Undeniably, this is not the case in the formal court approaches where a “stranger” is the one in charge of the final decision which, in some cases, may be improper (Penal Reform International 2000:09). It can also be argued that traditional conflict resolution approaches wholesomely embrace aspects of consensus building which is normally hinged on open discussion. This is important for the exchange of information and classification of issues to end violence (Issifu and Asante 2016:15). Consequently, Penal Reform International (2000:09) observes that traditional approaches of conflict resolution aim at bringing back social cohesion in the communities by promoting reconciliation between warring parties. However, this does not imply that these approaches exist uniformly across the world (Brigg 2008: 05).

Mtukwa (2015: 90) maintains that restoration of harmony, restitution and reconciliation can only be achieved when a common understanding of what went wrong in the past is

reached and understood. This can only be possible if traditional approaches to conflict resolution are applied.

Since the notions of reconciliation and harmony lie at the heart of African adjudication, Penal Reform International (2000: 09) points out that traditional approaches to conflict resolution aim at rehabilitation of the offenders and involve restitution and reconciliation among the conflicting parties. This is contrary to the state or formal courts where the emphasis is on punishing the wrong doer and, at the end, the offender is taken to the prison to do manual labour in prison farms, while the victim is neither compensated nor reconciled. Neither the community nor the victim benefit. The state, in this case, is regarded as “repressive, patently unjust, and wholly inappropriate to the needs of the parties” Penal Reform International (2000: 09).

Okoro (2010:14), rightly asserts that traditional mechanisms of conflict resolution encompass peace marches and protest, internal group dialogue, the promotion of inter-cultural tolerance and understanding, empowerment of ordinary citizens in economic, cultural and political spheres to broker peace, as well as peace education. Besides, actors in traditional conflict resolution may come from various institutions, local, national, international, cultural and grass roots organisations. In addition, traditional approaches of conflict resolution do not involve repression, but seek to solve root causes of a conflict and address minor cases before they escalate to involve the state. In addition, the kind of justice offered is based on compensation, restoration and rehabilitation; this is an ideal approach for most African societies living in ‘close-knit’ communities whereby they need to continue supporting each other socially and economically (Penal Reform International 2000: 37). With restorative justice, Enyew (2014:129) argues, there is engagement of the key stakeholders in resolving the dispute. Restorative justice aims at empowering the victims by giving them an avenue to air their feelings, to confront the offender to ask questions, and to receive instant answers. Above all, restorative justice gives a chance to all parties to suggest possible ways of resolving the conflict, which ultimately leads to healing (Enyew 2014:129).

Speaking of education, Okoro (2010) maintains that in traditional instruction, children were taught skills, knowledge and virtues of peaceful coexistence especially under the same roof. The principle of togetherness, solidarity, respect for the truth and ability to strive for self and community development were all emphasised. In addition, respect for authority, a sense of honesty, modesty, tolerance, kindness and love of one’s neighbour were among the main themes stressed in order to inculcate the spirit of peace and harmony among the children. Much as it is known that the traditional approaches give chances to

all people to participate in the peacebuilding process, it is possible to disagree with Okoro's argument here because women and youths were not given a chance to be in leadership positions during a peacebuilding process. In fact, African traditional societies being inherently patriarchal, women are largely marginalised. Other scholars also disagree with Okoro, asserting that women, children and youth were never involved either in decision making or in the core team of traditional peace builders. This is partly attributed to the customs of most African societies (Penal Reform International 2000:02; Boege 2006:15; Morrow 2014:12).

Traditional approaches are also known to be focused on future relationships between the warring parties, and thus seek to minimise the importance of the event which triggered the dispute. That is why the arbitrator must have the ability to reconcile the disputants by relying on the knowledge of their past relationship (Penal Reform International 2000:30). According to proceedings from the All-Africa Conference on African Principles of Conflict Resolution and Reconciliation (1999: 14-17), there are a number of factors that justify why there is a need to adopt African traditional approaches in solving African conflicts. These are necessary for bringing reconciliation and social-political harmony in African societies. They say,

First, the realisation that measures to resolve intra-state and inter-state conflicts in Africa have failed because they have not been based on the understanding of the root causes and the social cultural contexts in which they occurred. Second, is the recognition that African societies have economic, social, political, cultural systems and systems for conflict resolution and reconciliation, which have enabled them to survive through time. Though these systems might have been marginalised by colonialism, the continent has preserved many of its values and principles. Third, African attitudes, relations and traditions create a natural environment conducive to conflict resolution and reconciliation. Fourth, other factors exist in Africa that are necessary for dealing with conflicts. These include a culture of tolerance, reconciliation, interdependence, trust, cross-cultural respect and cultural and ethnic loyalty (ibid: 14-17).

3.3 Weaknesses of traditional conflict resolution approaches

Various scholars have highlighted several weaknesses of traditional approaches to conflict resolution. In the first place, Boege (2006:15) asserts that traditional approaches of conflict resolution might not guarantee or necessarily solve violence in the long run. There are kinds of violence which, according to traditional approaches, do not matter. For instance, violence against women or other weak or vulnerable groups in a society might be a 'normal feature' of peaceful life in traditional conflict approaches. In similar vein, Penal Reform International (2000: 37) highlights that members in traditional

conflict situations are often side-lined – for instance, women – in favour of powerful members such as chiefs, elders or religious leaders. Similarly, Morrow (2014: 12) says that, during a peacebuilding process, women, children and “hot blooded warriors” – sometimes regarded as mere young men – were always disregarded. This, undoubtedly, is one of the greatest weaknesses of traditional approaches.

Likewise, Enyew (2014:149) plausibly states that one of the greatest weaknesses of traditional conflict resolution institutions is that they are not compliant with human rights standards, for they are widely criticised for treating men and women unequally. Women are usually undermined by men, and it is totally unacceptable. Traditional conflict resolution approaches, in most cases, violate universal human rights standards. This happens because the council of elders normally consists of old men; hardly any women are involved in brokering peace deals between warring parties. By excluding women, the young or the elderly in decision making when they are usually the victims, renders traditional conflict resolution approaches as anti-democratic.

Similarly, Penal Reform International (200:02) notes that most traditional and informal conflict resolution mechanisms tend to discriminate against women and young people in the communities because the system hinges on the customary and religious norms. This is evidenced by the fact that there are few women who have ever presided over traditional or informal courts in Africa.

On the contrary, this is not the case with formal systems because, though there are still a few women who are occupying high profile offices in judicial circles, it is better than informal or traditional court systems where women are not given a chance at all. In Somalia for instance, Morrow (2014:12) remarks that under a traditional conflict resolution mechanism known as *Xeer*, disputes are resolved by an assembly of mature men called *Shir* whereby women, children and “hot-blooded worriers” or younger men are not included. Morrow (2014:16) further highlights that women are not allowed to make any decision on issues affecting them, yet in most cases they are the ones greatly affected by the conflicts and violence. Worse still, domestic violence against women in Somalia’s *Xeer* system is always ignored until the abuse becomes persistent and affects the whole community’s well-being.

Another weakness that Rukuni *et al* (2015: 77) point out is that sometimes traditional leaders have limited public relations, limited mediation skills and/or knowledge of the state laws. For instance, in Zimbabwe, some criminal cases cannot be handled by the traditional courts of law but are handed over to the state and police to handle. Rukuni *et al.*, add that there are instances where traditional authorities, especially chiefs, handling

the cases are caught off guard and fail to exercise impartiality. Such incidents happen most often when arbitrators have connections with primary actors in the community cases (Rukuni *et al.*, 2015: 77). From this, it is possible to assert that, whereas Rukuni *et al.*, believe that traditional leaders are involved in mischief, there are many temptations they go through as leaders and as human beings; it is very hard to be completely neutral. In some cases, someone always has a stand, and it is a human weakness in the peacebuilding process. Thus, as peace builders, we should strive to avoid such temptations because it is one factor that can derail a peace process.

Conversely, other scholars have argued that some traditional conflict resolution approaches – for instance, the arbitration process – are susceptible to abuse and bias because there are no written rules and standard operating procedures. Thus, judgement is normally at the mercy of the chief. Besides, some traditional leaders have been in the spotlight for accepting bribes, which greatly compromises their effectiveness in resolving conflicts in their respective communities (Rukuni *et al.*, 2015:77-78). Since traditional conflict resolution approaches are context specific, Boege (2006:16) argues that these approaches have “a limited sphere of applicability” because solutions are contained within a specific group or community calling themselves “we” or family. Besides, Boege adds that they do not get along with external actors such as multi-national companies, central state authorities or, even, mercenaries because the system conflicts regulations between the modern and the traditional, leading to clashes and incompatibility. In addition, Boege further highlights that this approach becomes still harder to apply because many people who leave the villages and go to earn a living in cities are hard to integrate into the system. In the long run, the approach is severely affected by forces of capitalism that make it difficult to apply traditional approaches in modern societies. He sums it up by stating that, “urbanisation automatically leads to the breakdown of traditional structures” (Boege 2006:16).

Traditional approaches to conflict resolution are conservative in nature and, hence, they tend to focus on restoring the good old order. However, this mentality faces a huge challenge where its values and relations are not applicable to a modern person or community. Today, modern men and women see some of the traditional values as archaic and out-dated. As a result, Boege (2006:17) reckons that traditional approaches are bound to bow to the pressures both within and without and can end up trying to adopt both modern and traditional approaches – a hybrid of sorts.

Traditional approaches of conflict resolution are also susceptible to abuse by traditional authority members themselves. Boege (2006) points out that the unruly behaviour came

after the arrival of the colonialists. It is argued that most respected traditional leaders were compromised by the colonial masters. Most did so merely to satisfy their personal ambitions. In the long run, the agenda and legitimacy in regard to conflict transformation lost track and many of the traditional leaders were consequently co-opted as state agents. Boege further highlights that, being both traditional leaders and state agents at the same time compromised their influence as far as traditional peacebuilding was concerned (Boege 2006:17). Similarly, it is further argued that some traditional leaders are usually compromised through allowances and classy cars given to them by the state, as in Zimbabwe. In the end, they abandon their maiden duties of resolving conflicts in their communities (Rukuni *et al* 2015:77).

From the above assertions by Boege and Rukuni *et al*, it is possible to assert that a new breed of traditional leaders has absolutely lost track of the original values and intentions of their forefathers due to the fact that most of them received their education and orientation from outside Africa. Ultimately, these traditional peace builders are bound to be hugely compromised, influenced and co-opted by the state because western knowledge and governance styles have replaced the original indigenous systems in most African urban societies.

To conclude this section, it has been observed that traditional approaches to peacebuilding hinge largely on the aspects of forgiveness, reconciliation and restoration. These are, perhaps, the backbone of traditional approaches in as far peacebuilding is concerned and, as Rukuni *et al* (2015:77) contend, traditional leaders have unrivalled skills; only that they need to keep abreast of modernity and be flexible to enable them to be more efficient and effective. The most positive of traditional approaches of peacebuilding should be adopted so that most of today's conflicts – which are mainly ethnic – can be resolved sustainably. Furthermore, Penal Reform International (2000: 03), concludes that both traditional and formal conflict resolution approaches have both strengths and weaknesses, but their effects depend on the “nature of the disputes and the relationship of the parties.”

3.4 Traditional social-political institutions and conflict resolution (Traditional I4P)

The first section of this chapter has discussed features of traditional conflict resolution mechanisms, and their strengths and weaknesses. The following section provides three case studies of African traditional conflict resolution institutions where societies have used them to resolve conflicts in their midst.

From the literature reviewed, it is clear that Africa has myriad cultures and from these cultures, there are various institutions with systems for intervening in conflict situations. It is worth noting that studies on conflict interventions using traditional mechanisms

indicate that there are various ethnic groups with institutions which have been used in the prevention and resolving violent conflicts (Msukwa 2012: 54). From the literature reviewed in this study, there are traditional social political institutions which form Infrastructure for Peace (I4P) in Africa perspective that have been pivotal in championing conflict resolution. There has been considerable attention given to them (indigenous institutions) due to their role they play towards peacebuilding, reconciliation and reconstruction in the areas torn by conflicts. In the process of peacebuilding, it is prudent that focus be put on rebuilding and reconstructing societies, but then, it is only when we employ traditional mechanisms of conflict resolution that we can realize healing of social divisions, redressing exclusion and inequality and consequently restoration of the broken relationships (Murithi 2002: 291). One of the institutions that have been at forefront of reconciliation which must not be forgotten is the religion. This immensely contributed to peacebuilding in African tradition because it ensured that prayers and other religious services facilitated forgiveness, guidance and general restoration of relationships (de la Rey 2001: 19).

3.4.1 *Mato Oput* of Northern Uganda

In Uganda, *Mato Oput* has been popular in resolving conflicts among the Acholi in the northern Uganda. *Mato Oput* is a traditional conflict resolution mechanism of building social trust. It mainly focuses on bringing peace in a community through healing and restorative justice, but its main thrust is on the principles of forgiveness and reconciliation (Murithi 2002: 291).

Mato Oput is a pre-colonial traditional governance institution which is under the leadership of chiefs called *Wrodi*. According to Latigo (2008: 102), these chiefs do not execute their powers as individuals but instead as a powerful council of clan elders composed of men and women who were routinely elected democratically by certain clans representing others in the Grand Council known as *Gure madit*. There are three main responsibilities of Grand Council during a peace process which include: a) identifying urgent challenges faced by the people in the communities, and also helping to arrive at solutions; b) acting as a supreme court where cases, both civil and criminal, for instance, stealing a chicken, killing a person, and land disputes among clans were handled; c) making laws which all members of the Acholi community were expected to follow. The role they played in this case is similar to those performed by legislatures, the judiciary and the executive in today's modern governments (Latigo 2008: 103).

Under *Mato Oput*, Murithi (2002:292) contends that the Acholi cherish communal life, and everyone must get involved in the maintaining of the social order and good

relationship within the society. In case of a conflict in the neighbourhood whether between individuals or groups, it is regarded as a community conflict and everybody is expected to be involved in finding the solutions towards it. Murithi further highlights that *Mato Oput* is a central pillar used in resolving conflicts as well as promoting reconciliation basing on the model of building consensus and maintaining relationships between community members. Much as colonialism and post-colonial governments undermined *Mato Oput* peacebuilding process, it has remained a beacon of hope and fountain of honour and is well treasured in promoting peace in Acholi sub-region (Murithi 2002:293). It is imperative to note that *Mato Oput* has set a good precedence in as far as formulation of infrastructure for peace in Northern Uganda and the whole country at large.

Like any other traditional institution of peacebuilding in Africa, *Mato Oput* greatly involves participation of public members in peace making. This is because in Acholi, a dispute between two or more community members affects the entire community, hence force, it is not usually for individuals to solve, but the entire community at large. Worth noting is that participation is made possible by *Mato Oput* in a way that people are allowed to give their views and make contributions towards solving the problem. And as Murithi highlights, conflicting parties and the public feel that their grievances are addressed, social trust and harmony restored only when they participate in dispute resolution (Murithi 2002:293). Murithi plausibly states that *Mato Oput* usually takes time like any other traditional conflict resolution process because it puts much emphasis on inclusion and participation of all community members. Under this institution, a public assembly known as *Kacoke madit* (a council composed of elders) their responsibility is to supervise reconciliation process, play advisory role, listens and put questions forward to the disputants, perpetrators and witnesses (Murithi 2002:293). In Acholi, according to Latigo, life is meaningless if someone is detached from the relationships with others in a society. Therefore, *Mato Oput* covers a broad range of cases from minor cases like stealing a chicken to more grave cases like killing a person whether committed inadvertently or with intention (Latigo 2008:102).

Besides, Murithi, highlights five stages of conflict resolution under *Mato Oput*: 1) in the first stage, offenders are encouraged to accept responsibility or plead guilty for the offences committed since the witnesses have already presented the evidence to the public during the assembly; 2) the second stage involves encouraging the offender to repent and show remorsefulness; 3) third stage, the offender is required to ask for forgiveness from the victim and the victim is expected to be merciful and forgive the offender; 4) if the first three stages are successful and satisfactory, then it is expected that the offender pays

compensation to the victim depending on the nature of the case at hand. This is intended to signify that the offender is sincerely remorseful; 5) the last stage is a process which involves reconciliation between the representatives of the offender and the victim. Reconciliation process in *Mato Oput* involves drinking bitter herb obtained from Oput tree. Drinking bitter herb is a symbol of bitterness that existed between conflicting parties while the act of drinking signifies that there are efforts directed towards overcoming bitterness so that harmony and social trust are restored (Murithi 2002:293-4).

It is further indicated that after reconciliation, two other ceremonies are held depending on the level of the offence. Both female leaders called *Rwod moo* and male leaders called *Rwod mon* commemorate the end of conflict by giving oral blessings. In case of murder case, both conflicting parties are required to bend spears to symbolize the end of the conflict and disposal of the fighting equipment. The overriding factor and logic behind this is that both warring parties must reconcile in order to build social trust afresh and maintain social cohesion. Consequently, this pre-empts possible vendetta between families, individuals and other parties in a society. Reconciliation in Acholi's *Mato Oput* involves offenders, victims and their representatives. Public consensus is also crucial because it plays a big role in implementation of the peace agreements. It is also known that breaching of the reconciliation by any of the parties would mean serious repercussions worse than the previous offense (Murithi 2002:294).

3.4.2 *Gacaca* of Rwanda

To begin with, it is imperative to note that traditional *Gacaca* has been employed in a very modified form to deal with the huge numbers of alleged perpetrators of offences during the genocide, nonetheless, this study is focused on traditional *Gacaca* which was used to resolve conflicts prior to the coming of colonialists.

The *Gacaca* traditional court system refers to “justice on the grass”. The name *Gacaca* is derived from a type of grass in Kinyarwanda called *umugaca* a type soft of grass which gives comfort while seated on the ground (Ingelaere 2008: 33). Similarly, *Gacaca* according to Brehm, Uggen and Gasanabo (2014: 33) refers to “grass” implying that hearing of the disputes was held on grass in public places like school compounds, under the trees, church compounds and in empty markets while seated on the grass. It is a traditional dispute resolution mechanism which employed participation of local people with an aim of blending punitive and restorative justice (Rettig 2008: 25). As a result of the 1994 Rwanda genocide, *Gacaca* was used as a village level traditional conflict resolution mechanism in Rwanda towards land disputes, property damages, marital cases and inheritance rights. This traditional practice existed way back before colonialism. It is

argued that the original *Gacaca* traditional court system which existed during 1940s is different from the one that was applied for trial of post genocide suspects in 2002 because the former truly followed the principles of restorative justice while latter was a modified one known as *inkiko gacaca* but it was cut short to *gacaca* and with biased justice (Brehm, Uggen and Gasanabo 2014:336).

Under the *gacaca* traditional court system, warring parties were required to air out their grievances and the meeting was always presided over by community leaders. In addition, Brehm, Uggen and Gasanabo (2014:333) further affirm that during court hearing, the offenders were expected to confess their crimes, express remorsefulness, and also ask for forgiveness from the victims. In an event when there was a conflict between individuals, they would be called upon to attend a *gacaca* assembly to have their conflict resolved. The court sessions were usually presided over by a panel of judges called *Inyangamugayo* which refers to “those who detest dishonesty”. These judges were believed to be people of high integrity and would acquire this status because of their age, wisdom as well as their economic and political influence. It is believed that the court sessions took place at all levels of the society, both lowest levels in the villages and in highest levels called *mwami* (Ingelaere 2008:33; Rettig 2008:31). Ingelaere (2008:33) further observed that judges (*Inyangamugayo*) had specific roles they played, these included: calling for the meetings; listening to the presentations given by the disputants; passing judgements; depending on the nature of the offence committed, assigned the sentence that befitted the offender; and finally played the role of supervising reconciliation process.

The overarching aim of *gacaca* traditional court system was to restore social harmony in the communities, however, finding out the truth about what happened as well as punishing the offenders were of secondary importance (Ingelaere 2008:33; Kariuki 2015:03). Similarly, Rettig also affirms that one of the main aims of *gacaca* courts was to ensure that through community dialogues, truths is known and social harmony restored (Rettig 2008:32). It is worth noting that in case of failure to resolve the disputes which were handled at lowest level, they were referred to the highest level called *mwami* to be solved. Mwami had all the powers and was in charge of justice and chief arbitrator (Ingelaere 2008:33). Ingelaere further postulates that during the hearing of these cases under the *gacaca*, the process first entailed gathering in an open space by the warring parties, witnesses as well as community members who had contributions to make towards resolving the conflict. In addition, offenders were required by traditional law to confess and ask for forgiveness. In this case all family/clan members collectively shared the blame for the crime committed by their son/daughter. Equally, family/clan members were

responsible for ensuring that paying of the charges, fines and damages to the victim was effected (Ingelaere 2008:44).

After pleading guilty, measures taken against the offenders were more of restorative and symbolic. It is further observed that at the end of *gacaca* process which largely aimed at reaching to a conclusion through consensus, it was crowned with restoration of the broken relationship among the warring parties, their family and clan members (Ingelaere 2008:44). Brehm, Uggen and Gasanabo (2014: 336) also postulate that *Gacaca* courts were spread in all parts of the country with the lowest level found in the village or cell also known as *akagari* and the highest level/sector also known as *umurenge* and the last level was court of appeal. *Gacaca* court was competent enough to handle daily conflicts civil in nature like divorce, defamation (Ingelaere 2008:44; Rukuni *et al.*, 2015:100).

3.4.2 Modern *gacaca*

It is a community-based justice system that was introduced to address crimes that were committed during the 1994 Rwanda genocide (Brehm, Uggen and Gasanabo 2014:333). Whereas the old *gacaca* was mainly concerned with resolving conflicts related to land, cattle theft and ownership, marriage cases, inheritance rights and petty thieves, the modified *gacaca* responsible for handling huge cases related to genocide. In addition, since there were no enough lawyers trained to handle multitude of post genocide suspects, the ‘modified’ *gacaca* court system used lay members of the society to serve as judges. It is further argued that the selection of these judges was based on their commitment to justice, truth and the “spirit of sharing”. They were supposed to be 21 years or older, without any criminal record, not suspected to have participated in the genocide, and not have served in the government previously or in any political office in the country. By 2002, over 250,000 male and female judges were elected and trained to oversee genocide suspects Brehm, Uggen and Gasanabo (2014:336). Similarly, Rettig (2008:31) maintains that *Inyangamugayo* were judges and responsible for presiding and officiating genocide trials. These judges were supposed to be of high integrity in the society, should not have participated in the genocide. However, it was later found out that some of the judges had cases to answer in regard to genocide and ostensibly they were forced to resign.

There were 120,000 people who were suspected to have participated in the 1994 genocide (National Service of *Gacaca* courts (2012: 14) and experts estimated that hearing of all cases would have taken 350 years if the formal court system was to hear the trials unceaselessly. Several scholars affirm that suspects were classified into three categories namely: i) those who incited others to participate for instance leaders and officials; those who planned; organised; those who raped and sexually tortured women; ii) was a category

that was composed of notorious murderers, who killed and or intended to kill; iii) the last category was composed of property offenders, that is, those who “had not yet come to settlement with the victims or the authorities before the law took effect” (Brehm, Uggen and Gasanabo 2014:336; National Service of *Gacaca* Courts 2012:18; Rettig 2008:31). Notably, cases in category three were always handled by judges at the lowest level (*akagari*) while cases falling in category one and two were handled at the highest level or sector (*umurenge*) (Brehm, Uggen and Gasanabo, 2014: 336). It is also worth noting that suspects were tried in cohorts depending on the category of the case (Rettig 2008:32).

There were 9,013 courts at the village level, 1545 courts at sector level and 1545 courts of appeal which were spread all over the country. Under each court level was a general assembly, committee of elders, president and committee in charge of co-coordinating (Brehm, Uggen and Gasanabo 2014: 337). Appealing to the highest court was only for cases in category one and two. Category three cases were not allowed to be appealed (Rettig 2008:32). Trial sessions were held in most cases in classrooms, conference rooms and rarely outdoors when the organizers failed to get an indoor facility. During the trials, judges sat on the bench and were required to put on uniforms tailored in Rwanda’s national flag, that is, green, yellow and blue. In addition, during the trial, offenders were supposed to sit on one side while the victims sat between the judges and the general public (Brehm, Uggen and Gasanabo 2014: 337; Retting 2008:30).

It was also documented that during the trial, participation was open to all Rwandese adults and their participation was held in high esteem because it was seen as cornerstone towards enabling Rwanda to move forward past genocide horror (Brehm, Uggen and Gasanabo 2014: 337).

The punishment received by the offenders under *gacaca* court system was determined by the category of the case, ability of the offender to accept guilt and confess. The biggest punishment assigned by the judges was life time prison. It is also observed that this kind of punishment was always given to the offenders who refused to confess during the trial sessions and belonged to category one, that is, those who planned and organised genocide, officials and leaders who participated or incited others to participate as well as the category of people who committed rape and sexual torture (Brehm, Uggen and Gasanabo 2014: 337).

According to National Service of *Gacaca* (an administrative arm), by the end of *gacaca* in June 28th 2012, there were 1,958, 634 cases which were completed. The highest number of cases fell under category two and category three with 30% and 67% respectively while category one had only 3% of the cases handled (Brehm, Uggen and Gasanabo 2014: 337;

National Service of *Gacaca* courts 2012:14). After the genocide, it is argued that more than 120,000 people were arrested as suspects for participating in the crimes against humanity (National Service of *Gacaca* courts 2012:14). Currently, *gacaca* is under state control and more-less with a top-down approach and has been institutionalized (Kariuki 2015: 04; Rettig 2008:32), unlike in the old *gacaca* which used bottom-up approach in resolving the conflict where people used to sit together on grass and resolve disputes. Traditionally, participation was voluntary; however, today it is alleged that it is compulsory and masterminded by Kigali regime basing on their priorities (Rettig 2008:32). From observational point of view, both old and new *gacaca* draw their inspiration from the tradition though the latter does not emphasize a lot restoration of the broken relationships like the way it was done during pre-colonial era. In addition, the new *gacaca* seem to have much of retribution, punishing the offenders rather than restoring broken relationships and integrating the offenders and victims.

When *gacaca* concluded its conflict resolution activities in 2010, the government of Rwanda wanted to continue with quest for sustainable peace in the country. This led to the passing of the Organic Law No 13/2006 whose aim was to continue supporting the agenda of local ownership in conflict resolution. Consequently, *abunzi* came into existence. *Abunzi* is a Kinyarwanda word which means “those who reconcile”. *Abunzi* is a team of mediators with state mandate which aim at resolving conflicts drawing inspiration from traditional dispute resolution approach (Mutisi 2012:41).

3.4.3 Traditional conflict resolution methods in Southern Africa

In Southern Africa, Murithi (2006:30) comments that *Ubuntu* societies resolved conflicts through a mechanism aimed at promoting reconciliation, healing past atrocities, promoting harmony and social cohesion. He describes *Ubuntu* as an Nguni term which means “personhood,” or humanness, and consists of the prefix “u” – “bu” – and the root, “ntu”, which means a person. *Ubuntu* is a concept which depicts original values of African origin which include: respect for human beings, collective sharedness, obedience, humility, solidarity, caring, hospitability and communalism. Similarly, Nussbaum (2009:100) says *Ubuntu* as a “capacity in African culture to express companionship, reciprocity, dignity, harmony and humanity in the interest of building and maintaining the community with justice and mutual caring.” Makhudu (1993:30) contends that “*Ubuntu* is a process and a philosophy which reflects the African heritage, traditions, culture, customs, benefits, value systems and the extended family structure.”

As with any other African traditional conflict resolution institution, conflict resolution among *Ubuntu* societies typically takes place at family level, village level, between

individuals and/or between ethnic groups living in the same region. Among the Xhosa and Sotho of South Africa, Murithi highlights that a reconciliation and mediation forum known as *Inkundla/Lekgotla* is used. This is an assembly consisting of chiefs and a council of elders who were responsible for resolving conflicts in the communities. However, in times of hard or complicated cases, the King was supposed to come in and handle them (Murithi 2006:30). Masina (2000: 170) adds that *Inkandla/Lekgotla* is a communal institution of conflict management that ensured involvement and participation of community members at all levels. However, Kariuki (2015:05) points out that these leaders were not trained as judges. This council of elders played several roles, with the major ones being mediating, investigating, advising and promoting reconciliation among the warring parties and the entire community at large. Nonetheless, the main task was to ensure sustainable unity and maintenance of social cohesion in the communities. As in any other traditional institution, participation of the community members was paramount, and was always guaranteed and given priority (Murithi 2006:30). Unlike other traditional courts elsewhere in Africa, in South Africa, traditional leaders were given powers to preside over civil and criminal cases, though they do so with approval from the minister (Kariuki 2015:05). However, both the offender and the victim must be Africans and residing in traditional leader's area of jurisdiction (Ibid: 06).

In times of conflict or dispute in a community, before the headmen, elders, chiefs, families or sometimes the king, it is expected that the victim present their case to the *Inkandla/Lekgotla*. The offender too was called upon to present a defence in the presence of all witnesses. After the dialogue, a common consensus is reached, and the dispute is resolved after both parties have accepted the decision reached by the *Inkandla/Lekgotla*. The decision or judgement given by the *Inkandla/Lekgotla* is not always about who will win or lose but, rather, the goal is a win-win conclusion (Masina 2000:170). With the *Inkandla/Lekgotla* system of *Ubuntu*, the court procedure is not a one-man affair of the judge alone, but other members, such as the council of elders, chiefs, headmen and, sometimes, the king must also be involved. Hunter (1961) cited in Masina (2000:70), affirms that, "the paramount chief [was] a principal force in unifying districts in a tribe; the petty headmen still settle minor disputes between the members of *imizi* under him by arbitration.

In addition, under *Ubuntu*, there is a council of elders who also have powers to settle disputes in the society and these sometimes also act as special advisers to the king and the chiefs. As in any other traditional court institutions, these elders are chosen based on their reputation in their areas, their maturity, together with extensive experience in court procedures. They must be men of high calibre and have great wisdom and skills in

debating. Besides, headmen are answerable to the chief and in charge of peace, order and good governance within their area of jurisdiction representing the chief. In times of difficult cases, which may be cumbersome or complicated, the headman is required to refer them to higher authority (Masina 2000:171).

During pre-colonial days, when *Ubuntu* was still very effective in resolving conflicts, disputes were resolved by means of dialogue, and the fine paid by the offender(s) was in the form of cattle. It was never paid in monetary terms as is the case today. Serious bodily harm or murder cases were termed as “blood cases,” and were only handled by the king or chief. Before the judgement was given, an analysis of the impact of the case was presented first by the councillors or elders, and it was very rare for the king to disagree with the verdict or opinions given by his councillors. In circumstances where a king or chief made an independent decision without consulting others, his subjects would start disbanding and or attacking him (Masina 2000:172). According to Masina (2000:172), “traditional courts sought to arrive at a settlement rather than pronounce judgement. Emphasis is on rehabilitation and reconciliation and on restoring harmony in the community, rather than on punishment (win-lose).”

There are five stages through which *Ubuntu* societies resolve the conflicts in their communities: a) The first stage is a process of finding out the truth. In so doing, the views of the victims, offenders and witnesses were listened to by community members under the guidance and supervision of a council of elders *Inkundla/Lekgotla*; b) Stage two is about encouraging the offender to repent and show remorse; c) Stage three is when the victim(s) is encouraged to have mercy, accept the pleas for forgiveness from the offender and to pardon him; d) In fourth stage, upon the recommendations of the council of elders, the offender(s) are asked to compensate the victim(s); e) The last stage is a concerted effort whereby both the victim(s) and the offender(s) are encouraged to reconcile with one another (Murithi 2006:31).

Apparently, from the above literature, it is now evident that all societies experience conflicts and they are inevitable. In addition, the concept of traditional conflict resolution in African societies is as old as time. A common thread observed from African mechanisms of conflict resolution/peacebuilding is that all efforts are always directed towards reconciling conflicting parties and maintaining social harmony in the communities. It has been seen that traditional social political governance and conflict resolution institutions laid a good foundation for peacebuilding which must be revived in today's conflict prone societies. It should be emphasised that many of the conflicts in the world, particularly African societies, can be resolved sustainably if traditional approaches

to conflict resolution can be rejuvenated. This would do away with the retributive system in the modern formal court where the offender is looked upon as an outcast in the society. One other common thread observed from the literature reviewed on conflict resolution institutions in Africa is that participation of the community members during conflict resolution process is paramount. Emphasis is always put on inclusion and participation of all community members, which I believe is a key lesson because this acted as a launch pad on which the ownership of the whole peacebuilding process in the long run was based. In other words, open participation during traditional court sessions promoted empowerment of the community members in peacebuilding. In addition, the language spoken during court sessions is usually in the mother tongues, meaning that people are free to express themselves without any hindrances such as language barriers. Today, the formal court system under the state limits the participation of local community members, and even when they are allowed to participate, they are extremely affected by language barriers because court sessions are often conducted in English with assistance from interpreters who may not be accurate. Consequently, this affects the overall quality of justice offered to the local people.

In all social political governance institutions reviewed above, it can be seen that the council of elders is composed of very powerful individuals who play a crucial role in resolving conflicts in their respective societies. Their main role is to promote reconciliation through consensus and reconstruction of the damaged relationships on the one hand and making laws and acting as judges on the other hand. In other words, their role is more or less similar to today's legislators and judiciary. Accordingly, the way in which conflicts are resolved by these elders is very systematic because traditional governance institutions follow various recognised stages. This shows some element of democracy. The process begins at a stage where offenders are required to accept responsibility, followed by confessing and repenting and asking to be forgiven. This truly portrays a systematic handling of cases.

Traditional approaches of conflict resolution should not be regarded as a universal remedy for all conflicts in the world because their applicability is not 'one size fits all'. Nevertheless, there are aspects such as restorative justice, emotional healing of the victims, free participation of community members, use of local language in court among others, which I strongly believe should be incorporated in the modern court or justice systems. However, this knowledge and wisdom from traditional court systems has not been recorded and archived by councils of elders. This is because the forefathers who passed on this wisdom and knowledge to the present generation (new elders) operated in an oral culture and were illiterate. To avoid losing this indigenous knowledge, therefore,

efforts must be galvanized to keep such records for future generations lest we lose the best aspects and valuable practices. Nevertheless, what we must appreciate is that their approach to conflict resolution does not end with the final decision of the case in court *per se*, but efforts continue to ensure that healing and reconciliation of the warring parties takes place. This is crucial, because emotional healing is paramount after the conflict.

The aspect of inclusivity during the conflict resolution process is also very valuable for it brings on board every individual regardless of education level. Also, the language spoken during a court session is a local one that is understood by all; hence, everyone is accommodated. In circumstances where a person is murdered, it is completely wrong to use formal courts because the offender is imprisoned, usually after a lengthy trial, and the victim's relatives will then wait again for time to exact revenge on the offender's relatives. In this case, the traditional approach will be the best for it guarantees restorative justice, which pre-empts possible vendettas and other acts of revenge.

The next section presents themes that emerged from literature reviewed on traditional conflict resolution techniques or methods used in traditional African peacebuilding institutions.

3.5 Traditional conflict resolution principles and techniques or methods

3.5.1 Principles

Prior to the coming of the colonialists to Africa, there were principles that guided Africans on how to resolve the disputes. One of the principles was to have belief and confidence in the team that was in charge of settling the disputes. The people in charge were usually chiefs, elders, priests, or priestesses. Truth was another principle, and truth-telling was one of the most important aspects of conflict resolution in African traditional societies. It was always expected from the offenders and the victims, as well as from the arbitrators, mediators and facilitators (Ajayi and Buhari 2014: 141). Other principles that guided elders include harmony, openness, transparency, participation, peaceful co-existence, respect, tolerance and humility (Kariuki 2015: 12).

In a similar vein, Sachs (1973: 96 cited in Choudree 1996: 23) also postulates that,

In this context, the good chief was reckoned not by the terror he could inspire or the magnanimity he could display, but by his skill in articulating the sense of justice (just-ness) of a relatively homogeneous community, which involved his applying universally accepted rules and precedents to particular disputes in a manifestly appropriate way.

The role of chiefs was not limited to taking part in conflict resolution; they were also required to anticipate and block possible conflicts (Choudree 1996: 15).

3.5.2 Methods or techniques

Methods of conflict resolution in Africa are similar to the manner in which they are applied elsewhere in Asia and Australia (Choudree 1996:13). The literature reviewed shows there are various methods of settling disputes in African traditional societies. Among these are:

Mediation

Leviton and Greenstone (2004:1) define mediation as, "... a step by step process in which agreements and disagreements are carefully explored, relevant information is collected and shared, options and proposals are discussed, interests of each party are presented and clarified, and negotiations between parties are conducted to resolve the conflict. The decision-making power and responsibility remain with the parties." Musingafi, Dumbu and Mupa (2011:40) define mediation as a process of settling disputes between warring parties by an outside neutral party usually chosen by the parties themselves. A mediator is "a facilitator, educator or communicator who helps to clarify issues, identify and manage emotions and create options, thus making it possible to reach an agreement and avoiding adversarial battle in court" (Horowitz 2007: 51). For Muigua 2014: 25), it is a continuation of negotiation process.

Mediation is a non-coercive method of conflict resolution where a third party intervenes to reduce or bring a conflict to a peaceful settlement. Under mediation in African traditional society, mediators were always guided by the concept of "no victor, no vanquished" (Ajayi and Buhari 2014:149).

Mediation is also a voluntary process and involves a third party who facilitates between warring parties in order to reach an agreement (Tafese 2016:24). It was always informal, flexible, and aimed at fostering good relationships and peaceful co-existence (Muigua 2014: 33). Conversely, Fisher (2001: 2-3) identifies two categories of mediation: (1) traditional mediation, which usually aims at stopping violence using a coercive power base and, (2) less official but innovative mediation forms, for instance problem solving workshops usually focusing on solving the root causes of a dispute between two parties. Ajayi and Buhari (2014:150) further postulate that mediators were always chosen from within the communities and were selected by virtue of their knowledge and wisdom, solid experience, and renown, and were trusted elders with a good record in the community. Malan (1997: 80) rightly asserts that, in the pre-colonial era, during inter-state conflicts, informal mediation by eminent persons was always given priority.

There are trends which mediators usually follow during a mediation process. These include: a) where a mediator focuses on the process. In this regard, the mediator plays the

role of ‘traffic lights’ while facilitating dialogue between the parties; b) where a mediator focuses on outcomes or resolution of a dispute. In this process, the mediator is aiming at getting solutions and a mutually acceptable agreement and is more or less directive mediation; c) where a mediator applies a transformative approach. Here, the mediator enables the parties to define “issues and decide the settlement terms by themselves” (Horowitz 2007: 57-58). This trend, he says, helps the parties to “recognize and benefit from the opportunities of moral growth inherent in the conflict.”

In some Somali traditions, the role of mediation was played by a council of elders but there were incidents where a third party, a *shir* (an assembly of mature men in a particular clan) from an uninvolved clan is mandated to mediate between other clans in order to avoid bias (Morrow 2014: 12; Elfversson (2011: 01). The roles played by mediators during conflict resolution in African traditional societies are almost similar. These include giving recommendations, assessing the statements made by the disputants and witnesses, conveying suggestions on behalf of the conflicting parties, emphasizing respect and observation of relevant norms of the society, giving expert advice whenever the agreement is not reached, and going through the agreement already reached at the end (Bright-Brock 2001 cited in Ajayi and Buhari 2014:150). Likewise, other scholars argue that the role of mediators was always to create a conducive environment for the parties to be able to share information, address the root cause(s) of the dispute, and to create atmosphere for the parties to vent their emotions (Musingafi, Dumbu and Mupa 2011: 42; Chituwi 2008: 24). In the same view, Horowitz (2007: 55) highlights the following roles of a mediator: (1) a facilitator, who is to ensure the continuity of the mediation process and aim at reaching negotiation; (2) an opener of negotiation channels; in such cases, a mediator should intervene by re-establishing communication in the event dialogue between the two parties is disrupted; (3) a translator of the information. The mediator is supposed to translate or communicate in circumstances when the parties do not understand each other, or when some parties are not aware or conversant with the facts; (4) a re-formulator. A mediator should always re-frame the conversation to suit the codes of conduct acceptable by all parties; (5) a differentiator of positions and interests, where the mediator must have knowledge concerning position bargaining where parties are merely expressing grief, anger or a desire for revenge. In so doing, the mediator must help parties come to an agreement without changing the presentation or content of the initial demands; (6) a creator of options. A mediator should not just play a passive role but, rather, should suggest positive options to be explored by the parties, bearing in mind that they should not sell their solution(s) to the parties; (7) an agent of reality. It is a serious role, and a mediator is expected to remind both parties of their needs and to build

realistic structures to analyse the costs and benefits of solving the conflict (Horowitz 2007:55-56).

Landau *et al* (1987 cited in Horowitz 2007:54), highlights the following goals of mediators in African tradition: 1) To develop trust and co-operation between the parties, so they can share relevant tasks and information; 2) To improve communication between the parties, or to make parties understand the feelings of their counterpart, and share the decision making; 3) To assure all parties that their perspectives will be heard and, therefore, make them feel they are fairly treated; 4) To reduce tension and conflict, so those who have a close relationship with both parties are not involved in a conflict of loyalties; 5) To help the parties appreciate relevant information, in order to make decisions based on proper data, after having considered alternative proposals; 6) To keep confidentiality, while developing a voluntary resolution to the conflict; 7) To reach a reasonable and fair agreement, unlike what often happens in court.

Adjudication

According to Muigua (2014:31), adjudication is defined as, “a dispute settlement mechanism where an impartial, third-party neutral person known as adjudicator makes a fair, rapid and inexpensive decision on a given dispute arising under a construction contract.” It is an informal method that operates under tight schedule, usually within 28 days and is suitable for disputants who prefer having quick mitigation of a dispute related to business (*Ibid*).

Reconciliation

Is a “process that re-designs the relationship between the victims and perpetrators based on respect and real understanding of each other’s needs, fears and aspirations...” (Bloomfield *et al*. 2003: 12). Reconciliation is a complex term and there is no universal definition. “...there is little agreement on its definition...because reconciliation is both a goal – something to achieve and a process – a means to achieve that goal” (*Ibid*: 19). According to de la Rey (2001:07), reconciliation involves the restoration of relationships that have been fractured, moving from strife or antagonism to a more positive relationship. In his view, there are methods of reconciliation which include storytelling and testimony, public hearing where people used to tell their stories of pain, suffering and loss. Babatunde (2014: 382), in the same line, points out that traditional African reconciliation entails various activities including the use of rituals, rites, symbols, blood pact alliances, marriages, eating and drinking from the same bowl, and shaking hands, among others. In other societies, for instance, the Gumaa of Ethiopia, reconciliation involves the slaughter of an ox, by the spinal cord split into two parts. The left part is

taken by elders from the offender's clan while the right part taken by elders from victim's clan, at which point, each clan eats alone in their tent. This symbolizes cleansing of the animosity between the two clans (Angessa 2013:29).

Reconciliation and maintenance of social relationships were always the main agenda in most African traditional institutions of dispute resolution (Choudree 1996:10). Hence, reconciliation is the most important aspect of African traditional conflict resolution and it occurs after successful adjudication. It is a process of persuading conflicting parties to end the conflict and come back to peaceful terms as it was before. The main goal was always to restore peace and harmony in the society. This was achieved through giving concessions to the parties in the conflict and, at the end of it, a party was organised, and everybody was supposed to eat, drink and celebrate the reunion. Furthermore, reconciliation under such circumstances was always done by the big figures with authority in the community (Ajayi and Buhari 2014:151). In other traditional African societies, reconciliation entails compensation and purification so as to integrate the offender into the society again (Tafese 2016: 31).

Dialogue, storytelling and testimony were among the main components used during reconciliation in African traditional peacebuilding institutions. Emphasis was also put on a number of rituals which aimed at healing, restoration and self-renewal. Across many African traditional societies, ritual activities – which included the washing of clothes, the slaughtering of animals, and communal feasts – were symbols of confession, forgiveness and apology (de la Rey 2001:19). Lederach (1999: 27) further postulates that, while conducting reconciliation, focus on the future was paramount and attention must be put on enabling and promoting interdependence between disputants in the near future. Both parties must be enlightened about the need for each other. In addition, disputants must be made to understand that the decisions they make today will affect the next generations.

In Acholi's *Mato Oput*, the process of reconciliation begins with both offender and the victim drinking a bitter herb made from the *Oput* tree. This is done in order to show that the bitterness that existed between them has been overcome; thus, harmony and trust can be restored. Reconciliation is concluded with two ceremonies. The first ceremony is for the council of elders to give their final verbal blessings to symbolise the end of the conflict. The second ceremony is called "bending of spears" which is done in case the conflict resulted in murder. The bending of spears is done by both parties to imply that the conflict has totally ended, and the instruments used in the conflict (spears) are destroyed (Murithi 2002:294). Other rituals included stepping on eggs, which were popularly used to welcome people who had lived away for long time (Babatunde

2014:383). This is a process and an act of reconciliation where both parties would embark in order to rebuild social trust as well as social cohesion. No-one was expected to breach the acts of reconciliation lest they face dire consequences for ever (Murithi 2002:294).

Negotiation

Negotiation is a process where warring parties meet to come up with a mutually acceptable solution without involvement of a third party (Musingafi, Dumbu and Mupa 2011: 40; Muigua 2014: 23). Negotiation is a voluntary problem-solving approach in which parties in a conflict work towards reaching an agreement due to a conflict that arose from competing needs, interests and goals (Musingafi, Dumbu and Mupa 2011: 56). Negotiation is a discussion between two or more people with the main goal of reaching an agreement. Ajayi and Buhari (2014:151) describe it as, “the secret to harmonize the interests of the parties concerned.” In African traditional society, negotiations usually go through four stages, that is, preparation; exchange of information; bargaining and, finally, closing and commitment. In all traditional societies in Africa, peace was always negotiated. In circumstances where an apology was given for the offence committed, this was regarded as part of negotiation (*Ibid*: 52).

Negotiation can be distributive or integrative. In distributive negotiation, there is one variable at stake. For instance, if one party gets more, another party will obviously get less. In integrative negotiation, there is an exchange of items and issues, as well as room for beneficial solution (Horowitz 2007: 56), and negotiating agreements are usually the work of elders (Tenaw 2016: 103).

In negotiation, both parties use various techniques which range from concessions and compromise to coercion and confrontation, all done in an attempt to create avenues for sustainable solutions (Muigua 2014: 24). In negotiation, much focus is not on what caused the conflict but rather on creating avenues for both parties to reach a mutually satisfying consensus (Muigua 2014: 24).

Arbitration

Arbitration is a less formal process of settling disputes in which a neutral third party or a panel meets disputants, hears their presentations, and comes up with a verdict. Usually, an arbitrator is chosen by the disputants by consensus. In African traditional societies, arbitration is a process which is usually opted for when conflicting parties want a fast solution to their dispute (Musingafi, Dumbu and Mupa 2011:42). An arbitrator is usually chosen by the parties themselves (Muigua 2014:29). In most parts of Africa, since time

immemorial, as a result of inter- and intra-clan conflicts, the roles of arbitration and mediation are both done by traditional leaders. These include elders, chiefs and spiritual leaders. In some areas like Kenya, mediating and arbitrating in conflicts related to land and pastoral resource conflicts between rival clans are done by both religious and traditional leaders. Their work is also supported by Wajir women peace initiatives, though they were at first resisted by patriarchal die-hards (Mubashir 2016: 4-5). Similarly, Chituwi (2008: 24) agrees that traditional leaders have played a major role in arbitrating disputes related to land in their communities, as well as creating an atmosphere for disputants to resolve their differences.

3.6 Conclusion

For most African traditional societies, there are similar methods of conflict resolution in as far as applicability and the process are concerned. As earlier observed, elders are always in charge of most methods, especially mediation, negotiation, reconciliation, and arbitration. During reconciliation, the performing of rituals is done in order to restore the broken relationships between the conflicting parties. Through this, meals are shared, and blood pact agreements are signed. The exception is in Ethiopia where, in some societies, an ox is split into two equal parts and celebrations are held independently by clans in their respective huts. The council of elders who preside over the function also eat alone. It is a unique feature, but Angessa (2013:2 9) argues that this was done in order to maintain the elder's stance of impartiality.

Whether unique or similar, the methods of conflict resolution in African tradition reviewed above are all aimed at restoring the broken relationships between warring parties. And whatever the rituals performed across all African societies, they seek to cleanse the disputants and prepare them for harmonious living, and peaceful co-existence, as well as social, political and economic interdependence. As Lederach rightly notes, during reconciliation, interdependence among themselves for the future is very much emphasised because decisions made today by both parties are very pertinent in shaping relationships for the next generations. The concept of “you reap what you sow” in African traditional conflict resolution is highly respected: whatever is sown during or after reconciliation is what the next generation will reap. The main point observed in all the methods reviewed above seems to be that restoration and maintenance of social bonds and harmony among the societies and paying of fines and compensations during peace process, as Kariuki (2015: 13) highlights, are not retributive but compensatory in nature.

The next chapter discusses the effectiveness of traditional institutions and their approaches in dealing with conflicts related to oil, mining, forestry, land, water and other resource conflicts in general.

CHAPTER FOUR

THE EFFECTIVENESS OF TRADITIONAL MECHANISMS WITH RESPECT TO CONFLICTS FACED IN THE BUNYORO REGION

For successful peace building, it is necessary to establish institutions and mechanisms for: sustaining and expanding peace; revitalizing cultural norms and reconstructing governance systems; and for strengthening communities and stakeholders to have the capacity and skill to contain conflicts and to reach out for reconciliation with one other (Oruwari 2006: 08)

4.1 Introduction

This chapter attempts to investigate the experience of dealing with conflicts between communities and natural resource projects; in particular, it is intended to find out whether traditional conflict resolution, as explained in chapter three, can be used in non-traditional conflicts. That is, whereas traditional conflict resolution was set up for other purposes, in this chapter, this study intends to find out how it can be effective with respect to conflicts experienced in the Bunyoro region.

Several scholars concur that conflict is an inevitable and universal phenomenon in human communities and happens as a result of social-cultural, political and economic interactions which can hardly be avoided (Harris 2011: 126; Issifu 2016: 143-144; Tefase 2016: 22; Kariuki 2015: 01; Berghof Foundation 2012: 64). Nevertheless, what we must be universally agreed on is that, much as conflicts are inevitable as stated by several scholars above, violence is optional and can be avoided (Issifu 2016: 143-144; Berghof Foundation 2012: 64). In support of this viewpoint, Džuverović (2011: 53), reiterates that “conflict is an integral part of our lives.”

Throughout African history, traditional societies have had frameworks for preventing and resolving conflicts (Kariuki 2015:01), and these traditional mechanisms of conflict resolution have been instrumental in resolving conflicts and maintaining peace in most African communities since time immemorial (Tefese 2016: 24; Muigua 2014: 33). These traditional institutions are regarded as the custodians of people’s values, norms, and practices, and are “symbols of people’s rights, privileges, laws, customs and traditions” (Nweke 2012: 206). One of the institutions that has been instrumental in resolving disputes is the institution of elders. This comprises of two categories: (1) a council of elders where more than one elder collectively presides over disputes, and (2) where a single elder performs similar duties single-handedly (Kariuki 2015:01). In the same line, Issifu and Asante (2016: 10) affirm that chieftaincy and extended families as two major informal institutions, play key roles in peacebuilding through mediation, pacification,

reconciliation, storytelling, and joint problem solving. Apiyo (2014: 03) affirms that the application of traditional mechanisms of conflict resolution is not only an African concept, it has been used in other western countries including Germany, Italy and Denmark as well as in Latin America (for example, Nicaragua), and also in Asian countries such as Japan, South Korea, Singapore and Malaysia. In Africa, it is more prominent in Kenya, Somalia, Ethiopia, South Africa and Nigeria.

Africa has vibrant traditional institutions of local peacebuilding (Elfversson 2011: 03). In this regard, according to former UN Secretary General, Koffi Annan, “due regard must be given to indigenous and informal traditions for administering justice and settling disputes, to help them to continue their often vital role, to do so in conformity with both international and local tradition.” Supporting the same view, Moix (2016: 67) opines that, “effective prevention of atrocities should, first and foremost, focus on supporting local communities to design and develop their own capacities and resiliencies to manage conflicts peacefully and justly, to hold governments and abusive actors accountable, to resist manipulation and violence triggers, to identify and respond to early warning signs of pending violence, and to heal and reconcile from past atrocities.” Although it is undeniably the case, Tenaw (2016: 98) retaliates by asserting that indigenous mechanisms for prevention and conflict resolution have been effective in dealing with all sorts of conflicts because they are less complex, save time, money and energy, and provide opportunities to all parties concerned to actively participate in finding sustainable solutions. In addition, these traditional institutions and other non-state actors have gone ahead to deliver where the state has limited or no presence (Chigwata 2016: 70). For conflicts to be befittingly resolved, they must be buttressed by the traditions and customs of the people (Nweke 2012: 206). According to Keating (2015: 02), much as international non-governmental organizations have been successful in resolving disputes – for instance, fostering agreements on revenue sharing and management of oil and gas resources – there are other low-profile successes contributed by deep local knowledge which have been under-utilised.

As Issifu (2016: 144) rightly asserts, most techniques of resolving conflicts in Africa have generally yielded positive results in enhancing sustainable peace because the methods used take into account the cultural needs of the people. Through this, they explore the underlying causes of a conflict and give all-inclusive solutions. It should be argued that, for a conflict to be solved sustainably, it must be based on a human centred approach. Similarly, Tenaw (2016) also points out that indigenous mechanisms for prevention and conflict resolution have been effective in dealing with all kinds of conflicts notably land, natural resources, water, and vegetation because solutions are provided based on values,

norms, complexity and culture, while integrating consensus building and open discussion to arrive at a solution. Indeed, the application of methods such as negotiation, mediation, and reconciliation by elders and chiefs in solving conflicts in African settings must be applauded because, to a great extent, it has guaranteed effectiveness in achieving positive results in war-torn African societies (Issifu 2016: 144). Credit must be given to traditional leaders, notably elders and chiefs, who have played a major role by exhibiting skills and wisdom in resolving conflicts that have been transmitted consistently from generation to generation (Tafese 2016: 22).

One of the positive merits about traditional mechanisms of conflict resolution is that they do not stop merely at preventing or resolving disputes between parties. Many times, follow up is done to ensure the healing of the parties that are usually involved in the conflict. Similarly, Tafese (2016: 22) reiterates that the effectiveness of traditional mechanisms of conflict resolution is embedded in the function of healing from which various opportunities for exhausting all alternatives essential in resolving disputes sustainably are maximized. Noma *et al* (2012 cited in Issifu 2016: 149) affirm that, in South Africa for example, a local group of women called Harambe Women's Forum (HWF), through application of traditional approaches of trust-building and trauma-healing, successfully helped to restore social fabric, and provided sustainable solutions in Kwa Zulu Natal and other surrounding areas in the post-apartheid era. This group, it is argued, played a major role in promoting peace after apartheid by providing reintegration avenues for the people who were previously convicted of apartheid crimes. It is further noted that this group successfully promoted peace using local cultures to equip people with skills necessary for promoting peace not only in KwaZulu-Natal province but in other neighbouring provinces in the country as well (Issifu 2016: 150).

Substantiating this, Tafese (2016: 22) reckons that traditional clan chiefs, elders, great hunters and other respected people have wisdom, are trustworthy, knowledgeable, and highly respected. Generation after generation, traditional leaders have handled all types of conflicts ranging from family wrangles to natural resource conflicts. Traditional mechanisms of conflict prevention and resolution do not stop at resolving deep rooted conflicts but also promote co-ordination and jointly take part in reconciling warring parties. Therefore, achieving peaceful resolutions is embedded in supporting and strengthening indigenous institutions with mechanisms that will continue to succinctly prevent, mitigate and resolve conflicts where other actors have failed (Tenaw 2016: 100). Similarly, the effectiveness of traditional mechanisms of conflict resolution is bolstered by charisma and familiarity of the local population. This is exhibited by the headmen and chiefs who oversee the traditional courts. Furthermore, chiefs and headmen are flexible

enough to the extent that, at times, they suggest mediation at any stage of dispute resolution (Choudree 1996:14).

In an attempt to exploit natural resources, especially in war-torn countries, most governments in developing countries have found themselves in a dilemma of displacing local people living in mineral-rich areas by enforcing conflict insensitive policies related to Foreign Direct Investments (FDI) in both minerals and agricultural plantations. Ultimately, this has resulted in conflicts between the local communities and the foreign investors. An example of such conflict was witnessed in Mozambique, Afghanistan and in the Niger Delta area of Nigeria (Castillo 2014: 1914). In Nigeria, many attempts by federal government to resolve conflict in the oil rich region of Niger Delta, including the use of military and private security forces, have yielded no success (Chukwuemeka 2011: 154). Likewise, in Ghana, several attempts by the government to resolve conflicts between Abudu-Andani in Dagbon and in Nkonya-Alvanyo were unsuccessful until indigenous approaches through mediation by eminent chiefs stepped in to complement government efforts (Okai *et al.* 2014: 33). Since most governments usually have a hand in causing some friction and conflict, especially between investors – usually multinational companies – and the local communities or beneficiaries, it thus becomes hard for them (the governments) to resolve such conflict through the use of formal state courts.

On the other hand, however, Udofia (2011: 114) observed that traditional approaches were successfully applied in dealing with conflicts over oil exploration in the Akwa Ibom state of Nigeria, specifically during a conflict between multinational companies and the native Ibibo people. He further highlights that this approach was successful because of the way it was applied: there was no win-lose status, but rather, all parties were involved in resolving the differences. In the same way, Muingua (2013: 11) also attests that the council of elders' idea under traditional peacebuilding has been successful in managing conflicts, especially those linked to environmental resources.

4.2 Conflicts over access, control and ownership of natural resources

According to USAID (2007: 03), there are several cases of conflicts that have resulted from natural resource projects. For instance, in Pakistan and Bolivia, there was conflict over distribution of water; there have been oil field disputes in the Middle East, particularly in Kuwait; and rebel groups that emerged as a result of revenues from diamonds in Sierra Leone and Angola. Water scarcity has been one of the major causes of conflicts in many parts of the world. Among them is conflict over water in the Chinese provinces of Shandong and Guangdong in 2000, while in Ethiopia, water conflict

occurred in 2006, in India in 2004, in Kenya in 2005, and in Yemen in 1999 (USAID 2007: 04).

In Kenya, a local group of women in Wajir district called the Wajir Peace and Development Committee (WPDP) facilitated meetings of clan elders in the whole district and effectively dealt with a conflict which involved nomadic pastoralists and other clans in a conflict related to controlling and utilising scarce natural resources including water and vegetation (Issifu 2016: 149). It is argued that this group was effective in resolving conflicts in the communities by adopting indigenous traditional practices, customary laws and blood compensation payments to resolve the disputes (Elfvorsson 2011: 02). Menkhaus (2008: 26) says that, “customary law and blood compensation payments were utilised to manage murders, and collective punishment in the form of confiscation of clans’ cattle until the culprit was apprehended and stolen animals or goods returned.” In Somalia, a traditional conflict resolution institution which adopted a mechanism called *Xeer* (a set of rules and obligations formed by traditional elders) has been in existence for many centuries to resolve conflicts between clans and sub-clans related to land, water resources, and homicide among other issues (Morrow 2014:12).

In Kenya still, when the government attempted to resettle the Ogiek people from the Mau forest, it culminated in conflict because they considered the forest to be their ancestral home. Similarly, in Nigeria in the Kuala kingdom, oil companies evacuated their staff as a result of conflict created by armed ethnic groups who were fighting due to disagreements on the sharing of oil profits, control of revenues, and governance (USAID 2007:09). In Ghana also, a conflict over a forest reserve between the Wildlife Department and the host community erupted over control, ownership and access to the resources in the Kogyae Strict Nature Reserve. In so doing, the Wildlife Department gave ultimatums and consequently destroyed properties of the fringe communities, including farms near the reserve. Host communities who claiming this area as their ancestral home also retaliated by destroying established camps of the Wildlife Department in order to stop them from operating there (Effah 2014: 4). As far as conflict management was concerned, traditional authorities, together with the district security council, were given the responsibility to ensure that conflicts are resolved (Effah 2014: 66)

In Nigeria’s Akwa Ibom state, much as the area is endowed with oil, there were poor roads, no piped water, and electricity, and there have been no efforts by the multinational companies or government to provide them. Ultimately, this culminated in a conflict between the locals and the oil mining companies. This has been worsened further by the little efforts put in place by the same oil companies such as Exxon Mobil, Shell, Agip and

others to reverse or control rampant environmental degradation and economic hardships that the locals have been facing in the region (Udofia 2011: 106). In addition, traditional institutions of conflict resolution in the Niger Delta helped resolve political and inter-ethnic conflicts between the Annang, Ibibio and Oron peoples by introducing rotational political agreement. In so doing, all the three groups were given a chance of having a political stake and sponsorship from the government (Udofia 2011: 107). Apart from the conflicts between militant groups and oil companies in the Niger Delta, the rest – which include massacres and killing of the activists – have been resolved using traditional institutions of governance, youths and elites though previously they were engrossed in the crises too (Nweke 2012: 204).

In Nigeria again, some oil companies, while giving employment and compensations to the local communities in the oil rich Niger Delta, caused conflicts by favouring some tribes, and also applied the divide and rule method. This culminated in high-level violence and riots by youths, which lasted for four days. It was only after the intervention of the elders through mediation using traditional mechanisms known as *Ayei* and *Mbiam* that the animosity was resolved (Udofia 2011: 112). Udofia further maintains that traditional conflict resolution mechanisms have been accepted by both Christians and non-Christians. They have been widely accepted and applied in dealing with conflicts because they are accessible, cost-effective, environmentally friendly, people oriented, and provide speedy justice, equity and fairness for all the people. As in any other traditional mechanisms, they have been effective in resolving conflicts in the oil-rich region of Niger Delta between local communities and multi-national companies owing to their concept of ‘no winner, no loser,’ and as a result of the abysmal failure of the modern formal justice system (Udofia 2011: 113; Nweke 2012: 214). Ultimately, after resolution of the conflict, it is clear that there was an improvement in the welfare of the people, the relationship between local people and the oil companies also improved, and government revenue in the region increased due to stability in the area. This can be compared to other areas where traditional mechanisms of prevention and resolution are not used in resolving conflicts (Udofia 2011: 114). Similarly, much as the powers of traditional leaders in the Niger Delta were hugely affected by the British colonial masters and the Nigerian government, they remained on their feet as custodians of the people’s customs and traditions, and they played an outstanding role in conflict management and resolution in region (Orji and Olali 2010: 405).

4.3 Can traditional conflict resolution work in an asymmetric context?

According to Udofia (2011: 114), traditional conflict resolution does not work asymmetrically because the mechanism is people-centered, aims at justice for all, emphasises fairness and equity, has been accepted by people of all faiths, and there is no winner or loser at the end of the dispute. This implies that all parties are treated equally regardless of their size, age, religion, and so on. Besides, all parties are given a chance to express their views during the hearing. During traditional court hearings, it is always participatory in a way that all people, educated and uneducated, are allowed to give contributions, implying that power belongs to the people; the elders are there to administer and advise. Similarly, Enyew (2014: 141) also observes that traditional conflict resolution methods are not asymmetrical, since conflicting parties under traditional courts have freedom to choose the judges based on their reputations, understanding of the societal norms, wisdom and experience. This implies that both parties have equal power, contrary to formal courts where the parties usually have unequal powers. It is also clear that the community has more power for they freely participate in the process of finding solutions to the conflict. Furthermore, the court process under traditional systems is usually voluntary and does not involve state coercion but relies on social pressure to ensure attendance and compliance with a decision. In addition, the court procedure is informal and participatory, and is based on principles of restorative justice. As such, the decision is based on compromise rather than strict rules of law; both disputants and their supporters usually play a central role in the decision making (Penal Reform International (2000: 15). All parties participate in finding solutions which must also be win-win outcome (Boege 2006: 13).

Traditional conflict resolution can seldom work in an asymmetrical context because as Bloomfield, cited in Muigua (2014: 7) argues, resolution of disputes is always anchored on mutual problem sharing whereby all conflicting parties “co-operate in order to refine their conflict and relationship.” This view is supported by Cloke (2005 cited in Muigua 2014: 7) who also suggests that, “since resolution is non-power based and non-coercive, it follows that conflict resolution entails the mutual satisfaction of needs and does not rely on the power relationships between the parties. The outcome of conflict resolution is enduring, non-coercive, mutually satisfying, addresses the root cause of the conflict and rejects power based outcomes.”

4.4 What role can government play?

According to a report by USAID (2007: 07),

Governments provide oversight for resource management, regulate trade and development, establish licensing protocols, levy taxes on resource industries, and engage in natural resource extraction directly or by selling extraction rights. Governments that receive substantial income from natural resources may have less incentive to enter into power-sharing arrangements or promote democracy-building efforts because they have the means to buy off or intimidate their opponents. In those cases in which there is little government accountability or financial transparency, government officials are more likely to take bribes, funnel public funds to private accounts, and ignore environmental degradation, resource-related violence, and human rights violations. Often in developing countries with weak state institutions, powerful groups are able to use persuasion or force to gain improper access to natural resources and their profits.

However, governments are expected to be neutral and transparent in their operations. Nevertheless, this has not been the case in certain areas. For instance, in the Ghanaian case of the Kogyae Strict Nature Reserve mentioned above, several ad hoc committees, including the Protracted Area Management Advisory Board (PAMAB) formed by the Government to find lasting solutions was not representative enough. It was later abandoned because out of 13 slots, the host communities had only five, the rest on the board were state agencies – for instance, the Wildlife Department, the Ghana Fire Service, the District Assembly, and the District Agricultural Development Unit among others, thus forcing leaders who represented the host communities to withdraw from the committee (Effah 2014: 64).

In Africa, most governments have tried to use a western model of conflict resolution to mitigate and reduce the destruction, whereas traditional institutions, through their cultural perceptions, have also applied indigenous mechanisms to deal with all sorts of conflicts at all levels (Tafese 2016: 22). The latter has become successful for they use participatory and relationship-focused approaches (MacGinty 2008: 139) and are “more practical in dealing with the root causes of conflicts to establish sustainable peace” (Tenaw 2016: 87), while the former apply retributive approaches through state courts. On the other hand, according to Abdulrahman and Tar (2008 cited in Elfversson 2016: 02), there are some parts of Africa where central governments have totally failed to provide security to the citizens. In other circumstances, these same governments have not bothered to intervene in conflict situations. As a result, some local peace actors, usually non-state actors such as traditional leaders, religious leaders, and civil society organisations, have stepped in to promote peace by resolving most of the disputes and conflicts in the communities more successfully than state-led peace processes.

Relatedly, Tenaw (2016: 87) affirms that, for various reasons, there are areas where the state fails to prevent or resolve some conflicts, and these are normally related to natural resources and inter-ethnic clashes. At other times, it is due to lack of capacity by the state to interpose, especially in remote areas (Elfversson 2011: 01). Consequently, this is where most indigenous institutions have intervened, thrived and become more visible (Tenaw 2016: 87). Similarly, Elfversson (2016: 03) further argues that, whereas the state is responsible for providing security and other services, there has not been done evenly, and this has prompted non-state actors, such as customary institutions and some civil society organisations (CSOs), to come in and manage conflicts at all levels. From observation, there is a common thread in the above arguments whereby scholars seem to agree that state failure to perform its duties in terms of providing security and other social services gives leverage to the traditional mechanisms to excel in resolving the conflicts which, in some cases, are perpetuated by the state agents. Nevertheless, the role of traditional mechanisms must not be over-emphasised and should not be seen as a panacea; their applicability varies from country to country and from society to society and is not ‘one size fits all’.

4.5 Modifications of traditional CR to make it effective

In the last decade, the paradigm of conflict resolution through the use of traditional mechanisms has gained more prominence but also has undergone remarkable transformation – with both positive and negative outcomes. It is argued that, through proper management of conflicts using traditional mechanisms of conflict resolution, unnecessary deaths, suffering, and even criminal offences committed during the conflict are avoided (Apiyo 2014:01). The unique feature in Niger Delta of traditional institutions of conflict resolution having three arms of the legislature, the judiciary and the executive, as postulated by Nweke (2012: 206), is a good example. “In African traditional settings, just as it is obtainable too in the Niger Delta communities, the traditional institutions are charged with legislative, executive and judicial functions. They make laws, execute them and interpret and apply the fundamental laws, customs and traditions of the people for the smooth running of their communities. Conflicts are usually managed and resolved based on the customs and traditions of the people.” This approach can be adopted in other African communities to enhance their effectiveness in dealing with all kinds of disputes and conflicts. However, care must be taken for the application of traditional mechanisms in resolving conflicts is not a ‘one size fits all’ system in all societies. Nonetheless, complete detachment of African traditional institutions from the aprons of post-colonial governments will help reinvigorate and rejuvenate the hitherto much fancied leadership of traditional leaders in Africa and be able to regain their lost respect.

According to Okoro (2010:140), in the struggle towards finding lasting solutions in the Niger Delta oil conflict, an informal model which consists of a peace march and protest, internal group dialogue, the promotion of inter-cultural tolerance and understanding, the empowerment of ordinary citizens in the economic, cultural and political spheres to broker for peace, and peace education are recommended and adopted in the post-amnesty era. These are new trends in traditional conflict resolution that can be adopted in other African societies ravaged by such conflicts. Apiyo (2014: 1-2) further comments that, where traditional conflict resolution mechanisms have been applied properly, there have been decreased disputes, grievances, confrontations, aggression, and violence, with positive communal relationships, increased harmony, and high levels of positive efforts. In circumstances where the traditional conflict resolution approaches have been applied without second thought, there have been cases of violence, deaths and poor relations among the communities. Apiyo 2014: 1 rightly asserts that,

Such mechanisms must be capable of being understood, used for a variety of conflicts and lead to long term, respectable, credible and sustainable outcomes. Additionally, the mechanisms must be economically, politically, legally and socially viable in the context of the communities' habitual practices, customs, cultures, characteristics and future development plans.

In Ethiopia, Bahru (2002 cited in Mengesha, Yesuf and Gebre 2015: 230-31) affirms that traditional political and judicial institutions in Gurage which consisted of Yajoba Qicha and Gordana Sera, have an exceptional and interesting mechanism used to resolve conflict and can be used elsewhere in Africa. He states that,

The Yajoka and Gordanna assemblies seem to combine legislative and judiciary functions. Representatives of the constituent units of the Sebat Bet and Kestane, respectively, were assembled to agree on the fundamental rules governing their community. Periodic meetings were also held to revise the laws when such revisions were deemed necessary. At the same time, the assemblies serve as courts of final recourse ... individuals who felt dissatisfied with a ruling of their territorial assembly could invoke their right of appeal with set expressions: Äjoka ("let the Yajoka rule on this case") or Gefacha ("I appeal") confirmation (or otherwise) of a lower verdict by the supreme court was mandatory in all cases, irrespective of appeals being made or not.

Yajoba Qicha and Gorgana Sera are traditional political and judicial institutions operating in Gurage, a zone located in Southern Ethiopia. Both Yajoba and Gordana entail assemblies which perform the functions of legislature and judiciary. These assemblies also act as the final courts of appeal. On the other hand, Sera is a "code of conduct

practiced and internalized among Kembata”. Kembata is an ethnic group located in the Southern region of Ethiopia (Mengesha, Yesuf and Gebre 2015: 230-31)

In Nigeria, traditional methods of conflict resolution have been modified, used and succeeded in resolving conflicts in different communities. These include promoting communal solidarity, traditional oaths, rewards, vigilantes, informal settlements, checks and balances, decentralisation, effective communication and good governance (Akinwale 2010 :137). He also highlights that there is need to integrate both traditional and state approaches. He further states that “[The] Benin Kingdom displayed dexterity in conflict management through effective and efficient utilization of its military strength, public administration, and traditional values including loyalty to the system, respect for the chieftaincy, and communalism. This is a classic example of traditional modernism. The traditional values were successfully integrated with the then modern institutions of the military and public administration” (Akinwale 2010:137).

Moreover, Akinwale (2010: 140) suggests that modification of traditional conflict resolution methods is necessary in order to contribute to peacebuilding in modern Nigerian societies. To achieve this, he affirms that there is need for proper identification and removal of bottlenecks in the extant conflict management strategies, the resuscitation of useful traditional values which have been thrown away and putting in place a national security policy anchored on a synergy of the revised traditional and modern strategies. He further notes that valuable traditional beliefs and values have been abandoned without enough scrutiny. He thus calls for the promoting of beliefs and values which involve sacredness of truth, providence, proverbs, idioms, oral histories, oral narratives and altruism. He further recommends the joint appointment of the mediators by traditional institutions, as neutral mediators can comprehensively help parties reach agreements to end the conflict.

In South Africa, though the Black Administration Act of 1927 introduced by white rulers has been amended several times, Kariuki (2015: 05) asserts that traditional leaders who include headmen and chiefs have been given powers to resolve criminal and civil cases. However, he also indicates that they must have approval from the Minister, and the parties must be of African race residing within traditional leader’s area of control. This approach, among others, can be adopted in traditional methods in African societies not only to avoid the challenges of case backlogs in formal courts but also to do away with the encumbrances related to conflicts over natural resources.

4.6 Bottlenecks to effectiveness of traditional mechanisms of conflict prevention and resolution

One of the factors hindering the effectiveness of traditional mechanisms of conflict resolution is that courts have been labelled as substandard (Chituwi 2008: 17), and the mechanisms are not aligned to or harmonized with universal values (Hagg and Kagwanja 2007: 31). The inability of traditional institutions to involve women and youths is a clear manifestation of this assertion (Elfverson 2011: 03). Contemporary traditional leaders seldom meet international standards on conflict resolution. For instance, as Chituwi (2008: 17) elucidates, the kind of justice that was provided under the *gacaca* traditional court system was biased against the Hutus, and some of the elders who were arbiters were accused of certain crimes (Myer and Shihn 2010 cited in Kariuki 2015: 04). It was romanticized and failed to perform its intended role of restorative justice; it undermined transparency and the rule of law and, instead, perpetuated a culture of impunity (Ilesanmi 2002: 222 cited in MacGinty 2008: 149).

This is partly explained by the fact that the majority of the judges were hand-picked from the communities and, as such, lacked credibility. Perhaps, in order to address such queries, traditional leaders should be trained in various law aspects, well scrutinised, so that they are well equipped with knowledge and skills in addition to the expertise they possess in customary law. Ultimately, the effectiveness of traditional institutions in handling conflicts and disputes is dealt a big blow because their potential to constructively resolve conflicts becomes doubtful.

Chituwi (2008: 31) further declares that their knowledge and skills in conflict management are questionable and doubted, yet their understanding of human rights must be crucial because it greatly informs them as to how they should address certain conflicts in their communities. Many of them also lack exposure in public relations (Chituwi 2008: 75), but they should remain focused on addressing cultural particularities (Hagg and Kagwanja 2007: 31).

In support of above assertions, Tenaw (2016: 105) posits that one of the challenges is the lack of incentives for the traditional leaders who handle ceaseless conflicts because, as time goes by, these elders involved in handling the conflicts lose morale due to the recurring nature of some conflicts and, consequently, this partly discredits the effectiveness of the entire approach. Conversely, as a form of appreciation, some traditional leaders have been provided with money in the form of a salary, as in the case of Zimbabwe where the 2013 Constitution acknowledges payment of salaries to the traditional leaders (Chigwata 2016: 75). Worse still, according to a newspaper in

Zimbabwe, (Newsday, 2 October 2014 cited in Chigwata 2016: 75), traditional leaders, especially chiefs, have liberty to charge five US dollars for the case to be heard in traditional courts under the guise of supporting activities of traditional institutions.

In other cases, the effectiveness of traditional mechanisms of conflict resolution has been hampered by the traditional leaders themselves who have been accused for abusing their powers through vices like taking bribes. This leads to compromise, and ultimately impacts the effectiveness of all traditional methods where traditional leaders are superior (Chituwi 2008: 35). Supporting this, Kariuki (2015: 15) maintains that, as a result of modernity, elders depend immensely on the young people who, supposedly, have accumulated much wealth. Thus, dispute resolution has been crippled by elders accepting bribes and by favouritism and, in the long run, people have lost faith in them.

Arguably, this is one of the factors that have curtailed the effectiveness of traditional mechanisms of conflict resolution because traditional leaders find themselves in compromising situations. It breeds fertile ground for bribery. It is also possible that such practices have contributed to the demeaning the traditional leaders and the entire practice of traditional institutions altogether, which hitherto in the golden days, used to provide services free of charge to the local communities and on voluntary basis.

Regrettably enough, Tenaw (2016: 105) further highlights that there is great concern emanating from collaboration between government and traditional institutions. Whereas most scholars advocate for joint interventions in resolving conflicts, it has been observed that district or other government officials treat customary leaders differently with disrespect. In other cases, elders who are appointed by governments have benefited through getting per diems from government and non-governmental organisations (NGOs), while customary elders working on a voluntary basis have not been supported. This breeds disunity and makes conflict resolution a profitable venture; consequently, this renders the effectiveness of traditional mechanisms of conflict resolution questionable. Closely connected to this, Nweke (2012: 213) avers that involvement of traditional leaders with colonial and post-colonial governments has greatly contributed to the erosion of traditional institutions in Africa for they remained merely ritualistic and could not live up to their powers and authorities. Consequently, their effectiveness in dealing with conflicts was drastically affected.

The involvement of traditional leaders in partisan politics is another factor that has greatly discredited traditional approaches to conflict resolution. The participation by traditional leaders in politics leads to a loss of trust from the citizens who hitherto relied on the traditional leaders for durable solutions in the local communities. Their involvement in

partisan politics means that resolving conflicts involving political rivals becomes a huge challenge for compromise (Chituwi 2008: 74; Okai *et al* 2014: 34). In a similar vein, collaboration between traditional leaders and colonialists and post-colonial states hugely crippled the effectiveness of traditional institutions in Nigeria's Niger Delta region (Nweke 2012: 211).

Disharmony between indigenous and modern courts has also greatly hampered the potential effectiveness of traditional mechanisms in a way that some individuals convicted under traditional courts go and appeal to the modern/formal courts. As a result, they are set free without any case to answer. Such scenarios have contributed to discrediting customary courts and its officials, the elders (Tenaw 2016: 105). Accordingly, Castillo expounds what appears to be a solution by advocating for a strong legal framework which attracts foreign investors in minerals and other resources, but also emphasises that resources belong to the state for the benefit of all citizens in the country. However, the passing of bills is difficult because most parliaments in Africa are heavily influenced and controlled by the executive and, as such, the bills fail to pass or, at best, they are delayed (Castillo 2014: 1920).

Traditional mechanisms of conflict resolution have been rendered ineffective because there is no aspect of formal legal representation (Choudree 1996: 14). That is because one of the key features of traditional mechanisms of conflict resolution is that the process is informal and the court procedures, too, are expected to flow naturally in a subtle way aimed at reaching a win-win solution. Therefore, the involvement of a formal legal representative would impede the natural flow, curtail the achievement of consensus-based solutions, and also interfere with the main goal of restoring broken relationships between the warring parties. Besides, Sachs (1973: 96-97 cited in Choudree 1996: 22-23) argues that,

In traditional African society, every man was his own lawyer, and his neighbour's too, in the sense that litigation involved whole communities and all the local men could and did take part in forensic debate. When prejudicial attempts to resolve disputes failed, the arguments could be pressed to judgement before the chief, whose word was law; but the chief invariably acted as spokesman for his councillors who, in turn, sought to uphold and reinforce the established norms of the tribe.

Another bottleneck to the effectiveness of traditional mechanisms of conflict resolution is the negative attitude towards African culture and traditions by 'modern Africans'. The so-called modern Africans portray rituals, cleansing and other practices as satanic, yet they have played a crucial complementary role in dispute resolution in circumstances where the formal courts have failed (Kariuki 2015: 15).

Relatedly, treating the African justice system as inferior compared to the modern justice system has significantly limited the applicability of traditional dispute resolution practices and processes. This is due to subjugation of most customary practices. A case in point is South Africa's section 12 and 20 of the Black Administration Act which limits the use of traditional dispute resolution in civil and criminal cases respectively (Kariuki 2015: 15).

4.7 Conclusion

With the exception of fragile states, where conflicts have not been resolved because institutions and the rule of law are in a deplorable state, and traditions that used to control, prevent and resolve disputes are weak or broken (Keating 2015: 03), it is significant that the African justice system has remained resilient in almost all countries amid the challenges brought forth by modernity. It is essential that efforts be focused on restoring efficacy among the traditional leaders, and developing new multi-faceted approaches to supporting the traditional justice system.

It can be argued strongly that traditional mechanisms of peacebuilding have effectively dealt with challenges related to all kinds of conflicts ranging from small, family based disputes to complex, regional based conflicts such as displacements, resources and land. Traditional leaders, by far, remain instrumental and resilient in peacebuilding efforts within local communities. With the headmen and elders' presence, they are easily accessible and in a better position to make a correct judgement because they are usually knowledgeable about their areas of jurisdiction. This justifies their effectiveness in dealing with any dispute, for they can identify underlying or root causes with ease. Hence, as MacGinty (2008: 155) recommends, contemporary international approaches to conflict resolution can co-exist with African traditional mechanisms of conflict resolution if well scrutinised. As such, both bottom-up and top-down approaches would be combined to establish a sustainable model of resolving unabated conflicts around the globe. However, proper co-ordination and mechanisms must be put in place lest conflict and duplication of duties ruin the much needed and well-intended scheme. For desirable results to be obtained from this 'hybrid marriage', retaining core principles of traditional conflict resolution such as restorative justice, reconciliation, maintenance of harmony, and social bonding in communities must be observed.

CHAPTER FIVE

METHODOLOGY

“Not everything that can be counted counts, and not everything that counts can be counted” (Albert Einstein).

5.1 Introduction

The research design for this study had three components, namely: exploratory, action research and evaluation components. The exploratory component helped to answer objectives 1 and 2 while objectives 3 and 4 were answered under the action research and evaluation components. This study began by exploring traditional conflict resolution/peacebuilding infrastructures and management in the oil-rich Bunyoro sub-region. It further assessed the current effectiveness of traditional methods of dealing with challenges that have come as a result of oil discovery in the Bunyoro region. However, stopping at the exploration phase and getting to know the problem was not enough; therefore, the second part of this study was action research (to design and implement an improved conflict resolution infrastructure), while the third part of the research design was evaluation of the short-term outcomes.

5.2 Research design

Research designs, according to Creswell (2014: 31), are procedures of inquiry. It is “a logical sequence in which the study is to be carried out, as well as the elements of the study, its methods of data collection and analysis and all administrative procedures ...” (Sarantakos 1998: 193). An exploratory, qualitative, case study research design was appropriate for this study because it helped in understanding the social phenomenon holistically. Creswell (2014: 32) highlights that qualitative research is “an approach to exploring and understanding the meaning individuals or groups ascribe to social or human problems.” Davies (2007: 191) also asserts that, “the aim of qualitative research is to explore individuals or situational perspectives and gain an in-depth understanding of personal feelings and experience.” In addition, a case study was adopted to acquire more in-depth understanding. Yin (2009: 18) defines a case study as “an empirical inquiry that investigates the contemporary phenomenon in-depth and within its real life context, especially when the boundaries between phenomenon and context are not clearly evident.”

This study is underpinned by a philosophical assumption that, once local people at grass roots are empowered with knowledge and skills concerning peacebuilding, and once they own the means and processes of identifying mutually satisfying solutions to their

challenges which disunite them, it is possible for them to achieve sustainable peace and development in their areas.

Creswell (2014:33) advises that while planning for research, researchers ought to consider philosophical world views which inform their studies and these must be in lieu with the research design. This, he suggests, greatly explains why the study approach adopted is qualitative, quantitative or mixed methods.

According to Creswell, worldviews are “a general philosophical orientation about the world and the nature of research that a researcher brings to a study. Worldviews arise based on discipline orientations, students’ advisors/mentors inclinations, and past research experiences. The types of beliefs held by individual researchers based on these factors will often lead to embracing a qualitative, quantitative, or mixed methods approach in their research” (Creswell 2014: 35)

This study adopted social constructivist worldview. According to Creswell, social constructivism sometimes combined with interpretivism is usually regarded as an approach to qualitative research. It entails understanding, multiple participant meanings, social and historical construction, and theory generation. Social constructivists according to Creswell, “believe that individuals seek understanding of the world in which they live and work. Individuals develop subjective meanings of their experiences meanings directed toward certain objects or things. These meanings are varied and multiple, leading the researcher to look for the complexity of views rather than narrowing meanings into a few categories or ideas. The goal of the research is to rely as much as possible on the participants’ views of the situation being studied” (ibid: 37).

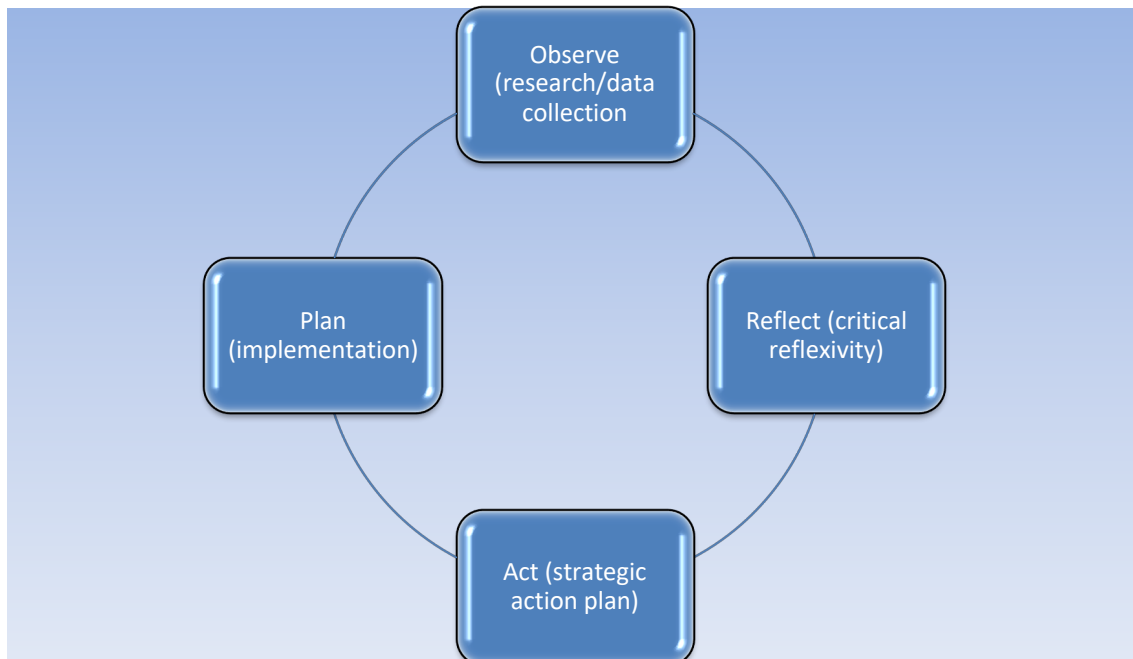
Given the nature of action research, it was hard to know what interventions for action would be until exploratory research took place. Nevertheless, after the exploration phase, findings were shared with all participants. Interventions were made through forming the Bunyoro Traditional Peacebuilding Action Team (BTPAT), a local peace team consisting of traditional chiefs, clan leaders, a local council leader, volunteers from CSOs, and a woman representative. In order to assess the outcomes of the action research, a preliminary evaluation of the intervention was done through conducting a focus group discussion with the action team members.

5.2.1 Theoretical understanding of action research

According to Titchen and Binnie, (1994: 02) cited in Tichen (2015: 02), “action research is a broad landscape of distinctive and primarily qualitative research strategies for bringing about ‘social change through action, developing and improving practice and, at

the same time, generating and testing theory’.” In the same vein, Kaye and Harris (2017: ix) highlight that action research gives a platform on which peace can be built while doing research. Quite often in action research, the researcher must play the part of a catalyst as well as a facilitator while the participants take the lead on how best they want the situation to unfold. Action research, especially in peacebuilding, continues to be recognised for its practical approaches towards achieving sustainable solutions in communities ravaged with social problems (Kaye 2017: 01). Relatedly, Reason and Bradbury (2001: 02) explain that, “action research is a participatory, democratic process concerned with developing practical knowing in the pursuit of worthwhile human purposes, grounded in a participatory worldview which we believe is emerging at this historical moment. It seeks to bring together action and reflection, theory and practice, in participation with others, in the pursuit of practical solutions to issues of pressing concern to people, and more generally the flourishing of individual persons and their communities.” The common thread noted from the scholars’ understanding of action research indicates that action research is an undertaking which involves participation of the beneficiaries in an attempt to find practical solutions to challenges faced in their community. Of course, the application of action research is not limited to peacebuilding alone, but also to the political, social, economic, environmental and other aspects of life.

Figure 5.1: Action Research Cycle



Adapted from O’Leary, Cycles of Research (Koshy, Koshy and Waterman, 2010: 08)

5.2.2 Justification of action research

This study adopted action research because, after exploring the problems in the first phase of this study, practical interventions aimed at strengthening traditional peacebuilding in Bunyoro were required. According to Kaye (2017: 02), “exploratory research alone is insufficient when the goal is change and transformation. Research begins the process of contextualising the problem; action research develops and tests possible solutions stemming from the information gathered by exploratory research.” Harris (2017: 139) concurs with this view, arguing that, although a small number of participants is usually used, action research enables peace to be built immediately.

5.2.3 Formulation of an intervention project

After data collection, a seven-member team was established. These were voluntary members who accepted to be part of the action team meant to implement activities aimed at strengthening traditional peacebuilding infrastructures in Bunyoro. This ultimately contributed to the overarching goal of enhancing capacities for local peacebuilding in Bunyoro sub-region through equipping local actors with knowledge and skills necessary for preventing, resolving and managing conflicts in their communities. Those who volunteered to participate in implementing the project became an experimental group, while those who opted not to participate became a control group. More detailed information on intervention is covered under Chapter Eight. The seven-member team, comprising of individuals from different categories of people, was formed in order to

identify activities, to implement them and, finally, to evaluate preliminary short term outcomes. The action team was made up of one clan leader, one elder, one kingdom official (Bunyoro Kitara Public Relations Officer (PRO), two civil society organisation members, one local council leader (LCI), and one woman.

5.2.4 Project implementation

The implementation of the project as indicated above was done by a team of seven volunteers under my guidance and facilitation. Activities implemented included:

- Strengthening the traditional mediation approaches
- Promoting traditional mediation via community meetings and radio. The action team conducted mass sensitisation or awareness meetings on radio and in communities where conflicts on land have occurred. The messages during sensitisation were about calling upon community members with conflicts and disputes to bring them forward to Bunyoro kingdom authorities or BTPAT for mediation rather than taking them to the police or formal courts. The message also emphasised peaceful co-existence among tribes living in Bunyoro, as well as the sensitising of communities on the role of the Bunyoro Kitara kingdom toward peacebuilding in the region, and holding the kingdom accountable
- Training traditional leaders in contemporary conflict resolution skills, especially on mediation and negotiation
- Supporting kingdom leaders in charge of internal affairs and ministers of culture in defending land titles that were issued by Bunyoro Kitara Kingdom.

The team successfully implemented these activities, though the researcher had limited time to implement them with the rest of the team after the preliminary evaluation phase. It is envisaged that the action team will continue moving forward with the project.

5.2.5 Project evaluation

Church (2008) cited in Church (2011: 460) describes evaluation as the use of social science data collection methods (including participatory processes) to investigate the *quality* and *value* of programming that addresses the core driving factors and actors of violent conflict, or supports the driving factors and actors of peace.

According to Church (2011: 467), there are two different forms used in the evaluation of peacebuilding projects, namely: formative evaluation and summative evaluation. These are usually carried out midway through the project, and at the end of the project.

This is the stage where the activities implemented were evaluated in order to ascertain whether change was realised or not. The purpose of this evaluation was to measure the effectiveness of the BTPAT project in strengthening the Bunyoro traditional

peacebuilding infrastructures and management. In this study, the pledge method of evaluation was used. Here, participants who volunteered to take part in the implementation of the project pledged to achieve certain set goals at the end of every month. At month-end, participatory reflection meetings were conducted in order to improve on the performance in the subsequent months. Every last Saturday of the month, the team sat to reflect on the achievements, challenges and ways of improving.

5.3 Qualitative research

In addition to action research, this study adopted a qualitative research approach. Creswell (2014: 32) defines qualitative research as, “an approach for exploring and understanding the meaning individuals or groups ascribe to a social or human problem. The process of research involves emerging questions and procedures, data typically collected in the participant’s setting, data analysis inductively building from particulars to general themes, and the researcher making interpretations of the meaning of the data.” In qualitative research methods, open ended questions such as, ‘how’ or ‘in what ways’ and ‘what’ are usually asked to elicit emerging design. The same applies to developing research questions which must be open-ended in order to enhance exploration and discovery (Bloomberg and Volpe 2008: 10). Similarly, Khankeh, *et al.*, (2015: 636) concur by asserting that, “qualitative research methods involve systematic collection, organising, and interpreting data in textual form derived from talk or observations. They are useful to explore the meanings of social phenomena as experienced by individuals in their natural context.” Malagon-Maldonado (2014: 120) highlights that qualitative research is a very useful method, especially in circumstances when there is scant information about a phenomenon, and also when the research intends to comprehend participants’ viewpoints.

5.4 Population/target population

According to Davies (2007: 55), population is, “the category of people, animals or objects about whom or which you intend to write in your report and from which you plan to draw your sample.” Roscoe, cited in Mouton (1996: 134) defines population as “a collection of objects, events or individuals having some common characteristics that the researcher is interested in studying.” Similarly, Creswell (1996:29) defines population as “all the organisms that both belong to the same group or species and live in the same geographical area”.

There are 1.4 million people in the Bunyoro sub-region (Gummersbach 2015). The study population of both key informants and FGDs was 23 participants. It comprised of five traditional chiefs, five clan leaders, five local council/village leaders; four civil society

organisations and oil companies, two officials from the judiciary and two Police officers. The researcher worked with this sample to get in-depth information to enhance credibility and transferability of information to the general population. For action research, Davies (2007: 139) recommends using small numbers which are easier to work with.

5.5 Sampling method

Representativeness is paramount in sampling. Therefore, non-probability sampling was adopted and, through this, participants were purposely selected. Druckman (2005: 151) explains that non-probability is ideal in exploratory research because there is always a need for in-depth information from a small number of participants. The Bunyoro Culture Trust Board provided a list of the chiefs and clan leaders who were appointed by the King (Omukama) of Bunyoro and assisted the researcher to select them. In the same manner, the Board helped in selecting village leaders by providing a list of those who have been working hand in hand with the traditional authorities in resolving disputes in the region. The Navigators of Development Association (NAVODA), a peacebuilding NGO which has been operating in Bunyoro sub-region for a long time, assisted in selecting civil society representatives by providing a list of organisations they have been working with in the region. District Police officers (DPOs) and District Chief Magistrates (DCMs) assisted in selecting police and judicial representatives respectively. Participants were purposively selected because they were believed to be familiar with, and have a deeper understanding and insights of traditional mechanisms of conflict resolution and management in the Bunyoro sub-region. Davies (2007: 57) recommends that the researcher purposely invites people who are ‘typical’ of the population being studied. Creswell (2013: 156) highlights that, “the inquirer selects individuals and sites for the study because they can purposely inform an understanding of the research problem and central phenomenon in the study.”

Table 5.1: A representation of the participants purposely selected.

	Participants					
	Traditional chiefs	Clan leaders	Village leaders	Representatives from CSOs and oil companies	Representatives from Judiciary	Representatives from Police

Hoima district	5	5	5	4	2	2
Total 23						

5.6 Recruitment process/data collection

One-on-one, in-depth interviews were conducted with purposely selected judiciary, police, civil society officials, and oil companies, while focus group discussions (FGDs) were held with traditional chiefs, clan leaders, and local council/village leaders. Observational data was collected because it was expected to generate first-hand insights which supplemented data from key informants and FGDs. Additional data was obtained from available documents from the Bunyoro-Kitara kingdom resource centre.

Informed consents were translated from English into Runyakitara, (that is, Runyankore-Rukiga- Runyoro- Rutoro); see annexures C and D. Thereafter, consent was first sought individually from all the study participants, and then data collection followed later. After obtaining the data and analysing it, I presented it to the participants. Then an action team was formed to identify and observe, plan the action points to implement and, finally, evaluate preliminary outcomes.

5.6.1 Measuring instruments

As an exploratory research study, primary data was obtained using focus group guides during focus group discussions (see annexure F), while interview guides were used for key informants (see annexure G). A check-list of events and items to be observed was developed for non-structured observation (see annexure H).

5.7 Data analysis

Data was analysed using thematic content analysis. Creswell (2013: 179) highlights that the process of analysis entails “organizing data, conducting a preliminary read-through of the database, coding and organizing themes, representing the data, and forming an interpretation of them.” This involved carefully reading the interview notes, highlighting repeated ideas and concepts, and tagging codes on each idea mentioned in the particular paragraph. Flick (2014: 370) observes that data analysis in qualitative research aims, “to make statements about implicit and explicit dimensions and structures of meaning-making in the material and what is presented in it.” Therein, similar ideas from different paragraphs were brought together into themes. Lapum, *et al.*, (2015: 01) assert that qualitative analysis is usually a textual undertaking involving the identification and examination of key research ideas derived from study data.

5.8 Pretesting

A pilot test on the instruments was done with people in a similar setting in another region (one FGD and 2 one-on-one interviews). The purpose was to correct any errors and/or to detect and identify any ambiguous questions in the interview and FGD guides. According to Litosseliti (2003: 24), holding a pilot focus group helps the researcher to “develop a better knowledge of the expected comments and attitudes.” Changes were incorporated before the actual data collection began. For instance, during the pre-test, the researcher found out that tribal leaders were not available for the interviews and decided to replace them with clan leaders. Druckman (2005: 160) suggests that it is essential to do a pre-test because it helps in identifying questions that are not well understood by respondents or which may be difficult to answer accurately. According to Davies (2007: 47), a pilot test enables the researcher to feel confident that all the preparatory work is done, with ready tools to do a thorough job.

5.9 Delimitations and scope

Geographically the study was limited to Hoima district in the Bunyoro sub-region where oil exploration is currently taking place, although other areas in the region would give different or complementary insights. In addition, this study only focuses on traditional chiefs/elders, clan leaders, local council/village leaders, police, judiciary and civil society leaders, although other categories had the potential to give great insights into this study.

5.10 Validity and reliability

Sarantakos (1998: 78) defines validity as, “the ability to produce findings that are in agreement with theoretical or conceptual values; in other words to produce accurate results and to measure what is supposed to be measured.” Reliability refers to, “the ability of an instrument to produce consistent results” (*Ibid* 1998: 83).

Triangulation of the methods helped in ensuring validity in this study, while pre-testing guaranteed the reliability of the instruments. Creswell (2014: 251) declares that triangulation entails, “corroborating evidence from different sources.” Therefore, converging data from FGDs, interviews, unstructured observation and various documents enriched the validity and reliability of the study findings. In addition, the researcher adopted different strategies to enhance validity and credibility of the information by creating an environment that enabled the research participants to feel free and open to discussions.

5.11 Anonymity and confidentiality

In order to protect the identity of the participants, data was handled professionally by giving pseudonyms to all study participants. Flick (2014: 59) advises that it is always prudent to encrypt the specific details; for instance, names, addresses, company names and so on, in order to protect the identities of the participants. In addition, the data collected, that is, recordings and transcripts, were stored safely in pass-worded folders so that those who were not meant to see it never had access at all. However, anonymity and confidentiality among the action team members was not guaranteed since they were working together and needed to know each other.

5.12 Ethical considerations

Protecting the interests of research participants in the research process is paramount (Flick 2014: 48). Creswell (2014: 114) argues that, throughout the entire period of research, it is imperative to consider ethical aspects that might arise. The researcher adhered to research ethical principles. For example, Creswell (2013: 154) advises that, “regardless of the approach to inquiry,” permissions should be obtained to do away with any potential harmful impact and risk to the participants. In so doing, a letter requesting the gatekeeper’s permission from the Bunyoro Kitara Kingdom was sent (see annexure E), and permission to conduct the research was granted (see annexure I). Clearance from the Durban University of Technology Ethics Committee was obtained. Consent was sought first from the participants, with participation in the study being voluntary. It means that study participants were free to withdraw at any time without any repercussions. Anonymity, as well as the confidentiality of the participants during interviews and FGDs, was also adhered to during and after this study. In addition, ethical values such as integrity, honesty, and trustworthiness were observed because they are paramount in obtaining good quality research information.

5.13 Summary

This chapter has presented the methodological aspects of the thesis. Given that the overarching goal of this study was to enhance capacity for local peacebuilding in the Bunyoro region, a qualitative approach was adopted to explore the problem through objectives one and two. Thematic content analysis was applied and the various steps, as suggested by Creswell (2013: 179), which included organising data, conducting a preliminary read-through of the database, coding and organising themes, representing the data, and forming an interpretation of them, was systematically followed. Action and evaluation components were employed to address objectives three and four respectively. In so doing, action points were identified and implemented, and short term outcomes were evaluated. The intervention that was carried out was aimed at strengthening the Bunyoro kingdom infrastructures for peace.

PART FOUR

CHAPTER SIX

DATA PRESENTATION AND ANALYSIS

6.0 Introduction

This chapter deals with objective one, which set out to explore traditional conflict resolution and peacebuilding infrastructures and management in the oil-rich Bunyoro sub-region. It presents findings of the study that were obtained from the field conducted in Hoima district, Bunyoro region.

6.1 Bunyoro Kitara I4P

This section discusses findings regarding what used to be done by traditional authorities to prevent these disputes from escalating. Information obtained from the participants indicates that there were structures right from *Mayumba kumi* (ten houses), *Mugongo* (village) then *Mutongole* (many villages about ten), *Muluka* (parish level with many villages), then to *Gombolola* (the sub-county), to *Saza* (county level). Conflicts would be solved in the immediate locality. After failing at level one, the case would be referred or forwarded to another level and disputants would not reject the idea or the punishment given by the officials lest they are pushed out of the village.

Participants further revealed that these structures are no more. Today, there are no *mayumba kumi* (ten member committee) in every village; there is no elders' forum, no camp fire as there used to be. If there is a conflict between members of the community, no elder will show up as it used to be, or the way it is done in other kingdoms such as Acholi, Buganda or Teso and Karamoja. At times, there are clan leaders who intervene, but they only intervene after being invited. In the Bunyoro kingdom, study participants revealed that there are efforts now aimed at rebuilding the institution.

Before the kingdom became weak, people would go to the District Commissioner (DC) or to a traditional court in cases of heavy offences such as murder and other capital crimes. The court would also want to hear the origin of the problem. Some weak cases would be referred back to the elders. Participants further revealed that after the National Resistance Movement (NRM) government came to power and restored kingdoms, they thought kingdoms would help them as they used to do, but it did not happen as expected. It was further noted that, at first, they were trusted by people, but later became political. Today, participants revealed that when *Omukama* (the King) has a problem, the army comes to

guard him. The kingdom no longer has royal guards to protect the king the way it was in the past.

6.1.2 Current traditional CR/PB infrastructures in Bunyoro

According to the participants' understanding of resolving conflicts using traditional approaches, it was revealed that traditional conflict resolution begins at family level. Each family head has a responsibility to resolve conflicts within his family. The role of the head of the family is to guide and to preside over disputes within the family. The following extracts from interviews support these claims:

In our communities, resolving conflicts begins from home. At home, there is always a head of a family called *Nyineka* (family leader). In case of trouble in that home, the head of the family invites his people he tries to control, to guide and warn at the level of a home. When it is about land in that home, the family leader will resolve [the dispute] by demarcating [giving each child his portion of land] ... The head of the home may not impose any fine upon his people; his role is to solve conflict by guiding the process; there is no fine (*Interview with Bunyoro Clan leaders, 2017*).

The next layer of infrastructure for peace is the clan level. It was revealed that, whenever conflicts fail at the family level, they are referred to the clan leaders. Every family has a clan where it belongs, so in this case, if the head of the family fails to resolve a conflict, the head of the clan takes over the case. These clan leaders are normally elders who have been instrumental in resolving conflicts in the Bunyoro region. Participants further stated that clan leaders have been doing great work, especially in mediation and negotiations concerning conflicts related to land at village level in the Bunyoro region in general. This level is the backbone of the traditional conflict resolution system. These leaders are relatively well known in the region working on behalf of the kingdom, but on a voluntary basis.

The respondents further disclosed that, when a conflict fails to be resolved at the clan level, chiefs – who are usually stationed at the parishes and sub-counties – take over. These chiefs are usually elders from different clans, and sometimes they double as heads of clans. These are less active compared to the clan leaders. Some chiefs are also known as *Abagurusi* (old men) who are ageing and less active in the communities. However, respondents argued that those who have been more active have been working with clan leaders in resolving some of the conflicts in the region.

Figure 6.1: Composition of bottom up Bunyoro infrastructure for peace

The Kingdom's Parliament (*orukurato*)



Chiefs at parish level (these are usually elders)



Clan leaders (Bunyoro has various clans and each clan has a leader)



Family heads (*Nyineka*)

(Source: Drafted from the information gathered from the field, 2017).

The following excerpts from interview reports from the Bunyoro traditional officials demonstrate these claims:

Our traditional system of resolving conflicts starts at family level. Each family head has a responsibility to manage conflicts within his family ... From the family level, it goes to the clan leaders, and after the clan leaders, we have chiefs. These are stationed at the parish level, the sub-county level and the county level. If the conflict is very pronounced, it can end in kingdom administration – for instance, by the kingdom parliament. We have a legislative arm of the kingdom which is called *orukurato* (kingdom parliament); we also have cabinet comprising the ministers. At times, there are some conflicts that may require the intervention of the king himself (*FGD with Bunyoro Kingdom officials, 2017*).

Much as conflict resolution undergoes these various layers, most participants revealed that a large number of people prefer settling their grievances with Local Council one (LC1) authorities and the police. In other words, the traditional peacebuilding infrastructures are not fully utilised because findings indicate that, on many occasions, disputes have been referred to the Local council one leaders. Nevertheless, there are times when disputes have been referred from the Local council leaders back to the clan leaders and to some CSOs that have been involved in mediating conflicts. This was revealed through an interview with the clan leaders of Bunyoro Kitara kingdom:

These Local Council one (LCI) leaders have always forwarded cases to the clan head because they know it can be resolved by the clan members who can call a family or clan meeting. So, there is also trust in clan leadership. Most conflicts range from marriage to land disputes and, once the clan fails, they then refer to the chiefs or to the formal courts of law. At the same time, the clan leaders may refer the case to the LCI officials or police and further forward to the government's legal departments or courts of law. Usually, under such

circumstances, the clan leaders will be the witness in the courts if the case goes to the government formal courts (*FGD with Bunyoro Kingdom officials, 2017*).

Often, there are circumstances which usually attract the attention of the traditional leaders, especially clan leaders, before they intervene in resolving conflicts. These include: whenever there are abuses among clans themselves (inter-clan wrangles); when there is aggression among different clan members (intra-clan disputes); when there is confrontation between individuals or groups; when there is assault and cheating, or for land grabbing. All these compel the clan heads and members to be concerned and to get involved. At the same time, clan members can meet willingly in order to contribute when their sons or daughters are marrying, helping somebody who is going for studies, or when they fail to get schools fees. Hence, the process is not only for negative situations or infractions, but can also be for positive causes too.

On the other hand, some participants revealed that conflicts related to oil in Bunyoro region, to some extent, have been resolved not only by the traditional authorities, but quite often, through the formal courts. They further revealed that kingdom authorities used to be very vibrant in the past, before kingdoms in Uganda were abolished by the Obote regime under the Uganda People's Congress (UPC) in 1967. The following excerpts from the FGD conducted with civil society organisations (CSOs) operating in Bunyoro region explain further:

At first, traditionally, conflicts were resolved amicably, but with recent land conflicts and involvement of land tribunals, most people prefer conflicts to be solved by courts other than traditional mediation. When it comes to kingdom issues, it lost interest in resolving conflicts between individuals and has resorted to solving conflicts between kingdom land and a community of a few individuals. With the exception of a few people who have come [to the area] to do some mediation, traditional authorities have not done much. At times when conflicts between individuals are resolved under the traditional arrangement, they erupt again. That is why people prefer going to formal courts rather than traditional courts. The Bunyoro people have lost confidence in the kingdom, they argue that there is no kingdom but, rather, there is a king. All the powers are entrusted to the king. It is supposed to be the institution of the people. This is a kingdom which has no constitution; it has no strategic plan, say for five or 10 years ... and the kingdom has become political. Some members within the kingdom are politicians, especially when there are cultural celebrations (*empango*), you find that the organisers are from one political party, yet the kingdom is for all the people from all religions, all tribes in Bunyoro, but there is segregation. The kingdom has also been cited in issues of land grabbing. [Even] some officials have been cited in land grabbing, so it cannot be trusted with mediating or deciding disputes between people. Such individuals cannot stand on their feet to decide your fate or mediate your case. In other words, our kingdom has lost power and authority to comment on pertinent issues within Bunyoro because,

many times, they are perpetrators, save for a few individuals like clan heads who have done mediation at village level. Other than that, the kingdom cannot solve any problem; they cannot solve land conflicts, they have issues with indigenous and new people coming ... *(FGD with CSOs operating in the Bunyoro region, 2017)*.

According to history, people used to resort to traditional conflict resolution; however, the kingdom has been implicated in some land conflicts in the region and people have lost trust in them. There was a case between the National Forestry Authority (NFA) and the kingdom, and officials have sold kingdom land to investors. People within the kingdom themselves have lost trust in the kingdom. There is no ground [to stand on]; they cannot come together and say, 'We have this issue, let's solve it' *(FGD with Local council leaders, 2017)*.

More findings from a civil society organisations working closely with the kingdom revealed that traditional authorities used to be very active, efficient and resilient in their work in the past, but recently, this has lapsed, and nothing serious is being done.

In the past it used to be clan leaders or chiefs or traditional leaders [who would] sit together with people concerned and mutually resolve any community problems. That was the traditional method. And it used to serve better than these legal, formal methods because each side would be represented, give their views and would strike the balance *(Interview with Bunyoro Kitara People Reparation Association (BUKITAREPA), 2017)*.

Nowadays, people go to formal courts of law; they have diverted from [the traditional way], and go for mediation. But then mediation is being done by some CSOs, not elders. Largely that issue has died out. I think, to be honest, traditional systems have been killed off by new systems. For example, now that we have LC1 structures, I am very sure people would listen more to the LC1 chairperson than to the elder in the village. So it means that traditional systems have been wiped out. More so, [since] this is a kingdom, you would expect them to be active, but they are more passive. Probably, it is a system that is not working [well] *(Interview with KARITAS Hoima, 2017)*.

In the region where I come from, people respect the traditional elders. But here in Bunyoro people rather go to court. You rarely hear that people have settled a case with elders; you rarely hear that someone has settled a case with a family meeting. Those structures in Bunyoro, I don't think they are there. If they are there, they're not used *(Interview with the Hoima Magistrate Grade 1, 2017)*.

From this information obtained from the respondents, it is possible to argue that traditional courts are not active; their work has been taken over by the local council leadership. But this is not to say that they have died out; they have merely become less active as a result of many factors. First, they lack financial muscle to run most activities within the kingdom. Some participants intimated that kingdom land has been sold out by individuals and the money shared with the king. This shows the extent to which the kingdom is vulnerable. Second, the kingdom leadership is not so vibrant as are other kingdoms like Buganda, Tooro or Acholi. There is a lot to be desired, with some respondents intimating

that Bunyoro has a 'kingdom leader' but not a king since he is always guarded by military and police, not the royal guards. This is due to internal bickering within the kingdom administration. These and other reasons are the most outstanding issues that have rendered the kingdom less active in the current situation. It seems that, when the top leadership is strong, vocal and vibrant, the kingdom's programmes and activities are likely to be successful and the public will know its deeds.

Study participants further revealed that there were some informal methods of conflict resolution in Bunyoro Kitara culture. Below is an excerpt from an interview with NAVODA, a civil society organisation that has been involved in mediating land conflicts in Bunyoro for some time.

...whenever there was a dispute in a family between a husband and wife, she could go to the neighbours who would call other neighbours and sit in on those matters. They were informal. They could also sit to resolve when the wife wanted to divorce: the wife could bring her grievances and then the other fellow could say, in order to please her, buy her something so that she can forgive and stay [with him]. Others could run to their fathers, and the father [would] call friends and sit to resolve the conflict (*Interview with NAVODA, 2017*).

Furthermore, conflict resolution using traditional mechanisms has not been as popular as expected, save for a few clan leaders who have been mildly active in resolving conflicts in the societies where they are still respected. They are doing the work of mediation and negotiation on behalf of the kingdom, but are not officially assigned by the kingdom. Rather, it is because they are still held in high esteem as elders in the communities. The question to ponder is what could be the reason(s) for the kingdom sluggishness, yet the Land Act of 1998 fully mandates them to mediate disputes in their areas of jurisdiction. Section 88 (1) of the Act gives powers to the traditional leaders to settle and mediate land disputes. It states that,

“(1) Nothing in this part shall be taken to prevent or hinder or limit the exercise by traditional authorities of the functions of determining disputes over customary tenure or acting as a mediator between persons who are in dispute over any matters arising out of customary tenure. (2) At the commencement of a case, or at any time during the hearing of the case, a land tribunal may advise the parties to the case that, in its opinion, the nature of the case is such that the parties would be better served by using mediation to resolve their differences than by continuing with litigation in the tribunal; and where such an opinion has been given, the land tribunal may adjourn the case for such period as it considers fit to enable the parties to use the services of the traditional authorities or the mediator or some other person to mediate” (SAFLII, 2008:44). Available at http://www.saflii.org/ug/legis/consol_act/la199822757.

The rationale behind the kingdom's sluggishness, even when the law recognises their authority, is embedded in the fact that traditional leaders, not only in Bunyoro but in Africa

in general, have been compromised. They have been implicated in land grabbing and corruption cases and, above all, they have been involved in partisan politics. This has rendered them less trustworthy in their communities. For instance, some respondents revealed that, during preparations for the coronation ceremonies in Bunyoro known as (*Empango*), some kingdom officials are always seen donning political party colours. Chituwi (2008:74) and Okai *et al* (2014:34) contend that the traditional leaders' involvement in politics has greatly affected their reputation in the society because it is difficult for them to resolve conflicts involving members of different political parties.

Although kingdoms were abolished in 1967 under the Obote regime, the NRM government restored them. Some Kingdoms like Buganda, Acholi, Tooro, Iteso have since moved on progressively. Elders in these respective kingdoms are doing a tremendous job in dispute resolution in their communities. In Bunyoro Kitara Kingdom, however, the structures are there but have not been active as expected. In an interview with clan leaders, they intimated that there are plans aimed at revamping the clan system as evidenced by the excerpts of an interview with them:

We have started to build pillars for clan leadership. It is envisioned that, if a problem comes up, members of the committee in the village, parish, or sub-county will resolve it. This time, it will involve clan members within the region, say the Bagahe clan, or the Bahinda clan; they will be mixed. We will form committees for the districts and up to the region in the kingdom. We have to get chairmen from the parish level, the sub-county, county and district, [indeed] the entire region. And that's what happened in the kingdom when the kingdom had power (*FGD with Bunyoro clan leaders, 2017*).

6.1.3. Existing traditional methods of conflict resolution in Bunyoro

Study participants revealed that the only existing traditional methods of conflict resolution are mainly two, namely: mediation and negotiation. These are methods mainly employed by the clan heads who, according to the findings, have been involved in carrying out negotiations and mediating disputes within the communities. A third method would be the camp fire. This used to be popular in earlier days before the kingdoms were abolished. The Bunyoro traditional official interviewed indicated that there are plans to revive the hitherto original structures used to resolve conflicts in the region.

Mediation

This has been the commonest method used by the traditional authorities, especially the clan heads, in resolving conflicts within the communities. Most study participants interviewed revealed that nearly all the conflicts mediated are land conflicts between neighbours especially over boundaries. Mediation has also been used by clan leaders to resolve all forms of interpersonal, inter-group and inter-clan disputes as well as domestic

disputes between men, women and children. As earlier observed, most disputes have increased after oil discovery in the region. However, the majority of mediated cases are domestic disputes over land which occur after the death of family heads who die before writing a will. When a household head dies before dividing land among his wives and children, the relatives of the late man usually want to take advantage of the situation and grab the land from the widow(s) and orphans. Sometimes, the conflict is between the husband and wife as well as the children. This usually comes up when a husband attempts to sell family land and disagrees with the wife or children. The law stipulates that, before selling any family asset, the husband and wife, plus the children, must consent. Clan leaders have usually stepped in to mediate such disputes, and have done a commendable job in the Bunyoro region. Under this, clan leaders organise clan meetings and mediate the dispute between conflicting parties. Some mediation cases have been initiated by a magistrate's court and referred to some CSOs accredited to do mediation. CSOs also refer them to clan leaders whom they feel deserve to take over and handle certain cases. CSOs have done a very satisfactory job of mediating because they are usually present in the communities most of the time when they receive complaints from individuals. These CSOs include NAVODA, Healthy Communities Uganda and BUKITAREPA. Usually, they get complaints from the communities while in the field, and they notify clan leaders to take over through organising clan meetings and calling the conflicting parties to come and present their cases.

Negotiation

The study findings further indicate that negotiation is another method being used to resolve conflicts within the region by traditional leaders, clan heads to be specific. Participants revealed that negotiations have been done by a team of kingdom officials appointed by the king himself. Usually a team is composed of clan leaders and kingdom ministers, and is headed by the prime minister. Negotiations in the Bunyoro region have been used when local communities petition the kingdom on issues related to delays in compensation, little compensations, and forced evictions, especially of a whole village or clan, as was witnessed in Hoima and Buliisa districts. Negotiations have also happened when different communities are fighting over land, over boundaries of forests or land, or over water sources among others. However, negotiation has not been used as regularly as mediation because there have been fewer negotiation cases compared to those for mediation.

Camp fire

This is an avenue for conflict resolution which used to be popular during Bunyoro's golden days, but some participants reported that the method is seldom used now. An

elder intimated that it can happen once in a year and is not as popular as mediation and negotiation. When asked about who organises this, participants revealed that a camp fire was usually organised by the elders and they would sit and resolve conflicts between two or three parties. Participants also disclosed that a camp fire used to address different issues ranging from epidemics, through cultural education, to issues of conflict resolution and child upbringing as well as other cultural issues. This is because the people of Bunyoro have always welcomed new tribes who needed to know more about Bunyoro culture. But overall, the camp fire method was used to create an avenue for teaching about Bunyoro culture.

Administration

And as far as the administering and application is concerned, as earlier observed, it is mainly clan leaders who have been active, as well as some ministers in the kingdom. There is no clear administration constituted by the Bunyoro Kitara kingdom in charge of mediation, negotiation, and general peacebuilding work; rather, the work is being done on a more less on voluntary basis without a specific group mandated to do so. However, there are ongoing plans for devising structures responsible for resolving conflicts within the region just as it used to be in the past. In an interview with clan leaders, it was noted that the administration will begin from *Mayumba kumi* (ten houses), through *Mugongo* (village level) then to *Mutongole* (many villages about ten), then to *Muluka* (parish level with many villages), then to *Gombolola* (the sub-county), to *Saza* (county level), to the district and, finally, to the *Katikikiro* (kingdom prime minister). If a case fails there, it can be referred to the parliament and the king then takes over the matter.

This subsection has discussed findings about Bunyoro traditional infrastructures for peace and the current traditional methods. It has also highlighted respondents' views on traditional leadership in Bunyoro. The next section highlights major disputes that have emerged after the discovery of oil in the Bunyoro region.

6.2 Major disputes experienced after oil discovery

According to the findings from the field, there are various conflicts that have sprung up as a result of oil discovery in Bunyoro region. Participants revealed that land is the source of most conflicts experienced in the region. On being asked to identify major conflicts experienced in the region, interviewees and participants from the FGDs mentioned the following:

- Land conflicts
- Tribal conflicts
- Displacements (including 3 Internally Displaced Persons (IDPs)/forced evictions

- Compensations (little, delays, under-valuating property)
- Domestic violence/family disputes/parents vs children, brother vs sisters leading to murder
- Conflicts between pastoralists and cultivators
- Boundary conflicts (for example, between local communities and the National Forestry Authority (NFA)).

Although all these conflicts have occurred in the pre-oil discovery era, they have been worsened by the discovery of oil in the Bunyoro region.

6. 2.1 Land conflicts

The issue of land conflicts has been common, not only in the Bunyoro region but the entire country. With the discovery of oil, it has been reported that many of the conflicts mentioned above have increased, which was not the case before. A report by the Civil Society Budget Advocacy Group (2017: 09) also highlights that land grabbing is rampant in the Bunyoro region, but exceedingly so in the areas of Mpefu in Kibale district, Rwamutonga in Bugambe, Hoima district and in Bugana parish in Buliisa district. Since people have seen that there is a treasure (oil in Uganda) in Bunyoro, there is an influx of people thronging the region to acquire land. According to the Civil Society Budget Advocacy Group (2017: 09), people have flocked to the region expecting oil wealth in the form of jobs and other opportunities that accompany the discovery of oil. Consequently, there are people who have grabbed and claimed some people's land while others are being chased from the land they have lived on for many generations. A case in point is an incident where some religious institutions such as churches have expelled people who were allowed to live on church land as a reward for serving well in church for many years, but then, after realising that compensation money will go to the occupants and not to the church, they were chased from that land. The following excerpts obtained from the field interviews support above arguments:

...most disputes are land related disputes. Bunyoro has been a relatively peaceful area until investors started showing interest in this area with the discovery of oil and gas. You find that the people of Bunyoro who were not so mindful about certain pieces of land, have now picked up interest in those lands. And these are pieces of land which have been left in the hands of the people who migrated to do farming, whereas others are labourers who were working for institutions, in tea estates (*Interview with Hoima Magistrate court official, 2017*).

Land was not a big problem because people were using land in friendly ways. Families used to share land; a person could even be given free land somewhere by, say, a church, and [where it was bought] they were buying at [a] fair price. So before oil [was] discover[ed], land was not an issue. But, when oil was found, the price of land shot up and chaos ensued (*KII with NAVODA, 2017*).

6.2.2 Tribal conflicts

From the study findings, participants also indicated that there has been an increase in tribal conflicts in the region. These conflicts have been between Banyoro and other tribes in the region. According to a report by the Refugee Law Project (2014: 203), there have been tribal clashes between the Banyoro and the Alur who migrated from the Democratic Republic of Congo and settled in Hoima district. They have accused each other of using witchcraft. According to the research participants, tensions among tribes have increased as a result of the oil discovery, and the Banyoro are requesting the government to resettle the Alur back in their country. In the same vain, there have been tribal conflicts between the Banyoro and the Bagungu. The Bagungu are people who migrated from Northern Uganda as a result of Joseph Kony war, and have been living peacefully in the Bunyoro region. But, with the advent of oil, both tribes started to clash competing for land, leadership and employment opportunities among others. A report by the Refugee Law Project (2014: 203) indicates that the Bagungu, who are now occupying the sub-county of Kigorobya, are demanding their own district. But the Banyoro are saying this is their ancestral land, and are advancing an argument that, since the Northern region is peaceful, the Bagungu should relocate back to their homeland. Yet, according to the Land Act of 1998, the Bagungu are now *bona fide* occupants of the land since they have settled in that area for 12 years. Besides, the constitution of Uganda allows all citizens to settle in any part of the country.

There have been conflicts between the Rwandan refugees and the locals over land in the Bunyoro region. As a result of the 1994 Rwandan genocide, many Rwandese crossed to Uganda in search of safety. Some were resettled in the refugee camps such as Nakivale in Isingiro district, Kyaaka in Tooro region, while others were resettled in Kiryandongo (Bunyoro region). After a long stay, they acquired pieces of land in the host communities and have since become permanent residents. Uganda's policy on refugees allows them to acquire land and settle anywhere they want. Participants reported that more clashes between these tribes have increased recently after the discovery of oil.

More reported tribal conflicts have been between the Bakiga and the Banyoro in Kibale district which is also part of the Bunyoro region. A report by the Refugee Law Project (2014: 205) indicates that land conflicts between Bakiga and Banyoro date back to 1966 when there was mass resettlement of Bakiga from the congested Kigezi region in South Western Uganda to vacant lands in the Bunyoro region. This was government policy. However, since then, the Bakiga have increased and have out-numbered the indigenous Banyoro. The indigenous Banyoro claim that the Bakiga have left the land they were resettled on by the government and have gone ahead to encroach on to un-gazetted land

which belongs to the Banyoro. Politically, the Bakiga have since held top political positions such as LC5 chairpersons and local councillors, among others, because they outnumber the Banyoro during elections. Below are excerpts obtained from the discussion with some CSOs operating in the Bunyoro region to support above claim:

During the period from the 50s to the 70s, there were Banyoro moving from Masindi to Kibale freely, then from Hoima to Masindi. Then also non-Banyoro came to this place from Kigezi region ... As time went on, when oil was discovered, the non-Banyoro acquired land, settled there but it didn't go well with the indigenous Banyoro, and they have since started fighting (*FGD with CSOs operating in Bunyoro region, 2017*).

The indigenous Banyoro claim that all the natural resources, beginning with land in Bunyoro, belong to them regardless of how others accessed or acquired it and how others are using it. But the issue is, most of the people around are not familiar with government laws regarding land (*Interview with KARITAS Hoima, 2017*).

All these disputes evolve from the compensation policy whereby the Uganda National Roads Authority (UNRA) has been compensating people through whose land the roads to the refinery and planned pipeline will pass. This did not go well with some native Banyoro who never had a chance to get compensation money. The problem of land within tribes in Bunyoro has been exacerbated by the land tenure system in the region where land, for a long time, has been owned communally under customary land tenure without clear boundaries. Titling of the land has been a recent phenomenon, and this has been as a result of oil discovery in the region. Land titles in the region are owned by very few people. A report by the Ministry of Lands and Natural Resources, together with NAVODA 2016, cited in the Civil Society Budget Advocacy Group (2017: 09) on Environment and Development, indicates that 82% of the people in Bunyoro region do not have land titles. This is mainly attributed to the Banyoro being used to a customary land tenure system, and also due to expensive procedures and bureaucracy, as well as to corruption by Area Land Boards (ALBs) and committees involved in the process of attaining land titles.

Moreover, the cost of titling the land as one of the remedies for land conflicts is unaffordable for the majority in the rural areas, including the Bunyoro kingdom. Below is an excerpt from the discussion with some CSOs operating in Bunyoro region:

For us, we are used to a customary land tenure system, but the government has its own way of doing things. So conflicts have been here, and as we talk now, the kingdom has no title ... they are forcing us to have titles, yet it is expensive to acquire them (*FGD with CSOs operating in Bunyoro region, 2017*).

Surprisingly, the study participants further revealed that there are conflicts among the Banyoro themselves. The Banyoro are classified into two: (1) those who were born in Bunyoro or were in Bunyoro by the 1920s and who are also known as the grandchildren of King Kabalega the Great; and (2) those who came in the 1970s and '80s, also known as "*Abanyoro abahyaka*" translated as "*New Banyoro*". Some participants revealed that the new Banyoro are the most marginalised as far as service delivery is concerned. Even though they have petitioned Hoima district authorities, they have not been heard: there is not even a single ambulance in their area, and recently they have begun to demand their own district.

Land belongs to the Banyoro. We are talking about are those who were here in the 1920s. But there are other Banyoro who came in the 1950s, 1960s, 1970s and the 80s. They are regarded as 'other Banyoro, *abahyaka*' or *Bafuriki*. So, the 'original' Banyoro are not happy with the coming in or influx of those coming in later to acquire land, especially with the discovery of oil. Oil has come with many issues; all the conflicts we are having now revolve around land and oil (*FGD with CSOs operating in Bunyoro region, 2017*).

After the discovery of oil, there is a cluster of people in Bunyoro who think they are original Banyoro, and who tried to gang up against others. Not all Banyoro, but the elite who have confidential information about strategic areas where oil has been discovered. They begin ganging up against these other tribes, identifying these other people who migrated because they are most vulnerable now. They begin spreading propaganda, "Our land! Our land!" That's why you see issues of strange court judgements, where they are saying non-Banyoro who have interest in land, their titles are not valid; they have to be cancelled. Then you have the Registrar coming into force the principal judge saying, "It's a wrong judgement," and so on (*Interview with Hoima Magistrate's court official, 2017*).

The inter-tribal conflicts in the Bunyoro region are not a new phenomenon. Bunyoro has been a hotbed of land and ethnic conflicts; conflicts have existed even before the discovery of oil in the region. Conflicts and clashes keep recurring and, although they are usually resolved, they keep re-emerging due to various triggers. For instance, Atuhairwe (2017: 03) reported houses were burnt in Hoima due to tribal clashes between the Banyoro and the Alur. It was alleged that a Munyoro refused to pay for the services rendered by an Alur in the former's garden but instead assaulted him. This sparked off a clash where the Alurs mobilised and torched five households belonging to the Banyoro. Also, it will be remembered that in 2014 more than 20 houses were torched due to clashes between immigrant pastoralists, the Bahima (*Bararo*) cattle keepers, and Alur cattle keepers in Kigorobya sub-county, Hoima district (Atuhairwe, 2017: 03). Such acts of violence are partly due to the absence of vibrant leadership in the area, which should prevent such clashes by mediating both parties before they become violent.

6.2.3 Internal displacements and forced evictions

Yet another conflict related to land that has been experienced in Bunyoro region. There has been massive displacement of people in the region because land has become a sensitive issue in the entire region. Different people have rushed to Bunyoro in anticipation of acquiring land so that they benefit through: (1) road compensation money where the road or oil pipeline passes through their own land; (2) anticipation that their land might be used during the construction of the airport. Most of the people who have been affected by the displacements are people living in Kyangwali sub-county, Hoima district, and some communities in Buliisa district. These displacements have been master-minded by some powerful government officials, speculators, and a group of Bunyoro elites. In addition, displacement has also been caused by multinational companies. For instance, McAlister is an American company that has constructed an oil waste management facility in Hoima. There is also a Hoima sugar factory that has acquired large portions of land for sugar cane growing. Recent reports from the Civil Society Budget Advocacy Group (SCBAG 2017: 05) indicate that most people have relocated to other neighbouring districts of Kagadi, Kibale, Kiryandongo, Masindi and Kakumiro, and consequently, increasing the population pressure. However, as a result of this spillover effect, these districts might not benefit from the oil revenue royalties which will be enjoyed by Hoima and Buliisa districts.

The Civil Society Budget Advocacy Group (2017: 09) further contends that oil related activities have contributed immensely to the displacement of people, especially by the oil refinery in Kabaale Parish, Buseruka sub-county, Hoima district, and also the establishment of a sugar cane plantation in Kiziranfumbi sub-county, also in Hoima district where more than 4633 people have been displaced and ended up living in IDP camps. The following excerpts from field interviews elaborate more:

After learning about areas where the pipeline is going to pass, and where the airfield will be constructed, unknown individuals have come from Kampala and Entebbe and other parts of the country well knowing where to invest their money. Someone in Kampala knows where the oil wells are, but people here don't know where the oil wells are ... We don't know them, we have never seen them, but they got money for compensation, they have land titles, they benefited. You hear the name of a person purportedly to be your neighbour, yet that same person doesn't know the boundaries. Even us, we don't know whether we are safe. Our land might have been surveyed using GPS by the aeroplanes; we will only get to know it later (*Interview with KARITAS Hoima, 2017*).

In Rwamutonga in Hoima district, there are unknown people allegedly coming from State House and conspiring with the security officials to make arrests

and evictions, to arrest land owners, following “orders from above” (*FGD with CSOs operating in Bunyoro region, 2017*).

People have been clashing with each other, for instance in Rwamutonga. There is project being carried out there. People have been evicted by force, without compensation or negotiation. Those who refused were beaten up seriously. Even these cases are still ongoing in courts of law. There are people who have been getting land titles illegally without people in the community knowing. Even government people, they bring surveyors and get land titles, without the knowledge of others. There are people with tree projects, they have grabbed land and have passed through LC1 chairpersons (*FGD with LC1 Chairpersons, 2017*).

As result of these displacements and forced evictions, hundreds of the local communities in some places have ended up living in Internally Displaced Peoples’ (IDPs) camps. But, since people are still attached to their cultures, values and customs, forced evictions have resulted the abandonment of their traditional cultural sites. So far, according to the information from the interviews conducted, there are three IDPs in Hoima district. This greatly affects the productivity of the people in the affected areas, yet it was anticipated that, with the oil discovery, people’s standards of living would improve and the government revenue base will expand, but this is not the case at the moment. Usually, it takes time for oil money benefits to start trickling down. The following excerpts from the interview reports provide evidence for these claims:

We have around 3 IDP camps in Hoima as result of land issues displacing people and for insecurity created by land grabbers. There is an IDP in Rwamutonga, [although] I think some of them have moved back to their lands because of the intervention by CSOs. There is another IDP camp in Kijyayo in Kiziranfumbi and another one in Kyangwali (*Interview with KARITAS Hoima, 2017*).

Where there is oil activity, some people have been transferred and some evicted forcefully. But they leave behind their spiritual sites, [which means] their spiritual traditional sites are not where they take them [to]. This angers the natives (*FGD with Bunyoro Kitara clan leaders, 2017*).

Apparently, Castillo (2014: 1914) argues that, in an event where governments enforce conflict insensitive policies which end up displacing people living in mineral-rich areas, it usually results in conflicts between the local communities and government, and also between locals and the foreign investors. Examples of such conflicts were witnessed in Mozambique, Afghanistan and in Niger Delta.

6.2.4 Compensations issues

Other findings indicate that there have been conflicts regarding compensation as a result of roads or pipelines passing through the people’s land. This has been a source of many conflicts in the region because people have either been compensated with little money

compared to the value of the property; sometimes, there have been delays in compensation which has created anxiety; and also, people did not want cash but preferred being given land where they can settle immediately. The situation has been exacerbated by the fact that there has not been enough sensitisation of the local communities on issues related to who should be compensated, when and how. In addition to poor sensitisation, a report by the Refugee Law Project (2014: 207) indicates that local communities have been excluded from the developments undertaken by the government and oil companies. Likewise, a report by CSBAG (2017: 09) highlights that a large number of people were given meagre or no compensation at all, especially people in Kiswaza village, Kiziranfumbi sub-county, Hoima region. Compensation is a sensitive matter and must be handled with care, lest it creates chaos in the region similar to Nigeria. Udofia (2011:112) asserts that conflicts arose when some oil companies applied discrimination when giving employment and compensation to the local people in the oil-rich Niger Delta. This culminated in high levels of violence and riots by youth which lasted for four days. The following excerpts from the interview reports provide evidence for these claims:

There has been a point where oil projects are passing through people's land. They are supposed to be compensated, but it has not been adequate; people's assets have been underrated; there have been delays in paying them at minimal rates; people are not aware of how much they should get ... All those problems have resulted in delaying government projects (*Interview with KARITAS Hoima, 2017*).

Since compensation of people has been a contentious issue throughout the whole country, the Government of Uganda has plans to amend the Land Act whereby Government will have powers to compulsorily acquire land. The controversial bill will contravene Article 237 of the 1995 Constitution, which states that, "Land belongs to the citizens of Uganda and shall vest in them in accordance with land tenure systems provided for in this constitution" (Government of Uganda 1995: 148). The inflation of land values by individuals where the pipeline from Hoima to Port Mwanza in Tanzania runs is the major reason for the Government's move to compulsorily acquire land. It has been found out that whenever the Government wants to use a certain piece of land for any development projects, speculators with the knowledge of the particular location would go in advance to buy that land. When the time for compensation comes, they hike the value of their land, hence making government pay lots of exaggerated money at inflated prices. According to the new plan, if the Government takes over the ownership of all land in Uganda, the government valuer will specify the value and amount to be paid without any redress from the land owner. This development has attracted the attention of the president who has now embarked on a countrywide sensitisation of people on that issue through the radio.

6.2.5 Domestic violence and family disputes

Participants also revealed that domestic violence has increased in the region as result of the oil discovery. Many family wrangles have emerged as result of oil developments in the region. For instance, since the Uganda Roads Authority has been giving money wherever the road passes, there have been clashes between parents and children, brothers and sisters, as well as neighbours. The most prominent one has been between parents and their sons. Some parents, after realising that the road will pass through land that they gave to their sons before oil was discovered have instead turned around and claimed the ownership of the land in order to get the compensation money. In other cases, some brothers have chased their sisters, claiming that their share of the land is at their husband's place and at the husband's place, yet the owner of the property is the man. Some of these domestic wrangles have resulted in murder. This is also highlighted in a report by the Civil Society Budget Advocacy Group (2017: 09) which indicates that domestic violence has increased in the region. This is brought about by family disputes over land rights. Since the value of land has increased, conflicts have increased because men want to sell land, sometimes without the consent of their spouses. All these have come in the wake of oil, and have happened in areas where roads have passed through or where the pipeline will pass. The following excerpts from the interview reports provide evidence for these claims:

We have disputes between families. It's all related to oil development or investments. You see with families, Uganda National Roads Authority (UNRA) has been expanding road network in Hoima, Bulisa, Masindi districts. When it comes to families it is interesting. We have conflicts between brothers vs sisters; we have some between parents vs sons and we have neighbours vs fellow neighbours. Let me start with parents vs sons: There is land that fathers gave long time to the sons, you are my son, you are married, get land build a house etc... when the UNRA was moving around compensating people to build road network for oil and gas industry, the parents all of a sudden tried to chase away the sons where the roads pass because they want compensation money (*Interview with KARITAS Hoima, 2017*).

...men are disagreeing with their wives and eventually resort to fighting and resulting in loss of lives every day. Every day, someone dies because of domestic violence and this is a countrywide problem, not only in Bunyoro but countrywide. If there is a death report here, in another district there is another, this is due to poverty (*Interview with BUKITAREPA, 2017*).

Family land wrangles are too many here. Normally, they come from the land which is inherited. The man dies and leaves it to the children. Then it remains a family land. You find, say, ten families with land undivided and yet the deceased did not leave a will (*Interview with Community Liaison Officer, Hoima Police, 2017*).

We have received many cases of murder because of land. You find family members fighting over land whereby someone wants to sell while others are saying we can't sell our land; it is our treasure which we have (*Interview with Hoima Police Lands desk, 2017*).

6.2.6 Conflicts between pastoralists and cultivators

Participants further revealed that there have been conflicts between pastoralists and cultivators, especially in the areas where oil has been discovered. It has been noted that some people have been using the land communally, and both pastoralists and cultivators have been co-existing peacefully, though with minor disputes. However, with the advent of oil, incessant conflicts have become very common. A report by the Refugee Law Project (2014: 207) indicates that the discovery of oil has increased conflicts between cultivators and the Balaalo (pastoralists), and between the government and pastoralists. It noted that some government officials are buying large portions of land and also collaborating with the pastoralists. Moreover, participants indicated that the influx of pastoralists into the region is alarming and it is feared that some have been disguising themselves as pastoralists, and have a hidden agenda of coming to graze in these areas which, hitherto, were not used as pastoral areas. Other sources of dispute between these groups have been on the use of water and cattle destroying cultivators' gardens. Conflicts over control and access to resources, especially water and pastures, are not a new phenomenon in East Africa. In Kenya, a women's peace committee called Wajir Peace and Development Committee, was often engaged in facilitating meetings and resolving conflicts between nomadic pastoralists and non-pastoralists over the control and utilisation of water and vegetation in the grazing areas (Issifu 2016: 149). The following excerpts from the interview reports provide evidence for these claims:

The discovery of oil has created more conflicts between the Banyoro and the people called Balaalo (nomadic pastoralists). These are in Bulisa district, some parts of Hoima, and down near Lake Albert. Those conflicts arise out of how to use land ... you find these pastoralists are letting their animals graze in people's gardens causing tensions among the two groups (*FGD with CSOs operating in Bunyoro region, 2017*).

It's true there are cattle keepers, but there are some using it as a disguise. Down in the valley escarpments, the land has been used communally where people go and raise [cattle], and fish in the lake freely without boundaries. But now, because of oil, they are using it as an excuse because they know it is communal land. ... We have stayed there for a long time, but we had never seen them before. Why not go to other places ... So far, there are many evictions taking place, and we believe there will be more (*FGD with LCI leaders, 2017*).

From the above, it can be seen that there is ethnic tension within the tribes living in the areas where oil has been discovered; for instance, between the Balalo (pastoralists) on the

one hand, and the Banyoro against the Bagungu and Bakiga (all cultivators) on the other hand. As earlier noted, ethnic tensions were mild before oil was discovered; now, however, they have increased and escalated.

6.2.7 Boundary Conflicts

Research findings also indicate that there are conflicts between the NFA and the local communities in the Bunyoro region. As pointed out before, land issues beget so many conflicts. Consequently, as a result of the oil, everyone has realised the value and importance of land to the extent that some individuals in the region have been bragging that ‘everywhere you sit or stand in Bunyoro, there is oil’. This wrong perception has forced some locals to encroach on land which belongs to the National Forestry Authority, which has resulted in forest boundary conflicts. In similar instances, locals have clashed with the forestry authorities over the rights to access and utilise the forests. Since it is the locals who have protected these forests for many generations, they have been tasking forestry authorities to explain why they refuse them to fetch firewood, pick local herbs for medicine, or pick mushrooms from the forests. Yet it has been found out that some forestry authorities have been using chain saws to cut trees and sell timber. Such disagreements have led to the arrest of some locals who have forcefully trespassed in the forests. Similar conflicts over forest reserves have been common elsewhere in Africa. For instance, in Ghana, a conflict between local communities and the wildlife authority over a forest reserve broke out over who should control and access it. The government claimed it is a government forest reserve while the host community claimed that it is their ancestral land (Effah 2014: 4). However, whereas that conflict in Ghana was resolved by traditional leaders, as Effah (2014:66) notes, it is not the case in Bunyoro where traditional leaders themselves have been at loggerheads with the government over who should control and access Bugoma forest. The conflict has not been resolved through traditional means but through formal courts of law, and the case is before the Hoima magistrate’s court. The following excerpts from the interview reports provide evidence for these claims:

Everywhere the forests are located, there are conflicts on user rights. Communities have challenges: they believe they should be allowed to pick mushrooms, firewood, shrubs, and medicine, but you find they are not allowed to do that ... The locals are denied access to the forest, yet someone, especially the forestry staff who comes from afar, are allowed to use it. For example, inside the forest, National Forest Authority (NFA) officers have ten power saws. The forest is [visible] outside here, but inside the forest is nowhere, it is depleted; there are gardens, homes, and banana plantations guarded by police; there is nothing like a forest. But when a local person cuts a tree in his backyard, he is arrested, harassed and tortured (*FGD with LC1 Leaders, 2017*).

It is evident that most conflicts experienced in the Bunyoro region emanate from land issues and these conflicts escalated after the discovery of oil. Consequently, even the stakeholders who were believed to be protecting people turned against them, for it was found out that religious institutions who had given free land to people who served the church, were later chased from the land they had occupied for many decades simply because the UNRA was compensating whoever was using the land where the road was going to pass. As earlier mentioned, tribal conflicts, boundary conflicts, land use issues, compensation and eviction, and domestic violence are always imminent, and it will take much resilience and robust action from local and national stakeholders to resolve them.

This chapter has discussed findings related to conflicts that have emerged as a result of oil exploitation in the Bunyoro region. Land has been found to be a factor where other conflicts have evolved. The subsequent section discusses ways in which Bunyoro traditional authorities have intervened in resolving these disputes that have emerged in the region as a result of the oil discovery.

6.3 Bunyoro Kitara traditional authorities' intervention in resolving conflicts

Having faced numerous conflicts emanating from land resource and oil discovery in the region, it is expected that there are efforts by different actors to do away with them. Among them are the Bunyoro Kitara traditional authorities. This section seeks to give an account of how traditional authorities have intervened to counter the challenges faced in the region.

Findings from the participants interviewed indicate that there are instances when traditional authorities have intervened. But their interventions have been documented only on resolving disputes at the family level. Nevertheless, it was also noted that there have been instances when some individuals have petitioned the kingdom authorities to intervene on issues related to compensation. It was observed that they have mainly done negotiations and mediations in the community conflicts. The following excerpts from the interview reports provide evidence for these claims:

...when families have conflicts, they usually come to our structures ... they sometimes go to the clan leader, to the chief or here to the administration for arbitration. But there are also disputes where the kingdom has intervened, especially in oil compensations. We had several petitions from people who were displaced by the oil refinery. Some came directly to the king, others to the prime minister. People were claiming that they were given less money than anticipated, others claimed that their properties were left out during evaluation. So the king constituted a team that was led by the former prime minister by then. He talked to those people because the local people were becoming restless, threatening to destabilise the project. The prime minister went there and talked to the people

and they accepted the compensation (*FGD with Bunyoro Kingdom officials, 2017*).

I think clan heads have helped so far in mediations because, when you look at us here, at times we find there is a need for certain cases to be resolved at family or clan level. So we refer the people to an organised clan meeting and they do the mediations at that level, headed by a clan head (*Interview with NAVODA, 2017*).

There was an incident in Kyangwali in the Internally Displaced Persons' (IDP) camp where there was a conflict between the IDPs against the government which, apparently, had allocated land to United Nations High Commission for Refugees (UNHCR). The government was claiming, through the Office of the Prime Minister (OPM), that these people had encroached on land belonging to the UNHCR. Many people were harshly evicted. That's when the kingdom came and said, 'It is our land and all the people you are evicting are our people, regardless of the tribes there.' The kingdom came and said, 'Stop mistreating people, this is our land.' I think they came out very well pronounced. Besides that, I can say it has not done much as we see in Buganda where the kingdom advocates for its own interests (*Interview with KARITAS Hoima, 2017*).

As far as intervention by the traditional authorities is concerned, on the issue of tribal conflicts, the findings indicate that traditional authorities have tried to engage the government to revisit the resettlement policy to reduce the influx of the migrants from other regions to Bunyoro since the region is becoming congested. The Bunyoro region used to have vast lands uninhabited because the region was sparsely populated. That is why most people from congested areas like Kigezi region were resettled in Kibale. In addition, the Bunyoro region, particularly Kiryandongo district, has been used to resettle people affected by floods and landslides from Bududa district in the Eastern region, as well as refugees from Rwanda, DR Congo and South Sudan. Therefore, the intervention by the traditional leaders was premised on the argument that the region is becoming congested to the extent that even the indigenous people do not have enough arable land.

On the other hand, some participants pointed out that the kingdom authorities have not intervened enough as expected because they lack capacity and resources to do so. It is possible to argue that, from the period when kingdoms were abolished in Uganda in 1967, many of the kingdoms' assets were taken over by the government, and they no longer collect taxes as they used to do. Much as the National Resistance Movement (NRM) government re-installed kingdoms in 1993 as per the Traditional Institutions statute, they are still finding it hard to regain the financial muscle they used to have. The kingdom is still grappling with administrative challenges, and is seemingly incapable of addressing most of the pertinent issues affecting the region. Unlike other kingdoms, like the Buganda Kingdom, which has sources of income from various projects and can intervene in various issues affecting the kingdom, Bunyoro has not been able to have sustainable projects to

enable them to counteract some of the emerging challenges faced by the Banyoro. Some participants accused the king of conniving with some leaders within the kingdom to sell kingdom land and share the spoils.

On some occasions, the kingdom has been intervening through sensitisations on radio, but some participants argued that the radio talk shows are about teaching people the Bunyoro culture and traditions; they are not about addressing the issues affecting the region *per se*.

Some participants also revealed that the intervention by the kingdom is debatable since the kingdom itself has been implicated in land wrangles with the local communities. The following excerpts from the interviews provide evidence for this claim:

... even where these conflicts are, the kingdom is implicated. You find, for instance, that they are the ones trying to evict people or are in conflict with government over Bugoma Forest. The kingdom is also in conflict with people over a rock in Rwengabi that was being sold to an investor to blast stones and tarmac the road. I think they have not been very involved in intervening on behalf of people; they have not played their role as a kingdom. Probably, I can say they have had radio programmes and they teach people about culture, and how things used to be done. It is a positive on their side and maybe people might have different approaches to peace building and conflict resolution ... (*Interview with KARITAS Hoima, 2017*).

... we appreciate they have a good grasp of law and things happening, but if I say they have been intervening I will be deceiving [you]. Their intervention is not known or felt by stakeholders or local citizens. I do not have a clear record of [how] they have intervened that much, but what I know is, there is an association called BUKITAREPA which has tried to intervene (*Interview with Hoima Magistrate court official, 2017*).

On the other hand, some participants pushed the blame on to the government, which restored kingdoms but never handed over the property or assets that hitherto belonged to the kingdoms. Second, the government has not sensitised various actors in the region, including the Bunyoro traditional authorities, on which roles should be played. There is no clear road map on what the role of different actors should be in the development of the oil and gas industry in the Bunyoro region. If the roadmap is there, at least it is not known to the public or the relevant actors in the region. Apparently, in order to avoid the 'oil curse,' the government should involve all the stakeholders in planning and implementing oil and gas development projects. In so doing, institutions should be informed about their expected roles, and the benefits that will accrue from the oil and gas industry among others. Some participants intimated that the current government is lucky because clan leaders are no longer as vibrant as they used to be in the 19th and 20th Centuries. The following excerpts from the interviews give evidence for these claims:

People and institutions have not been engaged very much in what they are supposed to do, that is, the government side now, they have not involved the natives, not sensitised them fully on how best they can resolve problems, how they can benefit from oil activities without any wrangles. ... there has been a lack of sensitisation among clan mates because they have not been informed. Nowadays, the government is lucky because clans are not strong. In the past, the clans would come out at once to fight for their things. If someone attacked them and took their things, like cattle and so on, they would come out at once with a strong force to regain or claim what belonged to them. But these days, the government comes and takes kingdom assets without them knowing (*FGD with Bunyoro Local council 1 leaders, 2017*).

From observation, it is possible to argue that the intervention by the Bunyoro kingdom authorities in regard to resolving conflicts and new challenges currently faced in the region is still wanting and below expectations. They have not delivered as per the people's expectations, save for the little work done by the individual clan leaders on mediating land conflicts in the local communities. There is a need to make themselves visible in the communities and prove that they are still worth the people's trust. Much of the work expected to be done by the kingdom is being done by the civil society organisations and some individuals. Nevertheless, clan leaders on behalf of the kingdom have done some considerable work on mediation and negotiations within the local communities in the region.

Furthermore, in some cases, traditional leaders have been found in compromising situations which ultimately affects their trust by the public. Boege (2006: 17) concurs with this when he notes that some traditional leaders throughout Africa have been co-opted as state agents and usually are compromised through allowances. Arguably, most of them have been seen participating in politics and, consequently, they have not diligently performed their duties in their communities. A case in point here is during the cultural ceremony of *Empango*, where some traditional leaders are seen putting on yellow T-shirts associated with the ruling party NRM. This eventually sets a bad precedent toward kingdom royalists, and taints the image of the kingdom for being pro- government yet it should be non-partisan.

6.3.1 Successful stories

Despite all the negatives, this study also investigated successful stories that have been registered by the Bunyoro Kingdom amid challenges that have come as a result of oil discovery in the region. To begin with, the kingdom intervened in halting land grabbing in some areas where oil has been discovered, especially in Buliisa district. After the discovery of oil, people have rushed into the region in order to grab land, especially in areas around oil wells. For instance, the Bahinda, Balisa and Baseke clans in Buliisa

district were born there, yet their land was on the verge of being grabbed by rich men. This prompted the kingdom to come and intervene to rescue its people. Clan leaders revealed that the land belongs to the Baseke clan, but since land has been owned customarily, they have no land title; those clans have been there for 500 years or more. After discovering the oil project, people rushed to buy without clan heads or family consents, prompting traditional authorities to come in and resolve the conflict.

Another issue where the kingdom has successfully intervened is through sensitising people to demarcate their land with natural methods like using back cloth tree, fig trees or sisal plants. Participants revealed that, as result of the oil discovery, boundary conflicts have increased in the region. There have been conflicts between neighbours, institutions and individuals, government and local communities as well as between government and the Bunyoro Kingdom. This has compelled clan leaders to embark on a mission of advising the local communities to demarcate their land with natural boundaries to avoid it being encroached upon. Much of the message about demarcating their land has been passed out during weddings, funerals, in churches and mosques, as well as on radios.

The kingdom was also successful in adding its voice to compensation complaints such as roads and the refinery projects. It was revealed that the kingdom worked with the government and the affected communities, and some rates were revised, and a resurvey was done. Consequently, the government took over some investigations because the kingdom authorities presented to them how people would run to traditional or clan leaders, (CLs) to present their complaints.

Today, Bunyoro is still issuing marriage certificates and these certificates help greatly in determining the legal wife while resolving land disputes in circumstances where the head of the family died without leaving a will. During mediation meetings, mediators use the certificates to determine who should take 15% of the total assets left by the husband. The following excerpts from the reports provide evidence for these claims:

Success has been largely on a family level where people have a lot of cultural attachment to the kingdom because they believe culturally, in our traditional marriage, it is the kingdom that clears or authorises and gives marriage certificates. So, in conflicts involving families, we have been successful because we have resolved many family disputes based on who is legally recognised on the certificates (*FGD with Bunyoro Clan leaders, 2017*).

We also registered success in reducing ethnic tensions and clashes. We had an example in Kibale district where indigenous people rejected the chairperson LC5, who had been elected on the grounds that he was a migrant. Fighting broke out, and even attracted the president to come. But most people were attached to the kingdom, so the kingdom mediated and showed them the importance of peaceful

co-existence. We registered that success too (*FGD with Bunyoro Kingdom officials, 2017*).

On the environment, to protect the environment, the kingdom has come up to sensitise people to plant trees. Culturally, there were areas which were untouched ... now we tell them to plant indigenous trees which will replace the destroyed ones ... (*FGD with Bunyoro Clan leaders, 2017*).

We have extended our request to these oil companies where some of them have come up to give scholarships, like CNOOC has given scholarships. They contribute to our games – what we call the Bunyoro-CNOOC Masaza Cup (inter-county games); they contribute [to that], so we have succeeded. We have established a relationship with the oil companies where they have come out to give bursaries. Tullow Oil has come up with the construction of a cultural centre. Whenever there is an annual celebration (*empango*), they contribute fully. We are trying to extend our relationship so that they can contribute something visible. We want them to assist us to even contribute to the construction of a university in Bunyoro which is a necessity now (*FGD with Bunyoro Clan leaders, 2017*).

From an analytical point of view, it is true that the Bunyoro kingdom, as stakeholders in the region, has recorded some successes in various interventions as mentioned by the participants. However, this is still not satisfactory; the performance is below expectation since, as the kingdom, there should be documented and published successes, especially with regard to the prevention of land conflicts. Their position on the benefits from the oil and gas industry should have come out very pronounced; also, they should have negotiated for more than 1% of the total oil revenues; they should have held many meetings with the oil companies and government, tasking them to explain the benefits that the people of Bunyoro should expect, among others. Nevertheless, it is good that the kingdom petitioned the Uganda Parliament on the issue of oil shares that the kingdom ought to have; it was revealed that parliament concluded that the Bunyoro kingdom should take 1% of the total revenues from the oil and gas industry.

Much as it is well known that the kingdom lacks financial resources to pursue its agenda, the kingdom ought to do better than what has been registered as success in the region. The kingdom has a lot on its plate that has not been worked on. Some of the participants intimated that most challenges experienced in the region are beyond them. One of the clan leaders said that,

We told you that our problem as a kingdom – by the time we became leaders in this kingdom – everything was out of hand already. It is almost late, everything is accomplished.

And also, an official from BUKITAREPA revealed that,

The kingdom could play a big role, but then they lack funds; they have no resources ... What can you do if you don't have resources, how do you move?

6.4 Reflection

The peace infrastructures existing in Bunyoro appear to be superficial. The reality, as the findings indicate, is that nothing much is being done substantively to build peace under these defunct structures, apart from isolated efforts by individual kingdom leaders. Gradually, these infrastructures will be rejuvenated by none other than the kingdom royalists or the kingdom administration, since it was revealed that plans are under way for putting new clan structures from the village to the district levels. Hence, this justifies why participants revealed that most village disputes are being resolved by the Local Council leaders. It is apparent that modernity has caught up with some kingdom authorities because everyone is working for survival, not for the welfare of the kingdom as it used to be in the past centuries. It is the reason why the kingdom authorities are highly doubted and cannot be counted on, in as far as the handling of new and emerging conflicts are concerned.

Notwithstanding this, the new conflicts that have emerged in the region succinctly demonstrate that relevant stakeholders in the region must not slumber. People need to be helped if the region is to reap from the oil resource in the future. By all means, key players in Bunyoro region must avoid the scenario of Albertine region becoming ‘the Niger Delta region of Nigeria’.

CHAPTER SEVEN

TO ASSESS THE CURRENT EFFECTIVENESS OF TRADITIONAL METHODS OF DEALING WITH CONFLICTS FACED IN THE BUNYORO REGION

7.0 Introduction

This chapter deals with objective two of the exploration component: assessing the current effectiveness of traditional methods of dealing with conflicts faced in the region. This chapter will focus on conflicts that have come to the fore since the discovery of oil. The first section will examine the role of traditional authorities in addressing these conflicts, while the second part describes how well traditional authorities have dealt with them. Finally, it presents findings on whether traditional authorities need to be strengthened and how they can be strengthened.

7.1 General challenges faced in the Bunyoro region

This section presents general challenges being faced by local communities in the entire Bunyoro region. According to the findings obtained from KIIs, FGDs and personal observations, the communities in Bunyoro region are facing various challenges as presented in the following themes.

Displacement of the local citizens: The biggest challenge faced in this region is the displacement of people. There are many people who have been displaced from their customary land where they had lived for many decades. This has been perpetuated by the new people who are thronging the region to grab hitherto unoccupied land. Land grabbing has been done reportedly by rich people and international organisations that are coming to acquire land for their projects, as well as migrants who have been flocking the region to occupy the so-called ‘oil land’. Some of these migrants came as pastoralists under the guise of looking for pasture for their animals, but local communities pointed out that this happened immediately after oil was discovered, and especially immediately after 2010.

It was found out that the kingdom land has not been spared either, such that people found it supposedly vacant and claimed it. It is further noted that after the oil discovery, the areas where the oil refinery, airport and pipe line will be located were identified and surveyed, and consequently increased land speculation in the region. Since people knew that they will be compensated handsomely, those who had the news about areas where the facilities will be located, quickly acquired land and were compensated. However, for those who were given less money than expected, it became very difficult to evict them; eventually, it turned out to be forced evictions. This study found that some families ended

up living in internally displaced people's camps. For instance, there are three IDP camps created as a result of the displacements, and also for the security of the people in disputed lands. These are located in Rwamutonga, Kigyayo in Kizilanfumbi and in Kyangwali. As a result of these displacements, there has been disintegration of clans and families. For example, people who were neighbours or clan mates left and lived in different places. The following excerpts from the interviews show evidence for these claims:

When you look now in Hoima district, due to the oil discovery, we are getting many investors. So, following that, we have had people being evicted from large portions of land. We have cases at Rwamutunga where more than 4,000 people were evicted. This land was to be acquired by McAlister to put in an oil waste management plant. So these people ended up in an IDP camp. When you go to Kizilanfumbi, we have a camp ... [The people there] were displaced by the Hoima sugar factory. There are even more people, already with an eviction order, like Kabwoya, the Nyairunga community; they are almost evicted because the order is already at the desk of the Resident District Commissioner (RDC). In Kyangwali, the Bukinda people were evicted. And when you look at most of these people, they have run to the law courts but have not got justice because there is a case back-log; cases are taking long. You find people have been in IDP camps for two years and have not been helped (*Interview with NAVODA, 2017*)

Closely connected to the above is the challenge of compensation. Some people were compensated while others were not. This was due to the fact that there were groups of people who were requested by the government to suggest how they needed to be compensated and, although some preferred to be compensated with physical land, there was no land which could be given to them. Those who wanted land were not given land but money instead. Money is easy to divert, and so some ended up not buying land. This also sparked off domestic violence because men used the money for drinking in bars, married more women, and also bought luxury items such as music systems. Those with permanent structures were compensated with money; however, constructing new structures with the little that was given was not easy. Compensation payments were either being delayed or not coming; there are properties which were missed out on an evaluation list, and there are complaints of low compensation rates. Some participants revealed that there was fraud by government officials who created ghost people to be compensated for projects such as the Hoima-Kazitonya road. This was further revealed during a probe into the Uganda National Roads Authority (UNRA) that was headed by Justice Bamugemereire. Bamugemereire Catherine is a justice of Uganda's court of Appeal who was previously appointed on two commissions of inquiry as Chair including on Uganda National Roads Authority Inquiry (June 2015-January 2016) and the Kampala Capital City Authority Tribunal (June-November 2013). In 2017, she was appointed to head

Commission of Inquiry into land conflicts (Government Citizen Interaction Centre, 2017). In 2016, after receiving various reports from the public about rampant land evictions, the President constituted a commission with the purpose of looking into the effectiveness of the law and processes of land acquisition, administration, management and registration in Uganda. After 120 days of public hearing, the commission received 4,900 complaints, listened to 287 and the probe is still ongoing. Among the implicated are government officials, local leaders, businessmen over cases of land grabbing, murder, forceful evictions among others (The Daily Monitor, 2018). She discovered extensive fraud whereby ghost land owners were compensated during the construction of that road. The following excerpts from the reports give evidence for these claims:

There has been a challenge of inadequate or poor compensation; people were meagrely compensated. The rates used, the district rates, were being ferried from other districts (*Interview with NAVODA, 2017*)

In meetings, we have not been involved, the government directly deals with the people who are interested in the oil, and the population is not involved. We only hear. To our surprise, we only hear that those people, the owners of land where oil was discovered are complaining that they have not been compensated up to now. Yet the government is issuing oil production licenses but owners of land have not been compensated (*FGD with Bunyoro Kitara kingdom Clan leaders, 2017*).

There is significant euphoria; people's expectations are very high, and this has caused many people around the country to run to Bunyoro. At moment, there are people in Buliisa who have rejected government compensation at a place where the central processing facility will be established because there is speculation that they are being given little money. They expect that the oil business has vast wealth and, thus, they should be paid handsomely. According to the anecdotal information obtained from some study participants, the government of Uganda was proposing to give them two million Uganda shillings (approximately \$556) an acre, but they are demanding 21 million Uganda shillings (approximately \$5833). Those expectations are causing conflicts between local communities and the government. People believe that there is significant amount of money in the oil and gas industry, and so they should also benefit from it. This hype is caused by speculators and also people from the government, for they know specifically where the project will be set up. They come and buy land and when the government comes in to pay the owners of land, they shoot up the prices. The Royal Institute of International Affairs (2013: 14) concurs, and highlights that people's expectations are high as most citizens believe that the oil and gas industry will bring instant improvements. The first task for the government of Uganda is to manage the expectations of the citizens, politicians and other stakeholders, lest they become disappointed, angry and end up

believing that oil revenues are not shared equally, or conclude that oil companies are benefiting more than the citizens. There is a need to manage public expectations, because people think oil is physically flowing in Hoima and believe everyone in Bunyoro is rich and some people end up being desperate.

Another challenge reported during the interviews is the increase in criminal activity. As earlier noted, there are many people who have come into the region expecting to make big money with business in Hoima, which is now regarded as 'oil city'. They thought there would be many opportunities; some people ended up being unemployed, and consequently have engaged in crime.

We have many criminals coming here thinking there is money in Hoima. When they found there isn't, they resorted to hitting people with iron bars
(*Interview with Community Liaison Officer, Hoima Police, 2017*).

There is a food insecurity challenge in the region. As a result of the influx of many people into the region, food prices have been hiked, especially in Hoima town, and in areas where oil drilling is taking place. Participants revealed that people no longer work, they think they will get money for the oil exploration and production. The problem has been exacerbated by those displaced from the Hoima sugar project who have acquired extensive portions of land for sugar cane growing. Consequently, some people have abandoned growing food crops and opted to grow cash crops (sugar cane) as out-growers, while others have ended up abandoning their gardens and opted to work in the sugar factory for monthly salaries. Second, people have been displaced by McAlister, a company which has constructed waste management facilities in Rwamutunga and Kigyayo. This has attracted a relatively good number of able bodied men and women who would instead be growing food crops in their homes. Therefore, all these developments have curtailed and destabilized the food production activities in the region, and contributed to food insecurity. On the other hand, this should be treated as a trickle-down effect of the oil and gas industry in the region because it is an opportunity for people to get jobs. Similarly, food insecurity is an opportunity for farmers to produce more food since there is an increase in demand for food in the region. Ultimately, if there is large scale farming, it is a lucrative business. As people continue to throng to the region, the increase in demand for food is absolute; a farmer who cultivates on large scale will eventually benefit.

Overwhelming information obtained from all FGDs and KIIs shows that there is looming environmental degradation in the region. It was reported that, during the process of creating oil wells, there was massive depletion of the environment. The oil companies first destroyed completely by removing all the top soils, then later, they brought soil and

placed it back. Another example of environmental degradation is at the proposed airport in Kabale, where land was used for agriculture, but oil companies opened it up and left the soils bare; all the trees were destroyed. Such incidents should be handled with care lest they erupt into full-scale conflict between local communities and the multinational companies. For example, in Nigeria, there was a conflict between the locals and the oil companies, Exxon Mobil, Shell and Agip. The former accused the latter of ruthless environmental degradation in their region (Udofia 2011:106). The following excerpts from the interviews reflect evidence for these claims:

When you look at these new developments of road construction, you will see basically there are no restoration mechanisms. If you have cut down the trees, normally, you cut and replant. But you don't see where they have replanted any tree. Instead, they have depleted the whole environment. In future, this will affect us and the next generation. They must be confronted in order to stop it (*Interview with NAVODA Hoima, 2017*).

Similarly, in an attempt to develop road infrastructure necessary for developing the oil and gas industry, there has been massive demolition of cultural sites in the region during road construction. For instance, traditional churches in Nkasa I and II where people used to go and pray were demolished. In demolishing them, it was alleged that there was a large amount of oil in that block, but later, they found little. The logic advanced by those who believe in culture, say the Bunyoro gods were displeased. As earlier observed, the government is to blame for these mishaps, because there was no sensitisation, and no awareness campaigns on how to handle certain cultural heritage issues. People's properties were destroyed without consulting and compensating them. Another concern reported by study participants is that when the UNRA was constructing roads, there was a tree around Mparo Kabalega tomb. That tree was sacred and was not meant to be removed. However, the UNRA wanted a road to pass there even though it is part of Bunyoro's cultural heritage.

Another challenge faced in the region is the increase in family disputes. As earlier noted, compensation money has caused many stirs in families. Whenever compensation money is paid, husbands do not plan for it with their wives and children. This causes disagreements which have resulted in an increase in domestic violence and murder in the region.

Yet another challenge has been the disruption in movements within the region: access to the areas before was free entry and exit. However, findings from the respondents indicate that people are no longer allowed to move freely in the region, especially accessing areas where the oil wells are located. It is also reported that the whole area was gazetted by the

Uganda Wildlife Authority after discovering oil. People are denied access to those areas, yet they used to get grass for thatching and firewood for cooking, among other items. Anyone now caught grazing their animals in the gazetted areas is given a heavy penalty and, sometimes, is even beaten up seriously. The region is now militarised, and is being guarded by military personnel also referred to as ‘oil special police’. People used to travel freely at any time of the day, but today, if anybody is caught moving after midnight, they are punished; this never used to be the case. The numbers being deployed are too much, and people hardly know how many military personnel are guarding the region.

Child labour and school drop-out challenges have also been reported in the region, whereby children are being used in petty jobs for survival. Children who should be in school have been seen selling yellow bananas and pancakes everywhere, especially in areas where oil exploration is taking place. These are the children whose parents were displaced and resettled in areas with no schools, or with schools too distant for the children to reach on foot daily. Hence, there has been a considerable increase in school drop-outs, especially in the areas where massive displacements and forced evictions took place. Whereas companies are supposed to provide such services to the communities as a way of ‘giving back to the communities’, it is absurd to find that there is a challenge of school drop-outs in the region, yet there should be more many schools constructed by the oil companies. The companies that have contributed to the displacement and ultimately school drop-out problem include the Hoima sugar factory and the McAllister waste management company.

When you look at Buseruka, due to displacement of these people for the oil refinery, many children dropped out of school because in the areas where they went to, there were no schools; they could not walk long distances. (*Interview with NAVODA Hoima, 2017*)

There is also the challenge of an information gap. The line ministry responsible for the oil and gas industry is not giving adequate information for people to access. Study participants indicated that government has concealed a large amount of information. This is especially true of the Ministry of Energy and Mineral Development, together with the oil companies, CNOOC and Tullow. Much as Ugandans have a right to access information as stipulated under the Access to Information Act of 2005, this has not been put into practice. It is further noted that this Act contradicts a new oil-related law which has provisions for confidentiality of information (The Royal Institute of International Affairs 2013: 13). It is crucial for the Government of Uganda to encourage engagement of public debates for they provide an avenue and conduit for proper and reliable information on the oil and gas sector in the Bunyoro region which is digested by all the

citizens and, in the long run, will curtail rumour and speculation, which is always very dangerous (The Royal Institute of International Affairs 2013: 14). Local communities are accusing the government of a lack of transparency, accessibility and accountability especially with regard to oil benefits that have been discovered from their cradle land. Worse still, local leaders themselves do not know what is taking place in the region. They are not informed; there is an information gap between some local leaders and the local communities in regard to the oil and gas industry in the region. The following excerpts from the interviews provide evidence for these claims:

First and foremost, our people have not been fully involved in what has been going on as far as oil discovery is concerned. Often, our leaders don't know what happens in their areas. When you ask them, they say, 'Let me get time and find out' (*FGD with CSOs operating in Bunyoro region, 2017*).

There has been much suspicion on the side of the government as to why information related to oil production is kept confidential from the public. This suspicion is an indicator that there could be something sinister that the government is hiding, and a million dollar question is whether the oil resource, which was expected to be an impetus to social and economic development in the country, has turned out to be a curse. Without adequate information about the oil and gas development sector, there is a likelihood of it turning out to be a curse rather than a blessing to the country. And, according to The Royal Institute of International Affairs (2013: 10), the oil curse will be avoided only if the population is engaged and understands how oil revenue is spent by the government. It is also essential to put in place mechanisms for positive feedback between people and the state. In so doing, future abuses will be prevented. The Royal Institute of International Affairs (2013: 11) further highlights that Uganda is now at a crossroads, but the most important step is to ensure transparency and good governance: successful management of natural resources elsewhere has been hinged on good governance. The Royal Institute of International Affairs (2013: vii) further highlights four key factors which helped countries like Norway, Chile, Botswana and Indonesia to be successful and which Uganda has in place but must build on to have successful natural resource management. These are: a widely shared commitment to stability and growth; a capable and empowered cadre of technical advisers and specialists; strong social constituencies able to moderate and inform political debate; and widespread popular buy-in to spending priorities.

As earlier argued, inter-tribal conflicts have also escalated in the region, especially between the Bakiga and Banyoro, the Alur and Banyoro, and the Bagungu and Banyoro.

Even though these tribes have been at loggerheads with each other over long-standing land wrangles, the rifts escalated when oil was discovered.

Another issue has been the increase in immorality. It was revealed that when the Kaiso-Tonya road was being constructed, there was a change in lifestyles and behaviour, whereby the Turkeys, who had a lot of money, lured women and girls and, as fate would have it, they produced children who they left behind. Now the mothers are facing challenges of looking after those children who are fatherless.

This section has discussed findings on the new challenges faced in the Bunyoro region after the discovery of oil. The next section discusses the role played by Bunyoro traditional authorities in resolving the aforementioned challenges.

7.2 The role played by the traditional authorities in resolving challenges

The role played by the traditional authorities in resolving challenges faced in the Bunyoro region after the oil discovery is not clearly spelt out. As observed in the previous chapter, the role of traditional authorities in resolving challenges faced in the region has not been visible enough. Apart from the work that is being done by clan leaders on mediation and negotiation, participants revealed that the kingdom has not been active in resolving new challenges faced by the local communities as expected. However, there are some instances where kingdom authorities have been seen intervening. For instance, it was noted that the kingdom was involved when people were agitating for more money for compensation. The kingdom's prime minister himself intervened when people were compensated with two million Uganda shillings, and he was branded by some politicians as 'anti-development'. In this case, the kingdom played the role of a human rights defender.

At the helm of tribal conflicts, study participants revealed that the kingdom has tried to select leaders from every corner of the Bunyoro region so that they can go and preach the message of peaceful co-existence, how the Bunyoro culture is supposed to be, to educate their children, and to enlighten them on Bunyoro traditional culture. In addition, the kingdom has sought to sensitise people through radio, and has condemned the mistreatment of people. They have selected sensitisation teams to talk on radio on issues concerning the displacement of people and compensation. The kingdom was also active during discussions surrounding the 1% share from the oil and gas revenue supposed to be given to the Bunyoro Kitara kingdom.

7.3 Bunyoro Kitara traditional authorities' handling of new challenges in the region

As ascertained earlier, traditional authorities are not doing well regarding new challenges faced in the region. However, it should be remembered that Bunyoro traditional authorities, as with any other kingdom in Uganda, are tasked to resolve certain conflicts affecting the communities including inter-family and inter-clan conflicts, boundary disputes, and succession disputes among others. Nevertheless, after the discovery of oil in the region, there emerged new conflicts. For instance, land grabbing by people influential in government, foreign companies, compensation challenges, and the displacement of people by powerful companies dealing in oil waste management, among others. According to the findings, these are too complex to be resolved by a seemingly defunct Bunyoro kingdom. Several factors explain why the kingdom has not dealt with new challenges brought by the exploitation of oil; these include:

Firstly, the kingdom is financially incapacitated, given the fact that there is no steady source of income to run various kingdom activities. The kingdom used to be strong financially when it was responsible for collecting taxes in the region. The kingdom has been depending on meagre financial resources such as the following: Donations from well-wishers; donors; the government; the private sector; money collected from marriage certificates (charged at 100,000 Uganda shillings; approx. \$28); projects on environment such as nursery beds; from a partnership with Gulu University (by renting out buildings at the kingdom headquarters for a university branch; and leasing land to individuals and large companies. These financial sources are neither sufficient nor sustainable enough to make Bunyoro a strong and vibrant kingdom able to be on top of the game in the region. One participant was quoted as saying,

The kingdom has no money. You find an individual like the Honourable Muganwa Kajura has buildings in Hoima town, but the whole kingdom has no building apart from boasting that they have land” (*FGD with CSOs operating in Hoima, 2017*).

It is hoped that perhaps the kingdom will be financially strong again when it starts to receive its long awaited 1% share of the total revenues from the oil and gas industry. Some respondents blamed the government for the poor financial situation in the kingdom by advancing that, although the government is aware of the situation, it cannot come in to help. The following extracts from the interviews show why:

The government has the upper hand. What do you do without money, without power? They are aware of the problems we have, the government is aware, [but] they don't want [to help]. We don't know whether they don't want [to] or [it is because of a] lack funds, but they know the problems. The government cannot reintroduce federal governments as those were abolished

in the 1960s. You see, when you are empowered financially, you will be strong, and you can do what you want. Is the government interested in that? If you become strong, will they have authority over you? You see, a poor person is easy to control and rule ... when you are rich, you have power [so] you can talk.

Otherwise Bunyoro would be rich – would be the richest. We have a lake, we have very big forests – Budongo and Bugoma. These are big forests. The licences are given by the central government not [the] local [authority], so the revenue goes to central government and is not ploughed back (*Interview with Bunyoro Kitara People's Reparation Association (BUKITAREPA), 2017*).

Second, the Bunyoro kingdom has been cited in some land wrangles with some communities in Rwengabi in Buseruka, Hoima district, over a rock that was sold to an investor to blast stones for a road. In addition, there was a conflict between government and the Bunyoro kingdom over Bugoma Forest land; the conflict is still unresolved. It becomes hard for them to be trusted in the same communities where they have been at loggerheads with people. That is why the majority of the people opt to use formal courts, to have their grievances resolved legally instead of going to traditional courts, which is popular in Acholi region in Northern Uganda. Therefore, it becomes very difficult for the Bunyoro kingdom to deal with new challenges of oil discovery when its reputation within local communities and government is already tainted. Local communities have little confidence in traditional authorities because they do not exhibit prowess in resolving certain community challenges. Choudree (1996: 14) concurs by stating that the effectiveness of traditional mechanisms of conflict resolution is bolstered by charisma and familiarity of the local population exhibited by the headmen and chiefs who oversee the traditional courts.

Third, there has been lack of co-ordination among stakeholders in the region. For instance, it was found that some politicians are not on good terms with the civil society organisations (CSOs). Politicians in the region do not wish CSOs to talk about oil issues in the communities; they accuse them of misleading people, and the kingdom authorities are not spared either. To illustrate: a report by Oil in Uganda (2016: 10) indicates that the African Institute for Energy Governance (AFIEGO) was being harassed by government for giving building materials to displaced people who wanted to set up temporary structures in the resettlement area. Such scenarios make it hard for the kingdom authorities to intervene in addressing new challenges faced in the region. Relatedly, the government, together with oil companies, have been playing hide and seek games. There has not been a clear roadmap to show what is expected of the kingdom and other stakeholders; at least the kingdom authorities are not informed. All these dynamics affect the kingdom's ability to deal with new challenges brought by oil discovery in the region.

Hence, care must be taken to avoid natural resource conflicts in the Bunyoro region because Nang *et al* (2011 cited in Effah 2014: 01) observe that poor stakeholder analysis in natural resource management, especially in regard to clarity of roles, overlapping roles, the lack of effective feedback mechanisms, and the lack of enough co-ordination and participation are the main causes of natural resource conflicts. Moreover, USAID (2007: 06) highlights that sometimes, “valuable minerals become conflict minerals” when there is poor control and co-ordination.

Fourth, the kingdom lacks a strategic plan. It was established that the kingdom has no work plans for the next five to ten years. Without these, it means that their role in the region is not well outlined and yet, as primary stakeholders in the region, well knowing that they will be getting 1% of oil revenues, they should be alive to the opportunities.

This is not to say that the kingdom has done nothing, but rather, though there are some instances where the kingdom authorities have intervened, factors mentioned above have overshadowed the little efforts made. Even the Bunyoro clan leaders confessed during the discussion that they are not as active as it used to be in the 20th century or prior to abolishing the kingdoms in 1967.

That notwithstanding, it is possible to assert that traditional leaders have not been effective in resolving emerging challenges in the region because they are not exposed to modern law. As Chituwi (2008:31) concurs, their knowledge and skills in conflict management are lacking, and their understanding of human rights must be seen as pivotal, for it greatly informs them how they should address certain conflicts in their communities. He further observes that many of them lack exposure in public relations (Chituwi 2008: 75), which would allow them to remain focused on addressing cultural particularities (Hagg and Kagwanja 2007: 31). In support of these assertions, Tenaw (2016: 105) highlights that the inability to effectively deal with new challenges arising from the discovery of oil could be the lack of incentives for the traditional leaders who handle everyday disputes in the communities because it is believed that these elders lose morale, making them vulnerable, which consequently discredits their effectiveness.

Ideally, the Bunyoro kingdom as a cultural institution, and by virtue of her status, is well positioned to deal, through modest means, with all sorts of challenges facing the region. But, due to numerous hurdles as discussed above, it has not been able to handle them. Tenaw (2016: 98) supports this view by indicating that indigenous mechanisms for prevention and conflict resolution have been effective in dealing with various conflicts because they are less complex, save time, money and energy, and provide opportunities to all parties concerned to actively participate in finding sustainable solutions. Similarly,

Muingua (2014: 34) states that effectiveness in dealing with diverse conflicts using traditional mechanisms of conflict resolution is attributed to the participatory nature of handling the disputes and conflicts. Tafese (2016: 22) highlights that traditional leaders in Africa have handled all kinds of conflicts ranging from family wrangles to natural resource disputes. However, this has not been totally successful with the Bunyoro traditional authorities, partly due to a lack of vibrant and resilient kingdom administration, and is made worse by the numerous factors mentioned above.

7.4 Strengthening the conflict resolution capacity of the Bunyoro Kingdom

Information obtained from study participants overwhelmingly in unison indicates that the kingdom needs to be strengthened. They argued that, as an institution, it has issues to rectify in leadership. It was further revealed that, in the last five years, there has been a frequent changing of kingdom leaders, meaning that the people who are brought in by the king are incompetent or untrustworthy. Some kingdom leaders have gained land and other property belonging to the kingdom by fraud, and by the time the king finds out, it is too late.

The kingdom must appreciate it is not a small institution and is empowered enough to deal with the myriad challenges that have emerged in the region before and after oil was discovered. It is a sizeable institution, and so self-pity must stop and the Banyoro people need to support their king. Much as it is true that the kingdom suffered the wrath of British colonialists under the Kabalega regime, the kingdom must stop living in the past because even the Buganda kingdom suffered during Amin, and the Acholi kingdom suffered the wrath of the Kony insurgency. Buganda has advanced well to negotiate for the assets which were taken by the previous governments since 1976 (*ebyaffe*), and part of them were returned by the government including the part of 9,000 acres (popularly known as *akeenda*). Bunyoro, too, should claim its assets, popularly known as (*ebyaitu*). This will help the kingdom to regain a firm ground and reclaim its lost glory again. It is worth noting that in Africa, strong kingdoms that resisted the colonialists faced rough times, but they were able to regain strength. For instance, in Nigeria, the Niger Delta was badly affected by the British colonial masters, in addition to being alienated by the Nigerian government. However, Orji and Olali (2010: 405) affirm that traditional authorities were able to remain focused as custodians of the people's customs and traditions. Today, those authorities are still celebrated for playing a great role towards peacebuilding work in the region.

The following themes emerged from the responses on how the Bunyoro kingdom should be strengthened.

7.4.1 Financial empowerment

First of all, the kingdom needs financial resources to ensure that its structures and programmes are run normally. Several activities in the kingdom need to be supported financially, especially community outreach for sensitisation. As noted earlier, the current sources of funds are not sufficient or sustainable. In the past, prior to the abolition of the kingdoms in 1967, Bunyoro Kitara kingdom was a semi-federal government, whereby the kingdom was collecting revenues and it had a ministry of finance, a works department, a judiciary, a legislature, and so on. When kingdoms in Uganda were restored, their property was not returned to them. Some cultural leaders are merely ceremonial now, as they no longer have powers as kings, and that is why they are guarded by police and military, but not royal guards. They are no longer allowed to collect taxes from the markets, lakes, and forests as it used to be. Most kingdoms are not financially independent except for a few like Buganda and Acholi kingdoms. In Bunyoro's case, the participants requested the government to return the assets that were taken away from the kingdoms – for instance, land and buildings among others. The following responses support the call:

But now, in this current traditional kingdom, we don't have that power: we no-longer collect taxes; no money is collected from prisons as they were taken by central government; money from fish is no-longer in our hands; forests, where we used to get money after selling trees, timber and so on, belong to the central government. So that's why we request, if the government can revive half way or a quarter of the assets and property that was taken to assist the kingdom, we can work hand in hand and there would be progress (*FGD with Bunyoro Kitara clan leaders, 2017*).

Assets we are talking about would be our forest, the markets, land sites, lakes, and timber. So we still ask government to give us our property (*ebyaitu*). [When] they have fully given [them back to] us we shall find a base on how we can strengthen ourselves financially as well as our authority over the assets and property (*FGD with Bunyoro Kingdom officials, 2017*).

There are so many things which can strengthen the kingdom financially, but the problem is government. The kingdom owned beer brewing projects in the past. Lake shores belong to the kingdom; every boat landing would pay taxes; there were also common markets; the kingdom used to export timber and others, but these are no more (*FGD with Local Council leaders, 2017*).

7.4.2 Exposure

Participants also noted that there is a need for the kingdom leaders to be exposed to the outside world. In so doing, the kingdom needs to arrange exposure visits to kingdoms that are doing well, such as Buganda and Acholi. The Bunyoro kingdom needs to put aside suspicious pride among the leaders, especially the cultural leaders. The Banyoro

still have traditional pride, since it used to be the mightiest kingdom in the inter-lacustrine region. The Buganda kingdom at the moment has functioning systems, excellent resource mobilisation skills, everything that the Bunyoro kingdom can learn from to rebuild. If the Bunyoro traditional authorities can spend time to study and learn more about the Buganda and Acholi kingdoms, as well as Swaziland, and then apply what they learnt, good progress could be made. The whole point is that they have not had much exposure since a number of the Bunyoro cultural leaders are young. It is possible that they may be applying civil leadership skills in running the kingdom, yet they should apply cultural leadership skills; there is a big discrepancy between the two. One of the participants was quoted saying,

The whole [*sic*] minister of education does not know how many schools he in charge of in the whole Bunyoro region, [there is] no monitoring; he doesn't know how many schools set up in his ministry..." (*Interview with CSOs operating in Hoima, 2017*).

There is need to rebuild trust again with the local people. When people do not trust a system, they will not subscribe to it. Most participants revealed that they do not know the services offered by the kingdom; others said they do not know if there is a mechanism which is enforced by the Bunyoro kingdom. People are not aware of whether there is a hierarchy in the kingdom. In other kingdoms such as in Acholi, Buganda, the Karimajong or Tooro, the system is very clear. There are people resolving cultural disputes, others are dealing with land disputes; all are handled by well-known elders. This should be emulated in Bunyoro so that the kingdom regains its lost glory. People have lost trust in the kingdom because it has been clashing with local communities over land resources. Attempts must be made to erase that negative image and to rebuild a new Bunyoro.

7.4.3 Training for the kingdom leaders

Again the participants suggested that, for the kingdom to be strengthened, all kingdom officials should undergo modern conflict resolution mechanism training to enable them keep updated with the new skills in mediation, negotiation, reconciliation, and also for them to regain people's trust. The above propositions are supported by the interview with Hoima Magistrate officials:

Here in court you see we have one reverend who is a mediator. He is an accredited mediator; he comes and helps. He has overwhelming work, and if only cultural leaders could be trained in this process ... In court here we don't have a place to refer people for mediation because the reverend has overwhelming work. If they could be trained in the basics of mediation, then with court referrals to them, people can gain trust in them (*Interview with Hoima Magistrate's court official, 2017*).

7.4.4 Capacity building

Next, the participants proposed that kingdom official be coached in capacity building and general refresher courses. It was noted that, for now, some officials do not know their roles. Some of them were recently chosen as ministers in the kingdom, but were not equipped. Traditional leaders need to be empowered technologically, because it was revealed that there are some kingdom officials who do not know how to use computers and smart phones. Consequently, they do not know how to respond to messages from the electronic mails, social media such as Facebook, Whatsapp or Twitter. In this 21st Century, everyone must be computer literate or at least be able to keep in touch with the fast-moving, globalised world.

7.4.5 Need for new reforms

Information gathered from the participants indicates that there is a need to overhaul the whole system right from the Prime Minister down. The prime minister should be allowed to choose the people to work with because he might be given people he has been conflicting with. In a discussion with CSOs, one participant was quoted saying,

There was once a private secretary to the king, who assumed leadership roles and was giving orders. He was even involved in expelling the former prime minister and when the PM was asked about his sacking, he said he was not aware. The kingdom has internal wrangles; this must be worked on in order to have the kingdom strengthened (*Interview with CSOs operating in Hoima, 2017*).

7.4.6 Amend the laws to allow kingdoms to have an enforcement department

It was also suggested that the government should amend its laws and policies, especially the Traditional Institutions Statute, to incorporate the traditional justice system as one of the acceptable approaches. This is because, when a conflict has been resolved traditionally, the decision should be, respected and enforced. Currently, however, there is no enforcement arm responsible for arresting anyone. In most cases, whenever a conflict is resolved under the traditional courts, the case has recurred, and the judgement sometimes is not respected by some conflicting parties. Hence, they usually end up going to the police and formal courts where the court orders police or court bailiffs to arrest or enforce the law. In a discussion with kingdom officials, they suggested that monetary terms should be incorporated into the traditional justice system. Below is an excerpt of their interview:

There is also a challenge in that our resolutions cannot be monetarised. For example, in court we can say, “This case is a civil matter; you are supposed to pay so and so Uganda shillings 100m. You defaulted, so now that you have lost a case you are supposed to pay him with interest or be sentenced to community service.’ But we don’t have a monetary reward. I think the

government should create a way of giving incentives to cultural institutions like ours so that we are able to reward people in such a way. That would attract more people to appreciate our system (*FGD with Bunyoro kingdom officials, 2017*).

7.4.7 Regular interaction with all stakeholders in the region

Respondents also highlighted that there is a need for the kingdom authorities to regularly interact with government, oil companies, CSOs and other stakeholders. There should be a common forum where outstanding issues that require resolution or dialogue can be discussed and resolved. A platform similar to the Justice and Law centres (JLOs) where they invite community members, the judiciary, police, and offenders to attend. There is need for such platforms where the kingdom interfaces with various actors in the justice system. This will enable the kingdom to effectively conduct peacebuilding work in the region.

Some participants went further, suggesting that, for the Bunyoro kingdom to be strengthened, there is need for government support, especially by providing transport facilities to enable them to travel in the region. If the government can afford to purchase cars for religious leaders, then it should do the same for traditional leaders. It was pointed out that there are difficulties for the clan leaders involved in mediating disputes in the local communities to attend to all disputes. Quite often, these leaders are called to resolve disputes but, due to lack of transport, particularly in remote areas, they end up not going there.

7.4.8 Publicity:

The study participants also revealed that, for the kingdom to be strong again, all the successful stories from the kingdom's activities need to be publicised. In a discussion with Bunyoro clan leaders, one elder was quoted saying,

We would also like our successes with the traditional justice system to be picked up, promoted and showcased, and to say that, in Bunyoro, there was a dispute in this and this area, but the cultural institution intervened and resolved it (*FGD with Bunyoro kingdom clan leaders, 2017*).

In other words, the work done by the traditional authorities has not been told to the public, and that is why some study participants confessed that they are not aware of the peacebuilding work done by the Bunyoro traditional authorities.

7.4.9 Witnessing and giving testimonies in courts of law

The participants mentioned that it is paramount for the kingdom officials to go to courts of law to defend the customary land certificates that were issued many decades ago. It was noted that, in many cases, kingdom officials have declined to attend court sessions

when called upon to clarify land disputes involving two types of land titles, one issued by the kingdom and another one issued by the government under the Ministry of Lands. If relevant traditional officials can respond to court summons, their testimonies would go on record and ultimately give more clout to their trust by the common person who had lost interest in traditional courts. An interview with a Magistrate's official explains more,

When we write to the kingdom officials to come and guide us, getting an official to come and testify is a problem. They write letters saying according to the certificate, we have looked at it, and it was issued by us the kingdom... '[But] we usually have two certificates. As a lawyer, I would accept the old certificate (issued by the kingdom), but I get surprised when I am seeking clarification from the kingdom yet the kingdom [representative] doesn't come. The letters are not replied [to]. When I call them to come and clarify, or come and show me the land where they issued the certificate, they don't reply ... [The] kingdom people should be the first to convince and educate the judge, but no one seems to come out. We need these people, because when we are talking about traditional ownership of land, no one is competent in any court of law to testify about the tradition [better] than the traditional kingdom people themselves (*Interview with Hoima Magistrate court official, 2017*).

7.4.10 Writing and publishing books

It was suggested that, for the kingdom to be strong again, relevant officials must write books about Bunyoro traditions and publish them. In those books, there should be various things including how conflicts used to be resolved in Bunyoro tradition, how they are resolved today, who are responsible for resolving conflicts, how they can be approached in case of a conflict in the community or family, who the partners are that they collaborate with in resolving conflicts among many other issues pertaining to kingdom administration or day-to-day activities. One of the participants said that, in most cases when you go to bookshops within Hoima town, the available information on Bunyoro are magazines about Kabalega rallies instead of having books informing the public about Bunyoro tradition or the role of the king and other officials. For now, many people do not know the role of the king; they only see him during *empango* (annual kingdom ceremonies); nor is the role of the prime minister in the kingdom known to the Banyoro people. An official from Hoima Magistrate's court advised,

Let them write some books and disseminate information. We need that information. Let them write books, quote them, write to people to understand they need to publicise the role of the kingdom, the role of the land in Bunyoro. What is the meaning of a certificate, a certificate which has no boundaries, how do you measure [that], what yardstick are you using? Traditionally, what is a standard measure of an acre? Those are small things which the kingdom has to play. They may not be able to resolve [all] conflicts; but they could

publish literature for people to understand (*Interview with Hoima Magistrate's court official, 2017*).

7.4.11 Kingdom to mediate

For the kingdom to be strong again, there should be regular mediation of land and other conflicts that have sprung up as a result of the oil discovery. Study participants recommended that the Justice Centre or the court be notified so that cases can be always be referred to them. It was pointed out that the court is always waiting for those ready to come out on behalf of the kingdom to mediate land disputes through the traditional system. After all, the 1998 Land Act gives them that power to mediate; actually, it recognizes them, as it states that such matters are to be referred to them. The court is always willing to refer those matters. One of the officials was quoted saying,

We are always looking for LCs, especially LC1s and CSOs, to mediate issues because no one in the kingdom is available. [Perhaps] we don't understand the working of the kingdom, because the kingdom has not explained how it works and its roles. As I was telling you, the kingdom [authorities] must appreciate their role to help people live peacefully, to help the people of Bunyoro against infiltrators and land speculators. If you give them certificates, make sure the certificates are working; if you don't follow up your certificates, they will be taken as a piece of useless paper. But I want to assure [you] that those certificates are very important because they show that the other person – it doesn't matter how many titles you have on the land – but the original person to obtain the first certificate [is the one who counts] (*Interview with Hoima Magistrate court official, 2017*).

7.5 Whether the kingdom has been able to resist outside forces

On whether the kingdom has been able to resist outside forces, especially after the oil discovery, study participants commented that resisting outside forces only happened in the days of King Kabalega. Ever since the kingdoms were abolished in 1976, the Bunyoro kingdom has never regained its lost glory. Rather, it has been overwhelmed by outside forces. It all began with the arrival of the Bakiga from Kigezi region who occupied most parts of Bunyoro and took over major political positions. After the oil discovery, the situation has worsened because it was assumed and expected that the Bunyoro kingdom would be the biggest beneficiaries and are primary actors in Bunyoro resources (land, water, forests and minerals). However, to the dismay of many, Banyoro and the kingdom authorities in particular, have been side-lined by both the government and the oil companies, who are directly dealing with each other.

The kingdom has been alienated from many of the crucial decisions made for it. Most of the planning and decision making processes take place in Kampala. The situation has

been worsened by infiltration of ‘outsiders’: some are migrants while others are foreigners. One of the respondents, in an FGD with clan leaders, vividly stated that,

Land has fallen into the hands of foreigners like the Congolese, the Sudanese, the Kenyans and the Rwandese ... We get to lose our land due to poverty; some sell their land, [while] others lose land through land grabbers.

The findings disclosed that there is only one association which has been trying to safeguard what belongs to the Banyoro. It started as the Mubende Banyoro Committee. The main goal was to resist outside forces from taking over what belongs to the Banyoro. It later expanded to become the Bunyoro Kitara People’s Reparation Association (BUKITAREPA). They are trying to resist outside forces, but the kingdom is not fully equipped to deal with external influences.

Study participants also claimed that some kingdom houses which were constructed in the 1960s, have been demolished and others have been sold off to some individuals. They argued that one of the buildings owned by the kingdom was sold and currently there is a school there. In addition, there is a stored primary school which is being constructed on the land where the kingdom structure built by the father of the king was demolished. The mangoes and muvule trees around the palace planted by grandparents, as a policy by the kingdom around Booma grounds, were cut down without replacing them; money was shared between kingdom individuals and the municipal authorities in the name of modifying the town. Whenever there was a function, people would sit in the shade; today, they are no more. The *muruka* (parish) chiefs are looking for survival, and they go to the district planning office to get money from those who are building. One of the LC one leaders, who is also an elder, was quoted saying,

We used to have *kyoto* (the camp fire), [but] it is no longer there. If I have conflict with a neighbour, no elder would come in to intervene to find out who is right or wrong.

All these cases indicate how things have changed in the kingdom, and clearly demonstrate that the kingdom authorities have not been able to resist outside forces. According to my observations, and also information obtained from the study participants, the Bunyoro kingdom has been overwhelmed by the intrusion of outside forces, especially with the discovery of oil in the region. As earlier noted, the kingdom has been alienated by government and oil companies, and has not been involved fully as primary stakeholders in the region in almost all stages of the development of the oil and gas industry. In an interview, the clan leaders agreed that the situation is beyond their control because much has been done. Even accessing the information from the oil companies is strictly prohibited. The kingdom, together with other concerned actors in the region, is not

allowed access to areas where oil wells are located. They have to get permission because the whole region is guarded by the military. Worse still, the permission must be obtained from Kampala, Uganda's capital, a four hour drive from Hoima, yet oil wells are located in areas within twenty minutes' drive from Hoima town. Some interview participants mentioned that they cannot tell where oil wells are found, yet some rich individuals from Kampala are well versed with all the information.

The Bunyoro Kingdom has not been able to resist outside forces as there has been a great deal of compromise. The findings indicate that some kingdom officials are appointed on the basis of paying allegiance to certain powerful individuals in the government and these individuals influence kingdom affairs. During an FGD with the CSOs, one participant who preferred anonymity intimated that,

There was a vibrant prime minister, he was articulate on issues of the Bunyoro, but there was a directive that he should be fired and he was fired. This is because he was a member of Reform Agenda (now Forum for Democratic Change, the strongest opposition party). The *Omukama* had no authority over the council, but the order came from above and the king was ordered; he dismissed the council and the speaker was no more. Parliament was [also] abolished (*FGD with CSOs operating in Hoima, 2017*).

The kingdom has not been able to resist outside forces because apparently, the king is guarded by the army not *Abalusula* (the royal guards). This is a clear indication that it was unrealistic to resist outside forces.

The king himself is not independent; the powers of the kingdom are being stripped off. And he doesn't have power to say anything. He doesn't have control and he cannot share with us anything to find out [about] any external forces. Before any cultural ceremony, like *empango*, he first informs the president to support him financially. But, because he had a misunderstanding with the president some time ago, the cultural function was postponed. Later, though, kingdom officials insisted that the ceremony continues, and the first lady represented the head of state. This shows that there is no charisma to resist external forces (*FGD with CSOs operating in Hoima, 2017*)

Chituwi (2008: 74) and Okai *et al* (2014: 34), highlight that, whenever traditional leaders become involved in partisan politics, it leads to loss of trust from the local people who were hitherto loyal to the kingdom. Their involvement in partisan politics means that resolving conflicts with two or more political rivals becomes a huge challenge, and compromise is a real risk.

Therefore, to a large extent, the kingdom has not been able to resist outside forces, especially on oil issues, because everything is known between the government and the oil companies, while the kingdom is left out. Yet it is not too late to be brought back.

7.6 Emerging themes:

There are eight themes drawn from the interviews and discussions. Some themes have emerged from the poor state of traditional conflict resolution mechanisms while others emanate from the consequences of new challenges caused by the discovery of oil in the Bunyoro region.

7.6.1 Theme one: Traditional peacebuilding infrastructures in Bunyoro are in a state of inertia

It was observed that infrastructures for peace, right from the family level up to the highest level (cabinet), in the Bunyoro kingdom leadership are inactive. Much as the structures are in place, it has been found that they have not been active in peacebuilding work in the region. It is possible to attribute this to the modern affluent life that people have adopted and who consider traditional ways as archaic and out-dated. Boege (2006: 06) argues that most traditional societies have changed under the influence of modern realities. These include the Europeans, capitalist expansion, colonialism, imperialism and globalization ... and it would be misleading and unrealistic to think of customs as unchangeable and static.

Apart from the clan leaders who have been involved in mediating some cases within their communities, the rest have not been functioning fully. Indeed that is why there are a myriad of unresolved conflicts in the region. In addition, there is an increase in the backlog of cases in the magistrates' courts because platforms responsible for managing and resolving these conflicts have not done so. During an interview with a police community liaison officer in September, 2017, he noted that,

If other structures responsible for resolving community conflicts were active in Bunyoro, we wouldn't be having many cases of violence here at the police. But because they are not doing what they are supposed to do, that's why you see the police yard is full of people coming to lodge their complaints to us. At a certain point, we should be sending back some of the cases which are not criminal in nature to be resolved by, let us say, the community courts, but they are not functional at all.

The point of departure here is to have as many peacebuilding infrastructures as possible in the form of local peace committees such as BTPAT, rejuvenated clan courts and sub-county courts to be supported by the government so that the emerging conflicts in the region are nipped in the bud. It is feared that these conflicts emerging in oil resource areas must be dealt with as early as possible lest Uganda becomes the next victim of the oil resource curse. Nevertheless, Olanya (2015: 49) affirms that the Government of Uganda is working diligently to avoid the resource curse by devising *The National Development Plan* with the main theme of "Growth, Employment and Socio-Economic

Transformation for Prosperity.’’ Through this undertaking, the government is aiming at using oil revenues to transform Uganda into a middle income country by 2040 through investing in infrastructures and industrial development.

An aspect which receives little attention in the National Development Plan is the conflicts which have dramatically increased since the advent of oil (see chapter seven). Refurbishing existing conflict resolution mechanisms and building new architectures for peace is also essential if Uganda is to avoid the resource curse.

7.6.2 Theme Two: Local Councils, the Police and CSOs have overshadowed traditional peacebuilding work in the Bunyoro region

As earlier noted, whenever there is a conflict or dispute, most people prefer settling it with the local council one leaders, the police and/or some CSOs such as Navigators of Development Association (NAVODA), which is involved in mediation. NAVODA is a community based organisation in Hoima. Its mission is to navigate with communities for sustainable and holistic development without compromising the rights of the future generations. The question that emerges is: What has caused people to lose trust in the traditional peacebuilding approaches?

From the insights and observations made during this study, it was evident that the kingdom management has been largely passive. Other kingdoms have tried to reclaim their properties which were taken by government when they were abolished in 1976. *The New Vision* (Friday 9th March 2018) published an article “*Government, Tooro agree on return of assets*”. However, the Bunyoro kingdom has not reclaimed its assets, nor have they been returned.

An official from one of the CSOs operating in the region in September, 2017 commented as follows,

I think, to be honest with you, traditional systems have been killed off by the new local council system. For example, now that we have LC 1 structures, I am very sure people would listen more to the LC1 chairperson than to the elder in the village. It does not mean that traditional systems have been wiped out but, rather, as a kingdom, it is expected and [you] would think of them being active, but they are more passive ...

Second, the kingdom officials have been cited in land grabbing sagas. For instance, it was found out that part of the Bugoma Forest has been sold by kingdom officials and used for housing and shop development. In a report published by *Sunday Vision* (8th April 2018), the former kingdom prime minister was fired for, among other reasons, leasing the kingdom land for three billion Uganda shillings (approximately \$840,000). Other

anecdotal information indicates that the said kingdom officials have been selling land and share the spoils with the king himself.

Other kingdom officials have been involved in partisan politics, something which compromises their integrity and consequently loses the trust of the people. One CSO employee commented in September 2017 as follows,

The kingdom has become political. Some members within the kingdom are politicians, especially when there are cultural celebrations (*empango*), you find that the organisers are from one [political] party, yet the kingdom is for all the people from all religions, all tribes in Bunyoro, but it is segregative. It has also been cited in issues of land grabbing. Some officials have been mentioned in land grabbing [deals], so it cannot be trusted with deciding or mediating disputes. Such individuals cannot stand on their feet to decide your fate or mediate your case. In other words, our kingdom has lost power and authority to comment because many times they are perpetrators.

Such actions and allegations have tainted the image of the kingdom, and thus it becomes difficult to trust them with conflict management in the region.

Third, civil society organisations have been more active than kingdom authorities. As a result of the oil discovery, most CSOs have mushroomed and they are more active in advocacy. This gives them more clout than the kingdom. Thus, most of the peacebuilding work is being done by civil society organisations and local council leaders. So, whenever there are conflicts which should be handled by Bunyoro traditional authorities, these are taken to the Local council I (LCI) chairperson, LCII or LCIII because, as earlier noted, the kingdom peacebuilding infrastructures that are supposed to handle small conflicts in the community are weak and considered obsolete. This is in stark contrast with other kingdoms like Buganda and Acholi where the kingdom authorities are on top of everything, despite the presence of a strong civil society fraternity in the central and northern regions respectively. All these factors, in one way or the other, have rendered the kingdom authorities untrustworthy with conflict resolution responsibilities.

7.6.3 Theme Three: Ignorance of the law by traditional leaders

During the implementation stage with action team, it emerged that clan leaders who have been resolving conflicts have not been aware of civil laws and land laws. Through BTPAT mediations, it was common to find people dwelling on the decisions of the clan leaders following the death of the household head. The decisions they made have often backfired and led to conflicts, and consequently, have ended up in the courts. For instance, one clan leader confessed during the training of the kingdom officials that,

For me, to be honest, I have been involved in mediating land conflict and disputes between families, but I have not been aware that in a situation where

the head of the family dies without a written will, the law requires that an official widow is supposed to have 15% of the entire family land and again share the remaining 85% with the rest, such as the children of the deceased. I have just learned this from these facilitators of today's training.

This clearly shows that civic education about the laws governing the country is needed. The 1995 Constitution and some important Acts could be translated into local languages so that the common person in the remotest area can know the basics. If a seven-person team has been able to create a considerable impact through mediation of land conflicts, awareness creation, and training in a short period within communities in Hoima district with limited resources and time, then the government can do better. Government could commission CSOs to educate people in rural communities focusing on themes such as land rights in Uganda, land tenure systems; land transaction and protection of land rights; succession and inheritance rights; land administration; and land justice. Spreading such knowledge will build transparency, trust, justice and a sustainable resolution of conflicts.

7.6.4 Theme Four: Communality and trust over land have broken down

Although in the past, land was allocated freely to those in the community, it has become a source of conflict because of blurred demarcation lines and the land ending up being claimed by two or more parties. In the past, the first person to live in an area was supposed to show where his land stopped and give other land to the second, likewise, the third person would give the fourth person and the fourth to give the fifth and so on. That said, precise boundaries were not defined. The subsequent generations are now in conflict because, whereas people in the past generations had strong trust in each other, to the extent of signing blood-pact agreements (cutting the body and licking each other's blood), this is not the case with the current generation. The past generations had no clear boundaries because they treasured friendship more than land and everything was owned communally. The story of one elderly man illustrates their point well:

In the past, because wild animals were rampant during those days, whenever someone came looking for land, you could show him where you stop so that you live near each other, whenever [you were] attacked by the wild animals, you would be assured that you have a neighbour. When you give an alarm, he would come to your rescue with his sons. However, it was hard to know the exact boundaries, since land was so vast and we were treating each other as brothers. In some cases, women would invite their brothers to come and live near where they are married so that there are many relatives in the neighbourhood. Look at me, I came here because my sister was married here in Bunyoro in the 1950s, and she invited me to come from Kigezi region (where we used to cultivate in the mountains) to come and occupy free, flat and fertile land here. I never had any complaints with my sister or brothers in-law. [Yet] some misunderstandings

have come recently between her grandchildren and my grandsons after giving them their portions of land.

The above narrative clearly indicates that land has become a more treasured property to the detriment of relatives and persons we live within the neighbourhood. In Bunyoro, as a result of the oil, land has become a major trigger of disputes within and between families that were never previously experienced in the region when communality and trust prevailed.

7.6.5 Theme Five: The truth about conflicts and solutions are known by the community members, not outsiders

The BTPAT team observed consistently that truth is almost always known by the community members. Much of the mediation success resulted from the narratives by community members and elders whenever they were allowed to speak. And apparently, whenever the two parties were asked to comment on the narratives by the community members and elders, they usually agreed with them, leading to a conclusion of the case. Indeed, those cases with less involvement of the community members who understood the conflict were always harder to mediate, while some are still pending. In addition, there are people within the community who, when given a chance to talk about what they know, revealed issues which hitherto were previously not known to the mediators. We learned to treat such information with care, lest it derailed the case. In this respect, we carried out consultations among team members that we popularly called ‘clinicking’.

Another important aspect noted during implementation is that, much as traditional mediation methods evolved a long time ago, some procedures are no longer practised in Bunyoro – for example, ritual ceremonies after a successful mediation. At the end of mediation, reconciliation of the parties was done by hugging each other, shaking hands, taking pictures with members of the family from both parties, drinking beer and encouraging the rest of the community members to join them in merry making.

The following two themes emerged as a result of the poor state of traditional mechanisms of conflict resolution in Bunyoro:

7.6.6 Theme Six: Key players in the oil and gas industry are operating in isolation

The oil companies operating in the region, for instance, the China National Offshore Oil Corporation (CNOOC), Tullow Oil Uganda (TOU), and Total are operating largely independently from local government, CSOs and the kingdom authority. They are all operating in isolation. The national government is not involving other actors in its dealings with the oil companies. Local government, kingdom authorities, CSOs and the local communities were largely left out during decision making and planning, and

continue to be ignored during operations. The ideal situation should be that the government, the oil companies, civil society organisations, the kingdom authorities, the local communities and other actors in the oil sector should be engaged rigorously in order to reap from the oil benefits. A system of formal and on-going dialogues between companies, various levels of government, and kingdom authorities needs to be established. Without transparency, the door is open for corruption and exploitation. As one interviewer in September, 2017 commented,

There are political figures involved in displacement and eviction of the people. For instance, in Rwamutonga, there are unknown people allegedly coming from State House who connive with the security officials to arrest and evict land owners adding that they are following ‘orders from above’.

A report by the CSBAG (2017: 09) indicates that people have been displaced with minimal or no compensation at all, the most affected districts being Hoima and Buliisa. All these issues have emerged as a result of government and oil companies side-lining other stakeholders during planning.

Relatedly, on the issue of environment, it has emerged that there are government officials involved in the destruction of the forests. One youth leader in Kyangwali on 10th November 2017 was quoted as saying,

We were given hot-lines by MIRAC to report any person ferrying timber from the forest. Some months ago, I saw a lorry ferrying timber from the forest. However, when I sent the message, there was no response. I decided to alert the police and the police managed to stop the truck. To my surprise, the truck was later released by the police and when I asked the police officer why, he told to me he got ‘orders from above’ to let go of the lorry. It was later discovered that the owner was an official from State House who is currently a minister.

7.6.7 Theme Seven: Land compensation in Bunyoro region is hugely problematic

Land has proved to be the single largest driver of family, individual, community and tribal conflicts in most parts of Uganda. When it comes to the Bunyoro region where oil has been discovered, land compensation has become a major challenge, and is likely to be a source of more impending conflicts in Bunyoro region. Some people have been given less compensation money which has caused more havoc and, up to now, some people have rejected two million Uganda shillings per acre as compensation (approximately \$556) and are insisting on at least three million Uganda shillings per acre (approximately \$833). Some are yet to be compensated, while others have not been given anything at all. This is one of the reasons why the government has decided to introduce a land bill so that government can acquire land from individuals and compensate them when it has already

acquired the land. Ideally, to be compensated, the value of the land has to be taken first; then, the value of the developments on the land is also considered, including buildings, structures, crops, and cultural heritage sites. The District Land Board compiles a list of rates of compensation for the crops, buildings, and structures. Compensation is then paid based on the current market price of the land in the area established annually by the District Land Board, (Section 59 (1) (e) & (f) of the Uganda Land Act, Ministry of Lands, Housing and Urban Development, 2017: 10). Currently, according to the Ministry, the government has created the Land Acquisition Act CAP 227, which gives the minister responsible for land powers to acquire land compulsorily where the owner is not willing or ready to sell by agreement to authorised bodies (an acquiring authority). The chief government valuer is the Assessment Officer who advises the government on the compensation amount. Throughout this study, the issue of compensation was a common topic during the radio talk shows. Callers expressed dissatisfaction and bitterness about how compensation to people whose property was affected by the government projects was handled. Moreover, during community sensitisation meetings, community members were very negative on the issue of compensation. The words of one elderly man in Kigorobya sub-county reflect the feelings of many people:

The Uganda of tomorrow will be survived by those who work in government, because there are no longer people-centred development projects. What the common man owns is being taken away by the government. When you look at what the government is doing to the common person it is saddening: instead of pulling us out of biting poverty, they are doing the opposite. Sometimes, we regret why oil was discovered in this region ... Instead of bringing a smile on our faces, we are losing what we worked for over many years. Can two million Uganda shillings help me acquire enough land for my family of eight members?

Compensation has stirred domestic violence in homes which have received compensation money. Rather than planning to buy another land for the family, some men have often misused it by marrying more women and resorting to prostitutes, while others are reported to have bought music systems and other wasteful expenditures. At the end of the day, when the money is finished, their households are full of anger and conflict. However, in most homes, men are untouchable because Bunyoro is a patriarchal society. All these have created conflicts which emanate from oil.

7.6.8 Theme Eight: Poor psychological, emotional and general health abound in the rural communities

It is clear that, along with oil, has come conflict and disputes. To the extent that these have not been resolved, peaceful co-existence in Bunyoro communities has broken down and led to an increase in psychological and emotional problems. According to the

information obtained from the Police Lands Desk during interviews, an average of ten land cases are lodged daily. Imprisonment has increased due to conflicts turning into assault, malicious damage, some of which has been masterminded by the land grabbers who snatch land from the genuine owners when they are in prison.

7.6.9 Conflicts fuelled by ‘camps’ in the region

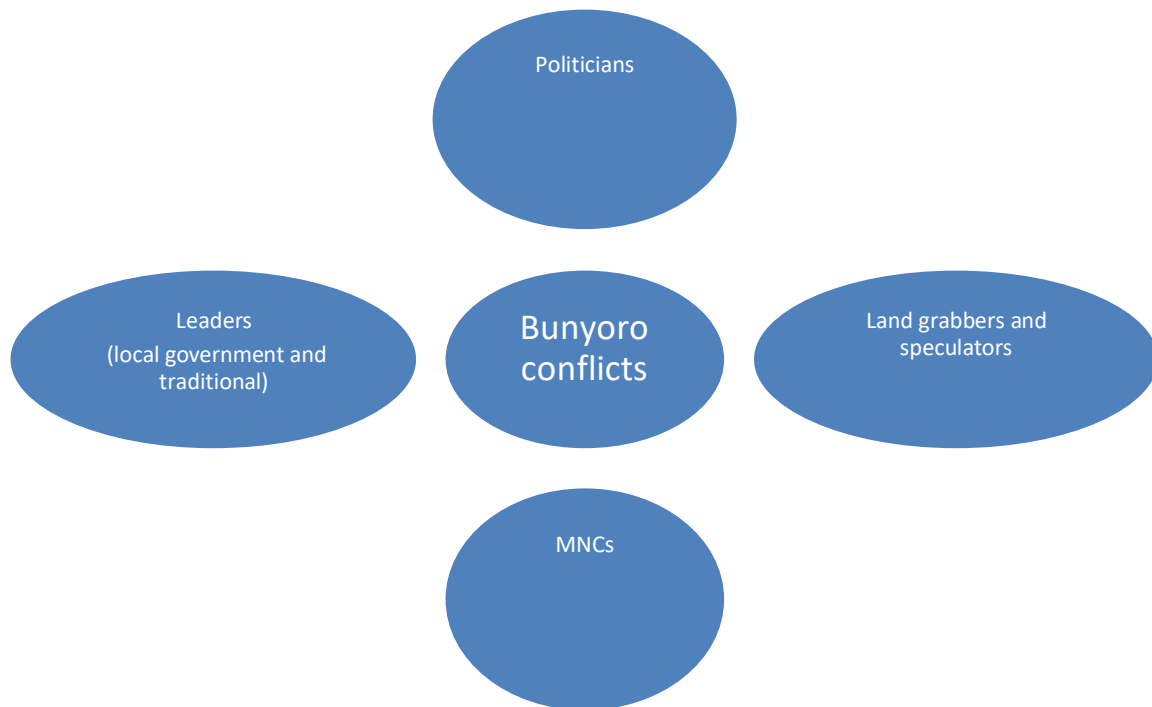
In Bunyoro, some of the conflicts have been fuelled by camps. For instance there is a camp made up of kingdom royalists versus the Bafuruki camp. Bafuruki, as the name suggests, are ‘people who migrated’ to Bunyoro region for various reasons, including the attraction of unoccupied land. Their camp is made up of mainly the Alur and Bakiga tribes, and they have constantly clashed with Banyoro kingdom royalists over splitting Hoima district to form another district called Kikube. Whereas the former want Kikube to be a new district carved out of Hoima district, the latter want Hoima to remain intact.

In addition, the feud between the two camps has worsened conflicts around land compensation in the region. Initially, the original Banyoro did not settle in certain areas like Buseruka which was a no-go zone because of tsetse flies; this was left to be occupied by the Bafuruki. When oil was discovered and compensation was paid to the people occupying those areas, the Banyoro felt jealous and so the feud between the two emerged again.

Another aspect of conflict is the rivalries between the pastoralists (*Baraaro*) and the agriculturalists who grow crops. The Banyoro and other tribes like the Bakiga and Alur accuse the Bararo of deliberately herding their cattle on their gardens.

People used to think they would all benefit from the oil sector. However, during interaction with the communities, people seem to have lost hope; they have realised that it is a technical industry which requires skills and commitment. At first, during the construction of the Kaisotonya road, local people were excited because they got some jobs, but as the oil production nears, they are being excluded, although some sent their children to study petroleum-related courses in universities and their children are getting employment. Nevertheless, the majority of citizens will miss out on lucrative jobs in this oil sector in Uganda because the oil companies are recruiting workers with, usually, not less than five years experience in petroleum exploration. Admittedly, Uganda does not have many people in this category, but this nascent sector requires engineers and technicians, which automatically eliminates the majority of people at both local and national levels. Consequently, this has become a source of frustration among the local communities who believe they have been side-lined.

Figure 7.1: Potential players in Bunyoro conflicts



The figure above illustrates potential players in conflicts faced in the Bunyoro region. First, are politicians who have been involved in dividing people and leaving them unreconciled. This usually happens during election season when they incite people into unhealthy camps and end up dividing them along religious and tribal lines; people kill and poison each other. When elections end, the people remain enemies, and more disagreements on land boundaries ensue. Small disputes which can be resolved spiral out of control and there are no efforts to reconcile people in the post-election period. The strength of these politicians lies in their finances: they give a lot of money to buy votes, and whoever succeeds in giving more cash to the people gets more support, but is not usually guaranteed victory. They have not stopped at dividing people, but have also been involved in grabbing land in the region.

Next are the land grabbers and speculators. Most of them are business people and generally investors. They have contributed towards land conflicts in the region by displacing hundreds of people from their ancestral homes in the name of ‘developing the region’. One of the techniques they use is to connive with the land officials in the Ministry of Lands, Housing and Urban Development to secretly identify and survey unoccupied private or customary owned land without titles. They have also been put in the limelight by the Bamugemerire Land Commission, where it was revealed that they bribe relevant offices, especially local council leaders, by paying large sums to have land forms signed for them. Land grabbers also connive with land officials to take advantage of expired land

leases and to stealthily renew and, consequently displace, people. During the interviews with the CSOs in September, 2017, it emerged that sometimes when they identify a strategically located piece of land, they get owners arrested and imprisoned, and then claim their land.

There are political figures involved in the displacement and eviction of people. For instance, in Rwamutonga, there are unknown people allegedly coming from State House who connive with the security officials to effect arrests and evictions, adding that they are following ‘orders from above’.

A third group, multi-national corporations (MNCs), have also been responsible for conflicts in the region. Most of the displacements without compensation have been caused by these large corporations, especially sugar companies and solid waste management companies. Since they have money to hire lawyers and influence court cases, they remain occupying land usually under disputes and, on many occasions, such pieces of land are guarded by the police. Examples of MNCs that have been largely been involved in conflicts include the CNOOC oil company, the Hoima Sugar Company and MacAlister’s waste management company.

Next, both local government and kingdom leaders have been potential players in the conflicts facing the Bunyoro region. As earlier noted, some of them have been cited in land grabbing cases, while others conspire with land grabbers. There are some instances where government officials, including those from the Office of the Prime Minister (OPM), have triggered conflicts in the region. For instance, there is the case of Bukinda, where more than 500 locals were displaced at the expense of refugees. The displaced accuse the government, specifically the OPM, of displacing them from their ancestral land and resettling refugees there. In addition, some kingdom leaders have been involved in conflicts by grabbing people’s land and selling kingdom land.

The relationship between these players is a close one. Politicians, especially members of parliament, work closely with local government and kingdom leaders in the region. In fact, the lower government leaders at the sub-county and parish levels pay allegiance to the top political leadership. They have all contributed towards dividing people, especially during elections, and this has greatly affected the social fabric in the region. As already noted above, these players have been cited in land grabbing, and they are the same players who work closely with the MNCs operating in the region; the local person has no access to MNCs, in other words they are partners. Whatever happens to the people, all these players have a role in the unjust schemes. Yet, if we are to have sustainable solutions to conflicts in the region, these same players should be supportive.

Reflection on literature reviewed in light of research findings

Whereas literature reviewed on traditional mechanisms of conflict resolution showed that traditional leaders like elders or clan heads automatically and in unison responded to conflicts in most African societies (Choudree 1996: 15; Latigo 2008:102;), today, this is not the case. Findings indicate that in Bunyoro sub-region, in most cases, for traditional leaders to respond, they are sometimes awakened first and there is hardly any elders' forums. There is minimal initiative by the traditional leaders in Bunyoro like the way it is done in Acholi, Karamoja or Teso. This is partly explained by the fact that most people prefer taking their grievances to local council (LC1) leaders rather than to elders. In some circumstances, according to the findings, clan leaders/elders themselves would forward cases to LC1 leaders, who at times [LC1] also do the same by referring cases back to clan leaders. Much of the literature reviewed indicates that traditional mechanism of peacebuilding in African societies thrived because elders or clan heads were non partisan, respected, uncompromised and their message was about reconciliation of the conflicting parties, this is not the case today, study findings in Bunyoro sub-region indicate that traditional leaders are usually engrossed in politics. A case in point is that, during cultural celebrations (*empango*), some traditional leaders are usually seen donning t-shirts of the ruling party (National Resistance Movement) and at one point, the annual celebrations were about to be re-scheduled because the president had indicated he would not attend the ceremonies.

As far as effectiveness of traditional mechanisms/approaches of conflict resolution are concerned, literature reviewed indicates that most African traditional approaches effectively dealt with conflicts (Kariuki 2015:01; Apiyo 2014: 1-2; Nweke 2012: 206; Tafese 2016: 22; Akinwale 2010 :137;) including resolving oil conflicts in the Niger delta (Okoro 2010:140). Nonetheless, similar approaches have not been effective in other parts of the continent even though it is known that they are not universally applicable in all African contexts. Findings indicate that in Bunyoro sub-region, traditional approaches have not effectively dealt with conflicts faced in the region, specifically, land related conflicts like land grabbing, forced evictions and displacement of the people without compensation in the aftermath of oil discovery.

7.7 Summary

This chapter has discussed the general challenges that are faced in the Bunyoro region before and after the discovery of oil and its production. The major ones revealed by the study participants include: displacements of the people by oil production projects; compensation challenges; high expectations of people; food insecurity; environmental

degradation caused by oil companies; child labour and school going children dropping out of school. The role played by traditional authorities in resolving these challenges was also discussed in detail, and it was found that the kingdom has been playing a passive role in addressing pertinent issues affecting people in the region. This implies that the kingdom has not dealt well with new challenges faced in the region as most participants revealed that it has been very problematic for the kingdom to deal with new challenges in the region. Financial and leadership challenges, coupled with the absence of a strong administration, are the key underlying causes of the Bunyoro kingdom's failure to deal with these situations.

Furthermore, the chapter presented in detail the participants' suggestions on how the kingdom can be strengthened. These suggestions and other key findings were presented to the action team to plan a way forward. Key recommendations include: the need for financial empowerment in order to be able to run kingdom programmes effectively and efficiently; and for the Bunyoro kingdom to mediate conflicts in the region – the kingdom can be strong again in regular mediation of land and other conflicts that have sprung up as a result of the oil discovery. This chapter also discussed whether the kingdom has been able to resist outside forces. Indeed, it has not been easy for the kingdom to do so. It has been overwhelmed because the challenges faced from the time oil was discovered seem to be too complex for a seemingly defunct kingdom. The chapter concluded by highlighting emerging themes around the poor state of traditional conflict resolution mechanisms, as well as themes arising from the consequences of new challenges caused by the discovery of oil in the Bunyoro region.

The next chapter looks at designing and implementing a programme for strengthening these traditional infrastructures and management.

PART FIVE

CHAPTER EIGHT: PROJECT IMPLEMENTATION

“Intervention may not have pre-identified outcomes, but rather a vague, goal-level description of the desired end-result without a clear pathway of how to get there.”

(Corlazzoli and White 2013)

8.0 Introduction

This chapter deals specifically with objective two: To design and implement a programme for strengthening traditional infrastructures and management and/or design and implement a new infrastructure (see section 1.4). It began with an inception planning and training workshop. Subsequently, an action team of seven voluntary participants was formed under the name of the project Bunyoro Traditional Peacebuilding Action Team (BTPAT) (see figure 8.1). The action team, of which I was a key member, was intended to devise a complete action plan with intervention activities, to agree on objectives, reporting mechanisms, and to identify and reflect on the achievements and challenges of the intervention.

During a workshop with the action team, members agreed that in order to contribute to strengthening the Bunyoro traditional peacebuilding infrastructure and to make it more popular and more visible, there is a need to set project goals and activities. The objectives were to raise awareness of the traditional peacebuilding approaches as a viable means of resolving emerging land related conflicts, rather than using formal courts, so that community members could bring their conflicts to traditional kingdom leaders, the BTPAT, or any elder or clan leader in their communities.

In order to strengthen the existing Bunyoro peacebuilding infrastructures, a seven member team comprising of individuals from different categories of people was created to (i) identify activities; (ii) implement them; and (iii) evaluate preliminary short term outcomes. The action team was composed of one clan leader, one elder, one kingdom official (the Bunyoro Kitara Public Relations Officer [PRO]), two Civil Society Organisation members, one Local Council one (LCI) leader, and one female member. My role was to facilitate their meetings and field activities.



Figure 8.1: Action team members

The activities agreed upon were:

- Mediation of land and oil related disputes using traditional approaches
- Conduct mass sensitisation meetings on radio and in communities where conflicts on land have occurred. The messages during sensitisation were about: (i) forwarding disputes to Bunyoro Traditional authorities or BTPAT for mediation instead of going to the police or formal courts (i.e., encouraging people to use traditional courts by highlighting the advantages); (ii) peaceful co-existence among tribes living in Bunyoro; (iii) sensitising communities on the role of the Bunyoro Kitara kingdom towards peacebuilding in the region, and holding the kingdom accountable.
- Training traditional leaders in contemporary conflict resolution skills, especially mediation and negotiation.
- Supporting kingdom leaders in charge of internal affairs and ministers of culture to attend Hoima Magistrate's court sessions to defend land titles issued by the Bunyoro Kitara Kingdom¹.

¹ During the golden days of the Bunyoro Kitara kingdom, the kingdom used to issue land certificates to its people. However, this was halted when kingdoms were abolished in 1976 during Obote's regime. It later emerged that there are people who still have those land titles as well as titles issued by the Ministry of Lands and Urban Development on behalf of the government. It has become a source of conflict in Bunyoro whereby it has been found that the same piece of land has two different land titles by different individuals.

The team agreed that, at the end of every month, they should meet and have reflection meetings through which they would discuss the challenges and the achievements of the previous month's intervention, and then devise means of improving subsequently.

On 2-3 October 2017, a two day workshop was held for the action team on mediation and negotiation. It was conducted in Hoima town, in Muganwa Hall. This was done by myself and two hired trained facilitators (Mr. Bangirana, a lecturer in the Department of Peacebuilding at Mountains of the Moon University, Fort Portal, and Rev. John Kitalibala, an officially licensed mediator in Hoima town). Using role plays, participants were given skills in both modern and traditional mediation skills, negotiation and arbitration.

8.1. Activity One: Strengthening the traditional mediation approach

Mediation under Bunyoro tradition undergoes five phases: an initiation stage, a preliminary stage, the actual mediation stage, the agreement drafting stage and, finally, the reconciliation stage. Under Bunyoro tradition, at the end of mediation when all parties have signed the agreement, there is a reconciliation exercise whereby the conflicting parties pray (see figure 8.4), hug each other, shake hands, and take pictures while the rest of the community members dance, sing and drink, and goats may be slaughtered and eaten by community members from both parties.

8.1.1 Initiation stage

This is the first stage where one of the conflicting parties (the complainant) approaches the chief/elder or clan leader seeking assistance. The chief/elder or clan leader listens carefully in order to see if the case is within his mandate. The complainant gives the names and contact details of the other party (the defendant), and the mediator gets in touch with the defendant through the phone or by writing and invites him/her to a preliminary meeting. If the defendant comes, (they may refuse) their side of the story is heard as well. With this, the mediator tries to understand the conflict and how it can be resolved. The mediator also determines whether the case is civil or criminal, and whether it can be mediated or must be referred to the formal courts.

This is the point when they both parties can be mediated. They have a right to refuse and to get another mediator. Usually the lead mediator communicates to both parties and prepares for the preliminary meeting. The mediator counsels them and tells them the importance of co-existence. He asks them whether they accept the mediation. Under this stage, the mediator is trying to understand the issue, thereby confirming the existence of the problem. There are key factors that must be considered during the initiation stage. These are to:

- Determine the nature of the conflict (determine whether to mediate or not). It is during initiation that the mediator decides whether the case is worth mediating or not.
- Arrange for a preliminary meeting with each party separately to agree on the venue, date, time and procedures. The elders (mediators) must ask again if the parties have accepted them. This is very important because conflicting parties must accept the mediators and confide in them.

8.1.2 Preliminary stage

At the preliminary stage under Bunyoro traditional mediation, there is a working together with both conflicting parties after they have accepted mediation, with the main goal of restoring the hitherto good relationship that existed between them. It entails further understanding the background of the conflict, and agreeing on the the terms and conditions, such as where and when to kick-start the real mediation process.

The preliminary stage starts with a briefing on the ground rules, plus any other communication relevant to the parties. Normal ground rules include: respecting the other party while talking (waiting for their turn to speak), and not confronting or abusing the other party. Mediators emphasise the need to end the conflict because going to court benefits other people not the families of the conflicting parties. For instance, while going to the court, money is wasted on transport, lodging, meals, and on lawyers, among other expenses. It is from there that the mediator further requests them to settle their differences because they need each other.

In the Bunyoro peacebuilding approach, before real mediation starts, a preamble is given emphasising that both parties must have clean hearts and hearts of forgiveness. The following principles are explained before both parties start giving their version of the case/dispute:

Love: Under this principle, emphasis is put on four themes namely: Love means sacrifice, love means commitment, love means foregoing good things whether you are right or wrong, and love means empathy.

Personal peace. The importance of having peace is explained to both parties; it will never been bought or expected from someone else, but must be accorded by oneself. Peace in the family is not brought by anyone else, but by the parties themselves.

Forgiveness is the third principle emphasised before and during mediation. Parties are told how forgiveness is key to reconciliation, and if God did not forgive us, the world would not be there. Both parties are encouraged to forgive each other because worldly things cannot last long. Without forgiveness, there is no peace. To have peace you must

accept to be a peace-maker. Mediators use biblical teachings such as the book of Matthew 5:9 which reads, “Blessed are the peacemakers, for they shall be called the children of God.”

Grace is the fourth principle to be emphasized. Both parties are reminded of the importance of grace, which is the cornerstone of ‘*obuntu*’. Without grace, it is hard to be humane, and to be humane is what defines mankind. By showing grace and kindness to one another, we exhibit traits of *obuntu*. Grace is emphasised because it is through grace that we forgive each other, forget the past, and focus on the future relationship. Everyone has lived because of grace from God. The importance of exercising grace toward each other is explained, because every one of us has had that grace from parents, friends and relatives. It is prudent to be gracious whenever conflicts or disputes occur among us.

The last principle is *truth*. To speak the truth is very important in attaining peace and reconciliation. Truth is emphasised here because, without it, the parties would waste their time coming for mediation.

8.1.3 Mediation

The complainant is given a chance to speak first. Their version is heard by everyone present. Mediators know that parties speak many words, but they must listen carefully and identify the real conflict and problem in the dispute. Then the defendant gives their version of the case. Again, the elders and clan leader listen carefully to everything said. While listening, the mediators take notes which, in the end, help to identify the real problem and also find out the truth. “What is the real dispute/conflict?” and “What exactly is the problem?” are usually asked of both conflicting parties again and again.

What has been commonly observed is that some parties report land disputes when actually they have other issues or conflicts. It is at this time that the mediators dig deep and cross-examine to get to the gist of the matter. Once the complainant has finished explaining, the other party also is given equal time to narrate. Under Bunyoro traditional methods, not a lot of time is spent on cross-examination, as is usually done by the police. Rather, the investigation elements start right away from the initiation stage, and continue until the agreement drafting stage. Once they have spoken, they are asked about the way forward. Questions such as, “What do you think is the problem? How can we go about it? How can we resolve this impasse?” often help the parties to arrive at a sustainable solution.

When both conflicting parties have spoken, community members and elders are allowed to speak and comment about the conflict too. Usually, they are restricted to giving constructive comments. This is done in order to avoid derailing the case. It was observed that, whenever they are not guided, spoilers take advantage to derail the process by

bringing up issues that tend to escalate the almost settled conflicts. When all parties have agreed, the mediator thanks them for breaking the chain of hatred which was bound to haunt them and, ultimately, to affect the next generations.



Figure 8.2: Mediating at the locus

8.1.4 Agreement drafting

Assuming a mutually acceptable agreement is reached, it is then documented. In cases of land related boundary conflicts, visiting the specific locality follows in order to establish the proper boundaries. This is the stage in mediation where boundaries are defined and marks are put in place. Demarcation plants are planted by the parties themselves and witnessed by the mediators, elders and community members (see figure 8.1). Proper measurements are taken, and demarcation of the land in question continues. In Bunyoro tradition, the chief mediator, with a grinning face, asks everyone who has resolved the conflict; all in unison and in jubilation reply by pointing fingers at the conflicting parties.



Figure 8.3: A land demarcation exercise using demarcation plants

8.1.5 Reconciliation stage

The conflicting parties are invited by the chief mediator to come over hug, shake hands. Local beer is brought and members of the community start to drink in jubilation.



Figure 8.4: Reconciliation process

After mediation, a consent note detailing all points agreed upon is signed by all parties and witnesses. However, everything is done in order to reconcile both parties and to prevent the breakdown of the relationship between them and their communities. This accords with Musingafi, Dumbu and Mupa (2011: 96) who argue that, while giving judgement between the conflicting parties, focus is always put on reconciliation and, throughout the court judgement, efforts were always made to prevent the breakdown of the relationship between conflicting parties.

It should be noted that a magistrate's court may refer cases to either the action team or to traditional mediators. Increasingly, this has become a common trend because of the enormous case backlogs experienced, not only in Bunyoro region but the entire country.

For cases referred by the courts for mediation by our action team, the draft agreement is always signed by both parties and witnesses, and each party gets a copy. The third copy is taken to the court to confirm if the case has been mediated and resolved successfully.

A mediation agreement entails the following aspects:

- Title of the agreement (names of the parties and the issue)
- Date
- Address
- Background preamble
- Resolutions, and
- Signing of the agreement by the concerned parties and witnesses.

The mediator does not put their signature because they are a mere facilitator.

8.2 Examples of cases mediated successfully

Case 1

Alinda Tumwine, 21 years, Atugonza Ahumuza, 18 years and Ahura Gerald, 17 years; Village: Kizinga Parish: Kinogozi S/C: Buhimba; Next of kin: 0789248328.

The complainants are children of the late Gubaza David who died in 2014, leaving eight children and approximately 12 acres of land, with an unfinished house. Muhereza Mbabazi and Kyakwahulire Edward, brothers to the deceased, brought tenants to the land claiming that they were to help the children of the deceased, which was not the case. The respondents allocated land to three of the elder sons, each one-and-a-half acres. The three sons reported their dissatisfaction to the LC1. The LC1 called for a meeting, at which the clan members said they had given the three elder sons land measuring two acres each, and an agreement was signed. They further stated that the remaining four acres were for the five younger children. The matter was filed with Navigators of Development

Association (NAVODA), a civil society organisation operating in Hoima, and the complainants were referred to the Bunyoro Traditional Peacebuilding Action Team (BTPAT), which they heard was mediating similar conflicts. The action team organised the meeting with the conflict parties in the community. It was agreed that all the children be given equal shares of a portion left for family land, and each mother was to utilise the portion for her children and to take care of them; the land was not to be sold. The land was measured and demarcated, and the case was concluded successfully.

Case 2

Kyomuhendo Dolika Mabaale: Village Buhimba; S/c Hoima district. This is a family of boys and girls and their father gave portions of land to them. One side was given to the girls and the other to the boys, and was separated by demarcation. All the girls were married and, later, one of them, the complainant, divorced. She came back to use the portion that was allocated to her. The brother refused her access and use of the land. Luckily, their father was still alive.

She was advised to go to her father with the help of the clan members to request him to put in writing the portion of land allocated to her, and even put clear boundaries to separate it from her brother. Her father, with the help of the clan leaders, the BTPAT, and other family members, put it into writing, and the land was then demarcated.

Case 3

Kyalimpa Cipora of Kyangwali. The complainant was a widow with four children who lives near her father-in-law and his co-wife. The co-wife divorced and sold off all the properties, including the house, before her husband died. After the death of her husband, she came back to chase away the complainant and connived with her father-in-law. She reported the matter to LC1, LC11 and LC111, but was not helped. Later, she came to seek assistance from the clan leaders. The complainant was asked to meet with the clan heads and have matters solved at the clan level. However, the clan leaders forwarded the case to the Bunyoro Traditional Peacebuilding Action Team (BTPAT) for mediation. This was organised, and the mediation meeting was spear-headed by the clan members and BTPAT. They agreed that every woman should be working in her initial portion and that no-one should cross the boundaries to encroach on the others land. Eventually, the case was successfully mediated and resolved.

8.3 Benefits of this approach to mediation

Traditional mediation has important benefits. First, it helps to deal with the backlog of cases facing magistrates' courts. This is the one of the most important benefits which I think should be appreciated by both the conflicting parties and the government.

Magistrates' courts are relieved of the enormous volumes of cases to be resolved. In so doing, the Justice Law Centres (JLOS) is working on proposals for reducing case backlogs by promoting community based mediation. Some NGOs, such as USAID-SAFE are working on a community based mediation training manual which will be used by trained mediators. Training module for community mediators was developed by USAID-SAFE in partnership with Avocats Sans Frontieres, Legal Aid Service Providers' Network (LASPNET) and Justice Centres - Uganda. The main purpose is to build and strengthen the capacity of informal structures to efficiently and effectively resolve land disputes through mediation. It will be the first comprehensive mediation training programme developed for use across Uganda and which is not derived from a western court-based mediation training programme. This initiative has been boosted by the National Commission of Inquiry on Land Matters which released a draft report, one of the recommendations (No 17) of which was on traditional mediation. This is an important step in helping the common man to access justice. It is a neglected aspect because government did not think that community-based mediation approaches facilitated by traditional leaders or elders could be an effective means of reducing court case backlogs. Consequently, it becomes a relief to both government and community members because the government saves money for employing more grade one magistrates to preside over cases at sub-county level.

Closely connected to the above argument, traditional mediation has proven to be less expensive allowing the poor to access justice. Accordingly, mediation is very affordable compared to litigation and other formal court approaches to justice. The case in a point is that, under a formal court justice, it would require paying a lawyer a minimum of \$1200 (four million Uganda shillings) per year, \$277 (approximately one million Uganda shillings) on transport costs, food and accommodation for a land case to be resolved. But under traditional mediation, the conflicting parties could spend less than \$10 on transport and food only. This is spent once during the initiation and preliminary stages. On mediation day, the team of mediators usually go to the communities to mediate at the location (see figure 8.2).

The approach is fast and convenient. Mediation under the traditional approach is fast. There is no business of coming back and forth to the location during the process. Often, the longest period taken for mediation is not more than four sessions. These sessions usually take less than a month, even when the case is complex. This is faster and more convenient compared to the formal approach, where the case may take years, and sometimes chief magistrates are transferred and the new ones start afresh because they

have to understand the case clearly before proceeding. All these take time, but under traditional mediation, the process is faster and easily accessible.

The environment is usually calm, it is round-the-table talk, and the parties arrange the time. Another advantage of traditional mediation is that it is conducted in a conducive atmosphere, usually under the trees (see figure 8.2). This is much less intimidating than in court halls where if you fail to recognize a procedure – such as standing up when the magistrate enters a court hall – you can easily be arrested. With the traditional approaches, the conflicting parties are given a chance to talk freely, and are listened to by patient, traditional mediators. This is not the case with the formal court halls where magistrates, lawyers, court clerks and prosecutors look so intimidating.

Relationships are typically restored. Another advantage with Bunyoro traditional mediation is that the relationship between the conflicting parties is restored. The main purpose of traditional mediation is to restore damaged relationships. Emphasis is put on reconciling the two parties without punishment. The offender is not treated as badly as is the case with formal justice systems where the offenders are punished and there are no efforts to reconcile them with the victims or the entire community. In other words, the Bunyoro traditional mediation approach does not involve penalties and is not adversarial. In all cases where our team has mediated, the emphasis was always on reconciling the conflicting parties, and we ensured that they shake hands and hug each other in the presence of all community members. In addition, this approach restores the indigenous culture, promotes values, and the community is restored. After the warring parties have come together, people dance and drink in jubilation.

Of the 23 cases brought to us for mediation between October 2017 and February 2018, two cases were forwarded to us by the Hoima magistrate's court through the Justice and Law Centre (JLCs) who heard about our work on radio, while 21 came from individuals and from clan leaders. A total of 18 cases were land related conflicts and were mediated successfully, while three were not successful and two are still pending. The action team will continue following them up because dates for the mediation meetings were scheduled for April 2018. The 18 successfully mediated cases are attributed to the patience and expertise exhibited by the dynamic action team which is made up of elders, clan leaders, CSOs and a woman representative. The three cases which were unsuccessful were complex in nature and were somehow derailed by some spoilers.

In two cases from Kyangwali, spoilers were brothers and sisters of the late brother and who wanted to take advantage of the land under conflict between two widows. This is because they were still benefiting from the land under conflict and wanted to continue

growing crops as the conflict dragged on. At a certain point, there seemed to be mutual agreement between the two parties, but brothers and sisters of their late husband were ill-advising one of the widows not to accept splitting of the land into two since she was the first wife though not legally married. Another spoiler in the third case that failed was a businessman in Nyamirima Hoima who was allegedly interested in buying the land to construct a fuel station. The case was between four brothers and a nephew. It so happened that, before the father of the four boys died, he had given a large portion of land to his grandson far away from the main home where the four were equally given their shares. After the death of the old man, the four brothers claimed the land which was given to their nephew. The businessman was encouraging the four brothers to claim that land so that he could buy it from them, since the nephew was relatively well off and not in good terms with the businessman. Whenever the parties would almost reach a consensus, the businessman would pull back one of the four brothers not to accept the verdict, advising him to seek a formal court's intervention.

There are good practices which I believe have contributed to the success of traditional mediation approaches in Bunyoro and these include: visiting the locus to ascertain what is actually happening. This is a very good practice that builds the confidence of the mediators who apply traditional mediation approaches. Second, involving key relevant government officers, such as Area Land Committee (ALC) members, District Land Board (DLB) members, and survey officers is another good practice that yields success with land conflicts. Third, the involvement of local council leaders during cross-examination of the conflict is very helpful because these usually have relevant information concerning both parties. Cross-examining both parties is another effective practice that leads to the truth. Relying on one party's information is not only dangerous but can lead to a loss of trust in a mediator.

8.4 Activity Two: Promoting traditional mediation via radio

A second activity implemented by the BTPA Team in Hoima district was the promotion of traditional mediation via radio. The main theme during sensitisations was ***“Embracing Bunyoro traditional mediation approaches to reduce land and oil related conflicts in the region.”*** In so doing, sensitisation messages zeroed on the advantages of traditional mediation approaches and the disadvantages of using formal courts of justice to emphasise:

- Peaceful co-existence among tribes living in Bunyoro, and
- The role of the Bunyoro Kitara kingdom in peacebuilding in the region, and holding the kingdom accountable for that.

During sensitisations, and at the end of the sensitisation campaign, stress was put on encouraging all people with land disputes to file them either with traditional leaders for mediation or to the Bunyoro Traditional Peacebuilding Action Team to receive quick and affordable justice, instead of going to the police or formal courts.

During radio talk shows, listeners were given a chance to call in to the studio for discussions, clarifications, and sometimes for directions where we could be found. Many callers thanked us for this initiative of reviving traditional approaches of mediation. One caller said,

As a result of the oil discovery in our sub-county, many conflicts have sprung up. We used to have empty bushes unclaimed and no one was bothered, but today, even one yard can cause mayhem in the entire village over who used to dig there ... we need people like you to help out (Anonymous caller).

Another caller commented,

People are spending much of their time in courts instead of working in their gardens ... As a result, people have become poorer and poorer ... Men spend all the money in court while their wives are left home to look for food and school fees and other requirements at home Where are we heading? I think we need such initiatives to intervene in our sub-county or else the rich people [will finish] us (Anonymous caller).

Indeed, people are tired and conflicts have exacerbated poverty in the region. Whenever, a case was resolved by our team, people became happy and excited, narrating how we have saved them from pursuing their cases through the formal court process which had robbed of them their money without resolving their problems.

During the radio talk shows, a kingdom royalist thanked us for the good work done on promoting indigenous mediation, and promised to join us whenever we are in the studios of Liberty Fm. Indeed, he has been attending our talk shows every Saturday from 1 pm-2 pm. He promised to lobby for more radio airtime in order for our radio programme to continue.

Our radio talk shows on peaceful co-existence and on traditional mediation attracted some government officials who called in to thank us for the efforts in building peace in the Bunyoro region. When we explained that we are a local peace team working on a voluntary basis and implementing our action research findings, he was extremely happy. He pledged to suggest the idea of action research to the district council, to make it a bye-law in the district to be adopted by all higher institutions of learning operating in Bunyoro. He also pledged to talk to the district communications officer to give us airtime on radio so that the team keeps sensitising people on peaceful co-existence, arguing that inter-tribal conflicts in Bunyoro have wrecked the region.

Yet another caller thanked us for the initiative on peaceful co-existence saying that there are districts where other tribes are not allowed to work, especially in local government offices. They have not been able to tolerate other tribes. He explained,

Apart from the Bagunga and the Alur, nobody else is allowed to work in Buliisa district local government. They intimidate whoever is deployed there with witchcraft and poisoning. The status of all positions at the district read 'Acting,' for instance, Acting District Procurement Officer, Acting District Finance Officer, Acting District Agricultural Officer, and so on. Your message of peaceful co-existence is the right message for the Buliisa people who incite violence now and then. They should know that we need each other to develop the Bunyoro region (Anonymous caller).



Figure 8.5: BTPAT team members during one of the radio sensitisation talk shows on Hoima's Liberty Fm, November 2017

8.5 Activity Three: Promoting traditional mediation via community meetings

As far as community sensitisation meetings were concerned, peaceful co-existence among the tribes living in Bunyoro was emphasised and we were welcomed in all seven sub-counties we visited. The following sub-counties were visited during sensitisation/awareness meetings: Kyabigambire, Kyangwali, Buhimba, Kabwoya, Buhanka, Kitoba and Kiziranfumbi sub-counties whereby around 377 people attended meetings between 6th October, 2017 and 23rd February, 2018. In all, seven villages visited for sensitisation, apart from inviting local people in our meetings, we also invited stake holders who included sub county councillors, sub county technical staff, village chairpersons, Area Land Board (ALB) members, community legal volunteers, civil society organizations in the sub county, elders, clan leaders, sub county women chairpersons, youth chairperson, district community development officer and PWDs

chairperson. The purpose of these sensitization meetings was threefold: i) to increase awareness on availability of Bunyoro traditional peacebuilding approaches specifically on resolving land conflicts, of which conflicts have become the order of the day and a major concern in the region.

During sensitization meetings held, the team encouraged people to forward their grievances to Bunyoro Traditional Peacebuilding Action Team for mediation instead of going to police or formal courts; ii) peaceful co-existence amongst tribes living in Bunyoro because finding obtained during exploration phase indicated that tribes were tearing each other due to land issues. This was also emphasized during radio sensitization because inter-tribal conflicts were found out to be rampant in the region. Our message was clear: all tribes need to tolerate each other for the betterment of the region. Emphasis was also put on the need to utilize the advantages of being a multi-ethnic region, showcase cultural diversity to attract investors as one of the means of fighting poverty in the region; and lastly iii) sensitizing communities on the role of Bunyoro Kitara kingdom towards peacebuilding in the region and holding the kingdom accountable. This was another topic covered during sensitization meetings held in communities whereby we encouraged the people of Bunyoro to engage the kingdom authorities and also take advantage of the institution to have their voices and grievances forwarded for redress. In order to increase acceptability, this topic was purposely handled by the elders and clan leaders members of the action team whom we thought had more clout and are more recognized and their message accepted in the society than the rest of the action team members.

Indeed, it was observed that every after sensitization meeting, some community members approached our team members for guidance, directions and location of our office to be advised on their various land disputes/conflicts. It was from there that some appointments for initiation on mediation were sometimes made.



Figure 8.6: A community sensitisation meeting in Nyamirima, Hoima district

8.6 Activity Four: Training traditional leaders in contemporary conflict resolution skills

Two workshops were conducted in Hoima for the traditional leaders and officials of Bunyoro Kitara kingdom. This training was to strengthen the capacity of the Bunyoro Kitara leaders in contemporary conflict resolution skills to equip them to resolve conflicts emerging from the discovery of oil in the region. It was attended by kingdom ministers as well as heads of various clans and elders who hail from the districts which make up Bunyoro: Hoima, Masindi, Kyankanzi, Kibale, Kiboga, Buliisa and Kiryandongo. Some 20 Bunyoro leaders attended and were trained in modern mediation and negotiation skills.

Since most of them have been involved in mediation and negotiation activities in their communities using traditional approaches, the action team recommended that these leaders be trained in contemporary mediation skills, as Bunyoro has experienced new challenges emanating from the oil discovery. Therefore, it was justified to train them in the modern approaches of mediation in order for them to be able to apply new skills in resolving new challenges. Moreover, it is believed that, since most conflicts are land related and have escalated as a result of the oil, a hybrid approach to mediation is essential in order to stop the deep-seated land conflicts in Bunyoro.



Figure 8.7: Kingdom leaders in group work during the workshop

One observation comparing the traditional approaches of mediation and the modern is that the former is done in the community locations, with much involvement of the elders and local community members, while the latter involves primarily conflicting parties and few witnesses. Also, it has systematic steps to be followed, usually done in the offices of accredited mediators, and seldom involves the community members.

It was further observed that traditional leaders have faced various challenges in their daily work while mediating land related disputes, which include:

- Interference from politicians. Some participants reported that politicians try to involve themselves in some of the conflicts already under mediation even when they are not a party. For instance, sub-county chairpersons and even district chairpersons always want to use their powers to influence cases related to land. In most instances, they have hidden interests in the land under conflict and, sometimes, they verbally threaten and intimidate mediators.
- Controlling the mediation process, especially when some conflicting parties are very rowdy and violent. Quite often, conflicting parties become emotional in the middle of mediation. This usually happens during cross-examination when one of the parties is narrating their story with some lies, the other party is upset and tends to retort back; this makes the whole scene chaotic. This is pre-empted by a thorough briefing on the principles of love, sacrifice, grace, and so on before mediation begins, as well as setting the ground rules.

- Bias by some conflicting parties who sometimes doubt the impartiality of the traditional leaders. Since some traditional leaders have been involved in corruption cases, it has affected the public's confidence. Also, some traditional leaders have been involved in partisan politics where they have been seen donning the ruling party's t-shirts, which renders their impartiality questionable.
- Some people have no trust in mediation done by the traditional leaders because the terms are not enforceable and some conflicting parties who are relatively well off snub traditional approaches and prefer to settle their conflicts in formal courts. Traditional courts have no enforcement aspect as it is in the formal courts who use court blockers. By nature, traditional mediation is supposed to focus on restoration of relationships between the parties; therefore, having harsh enforcement and financial penalties deviates from the core principles of traditional peacebuilding.
- Some local council leaders have been so reluctant to participate in mediation done by traditional leaders especially in conflicts which implicate them. Local council leaders are considered to be knowledgeable about the community more than anybody else and, thus, are expected to be present when parties are giving narratives or defending themselves during mediation. However, these leaders often give excuses such as claiming they are engaged in other 'official' engagements and the mediation team ends up missing their inputs.
- Dishonesty by some parties where they tell lies which, in the end, lead to delays in the mediation process because facts must then be dug out and that usually takes time. Some of the reasons why mediation meetings turn chaotic is because of lies told by one party. Sometimes, it becomes difficult for one party to listen to the lies being told by the other. If not carefully handled, it can derail the whole peace process. That is why before mediation commences, ground rules are put in place to prevent rowdy mediation meetings.
- Insecurity during the visit at the scene. Sometimes, it is not safe, especially if the conflict involves more than two parties. This is often so if one of the parties is hot tempered and has a large clan well known for fighting or disrespecting leaders. This puts the lives of the mediators and the entire team at risk.

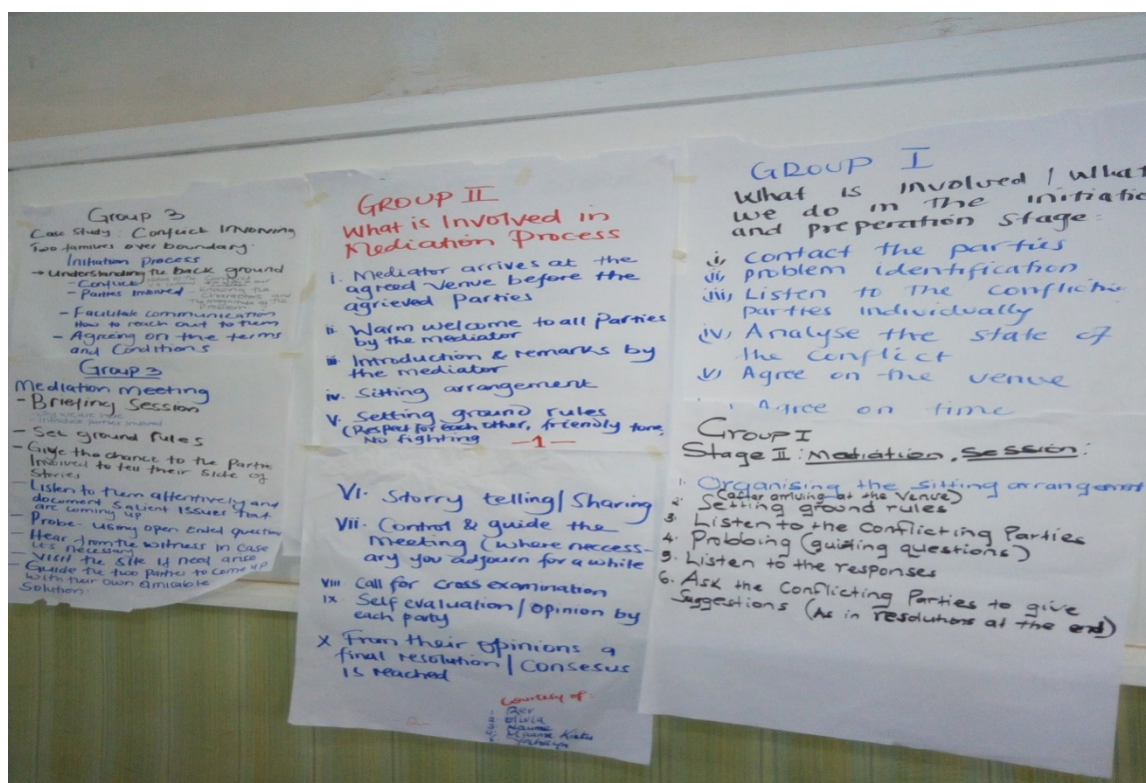


Figure 8.8: Group work during training workshop of the Kingdom leaders

Some participants confessed that this training enabled them to assess themselves in regard to the common mistakes they have made while mediating current land disputes in their areas of jurisdiction. Another observation was that, whether it is traditional or the modern way of mediating, unsuccessful mediation is one of the key factors which compels conflicting parties to seek redress in formal courts of law. That said, mediation should be done carefully by experienced and trusted elders lest it squanders the chances of others. The more the conflict is mediated successfully, the less the chances of parties going to formal courts and, ultimately, is the surest way of reducing case backlog in the magistrates' courts.

Day one of the training workshop was for introductions, expectations (see figure 8.9) and pre-evaluation forms. After the introductions, the team leaders used a participatory approach to enable the leaders to express their expectations of the workshop. One very common expectation was for an explanation of land rights and laws. The team responded, and it was included on the training programme (see table 8.1). This observation is consonant with earlier findings, which indicated that most traditional leaders in Bunyoro have little grasp of the prevailing land rights and laws and, therefore, needed refresher training. The pre-evaluation form further unearthed participants' past experiences, learning needs and current competencies.

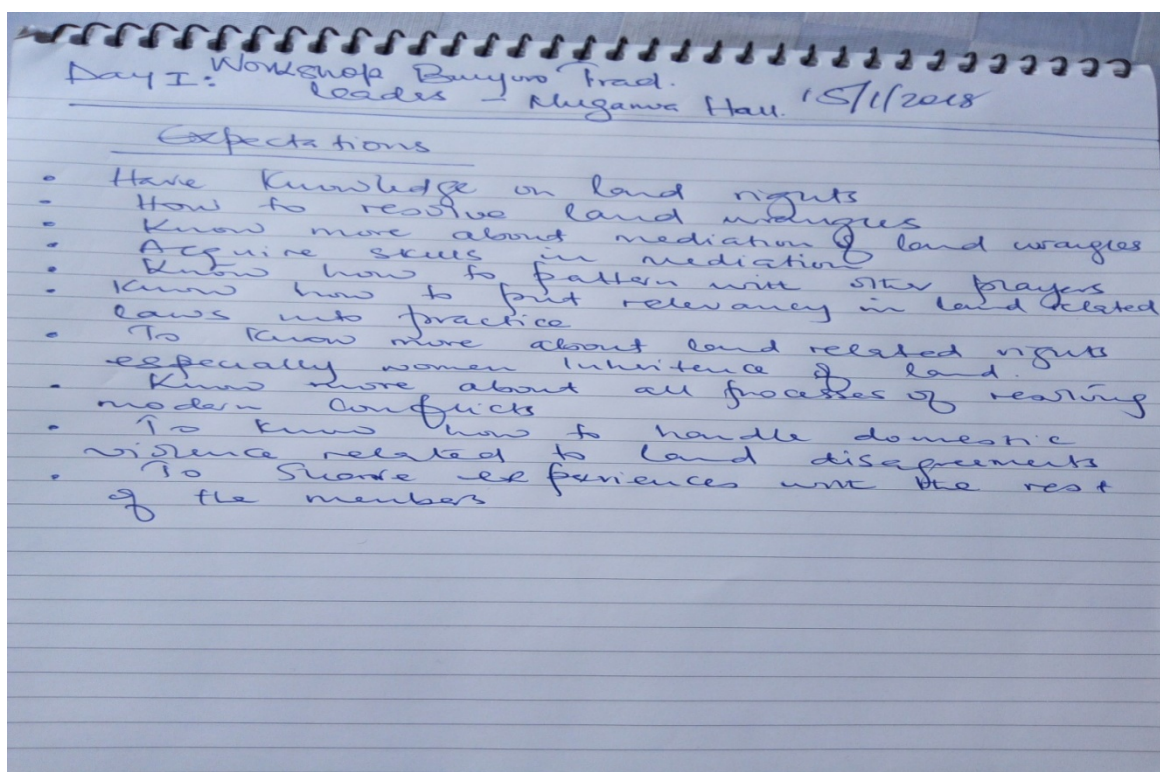


Figure 8.9: A list of expectations by the Bunyoro traditional leaders at the beginning of the training workshop

Table 8.1: Training program for kingdom leaders and officials

PROGRAMME FOR CAPACITY BUILDING OF BUNYORO KITARA KINGDOM LEADERS 15-16 FEB 2018 IN HOIMA DISTRICT

When	What	Who
DAY 1: Feb.15th		
8:00 - 8:30	Registration of participants	Peter
8:30 - 9:00	<ul style="list-style-type: none"> • Introduction of training staff and participants 	Rev. John & Noel
9:00 - 9:15	<ul style="list-style-type: none"> • Expectations from participants • Brief over view of the training 	
9:15 - 10:15	<ul style="list-style-type: none"> • Sharing of experiences in conducting mediations on land related cases (this includes good practices, lessons learnt, challenges and strategies etc.) 	Rev. John & Bangi
10:15 - 10:30	<ul style="list-style-type: none"> • Q & A after each presentation 	
10.30 - 11.00 AM	Tea Break	Shakira
11:00 - 1:00	Ethical guidelines for mediators	Rev. John
1:00 - 2:00 PM	Lunch	Shakira
2.00-3.00	The Mediation Process (video show 30 minute)	Noel
3.00-4.00	Communication skills in mediation (LP 3.3)	Bangi
4.00 - 4.30 PM	Evening Tea	Shakira

4:30 - 5:00	Wrap up of the day	Group Work
DAY 2: Feb. 16		
8:00 - 8:30	Recap of day 1 and expectations for day 2	Rev. John
8:30 - 9:30	Nature of Conflict, Conflict Analysis and Cycle of Conflict Interest Based Negotiation for Mediators	Rev. John, Bangi & Noel
9:30 - 10:30	Role of mediation in land matters (brain storming session)	Bangi
10:30 - 11:00	Tea Break	Shakira
11:00 - 12:30	Stage setting for the role play on mediation	Rev. John
12:30 - 1:00	Q & A	Team leader
1:00 - 2:00	Lunch	Shakira
2:00 - 2:30	Mediation role play	
2:30 - 4:30	Land laws and rights	Rev. John and Bangi
4:30 - 5:00	Evening tea	Shakira
5:00 - 5:40	Training evaluation, wrap up and way forward	Bangi & Noel

8.7 Activity Five: Supporting kingdom leaders in defending land titles that were issued by Bunyoro Kitara Kingdom

Under this activity, three court visits were made by the Bunyoro Traditional Peacebuilding Action Team, together with internal affairs and culture ministers. The purpose of this activity was to two-fold: firstly, to defend land titles that were issued by the kingdom. During FGDs and KIIs, it was found out that Hoima magistrate's court has been receiving cases regarding the availability of two types of land titles. One is issued by the government's Ministry of Lands and another one by the Bunyoro Kitara kingdom. Quite often, it has become difficult for the chief magistrate to ascertain the correct and genuine land title, and the true owners. Yet, whenever kingdom officials are called upon to explain circumstances under which land titles were issued, the measurements used, the demarcations and so on, they would not respond to court summons appropriately. Therefore, action team members recommended that court visits be done by some ministers within the kingdom, together with the kingdom public relations officer who happens to be action team member. The ministers would be encouraged to attend the court sessions so that, whenever the court demands an explanation on land title issuance and other related matters, there are officials from the kingdom who can do so. Second, the purpose of this activity is to raise awareness that the Bunyoro Kitara kingdom, as a key stakeholder in the region, and as required by the law, is working hand in hand with relevant legal institutions to bring about peace and development in the region. The

presence of kingdom officials in court whenever they are summoned by the magistrate is an indicator that the kingdom is active and serving the citizens as expected.

By the end of February 2018, the court has thrice summoned kingdom officials to appear in court and explain issues related to land titles. On all occasions, kingdom officials attended, together with our team members. Apart from attending such summons, our team has been able to provide materials such as notebooks, pens, spring files and paper folders to keep records of the cases attended to in court.

8.8 Evaluation

There has been an increase in commitment in regard to evaluating peacebuilding efforts in recent times (Kawano-Chiu 2011: 04). Evaluation should not be an end but, rather, the means to accountability and learning at myriad levels, such as the peacebuilding field, project teams or the office (Church 2011: 471). It helps implementers and funders by highlighting progressive steps taken to achieve peace (Kawano-Chiu 2011: 18). In action research, evaluating the outcome of an intervention is a very important aspect. This chapter deals with the fourth research specific objective in section 1.4: to undertake a preliminary evaluation of the outcomes of the initiatives implemented in chapter eight. This is a short-term, preliminary evaluation of the outcomes. Despite this research being done by a small, voluntary action team of seven members, the outcomes produced positive results. As earlier noted, the long term impacts of this intervention will become evident in years or decades ahead. Undeniably, strengthening the Bunyoro infrastructures for peace, as initiated by the BTPAT, is a gradual process. As Harris (2010: 05) argues, peacebuilding is a long term commitment and cannot be achieved with ‘quick fixes.’ Kawano-Chiu (2011: 18) concurs by stating that, “Building sustainable peace takes decades and can be a convoluted process.”

This stage of the research intervention was undertaken to ascertain which activities implemented by the action team caused the desired change. The purpose of this project evaluation was to measure the effectiveness of the BTPAT project in strengthening Bunyoro traditional peacebuilding infrastructures and management.

BTPAT group members pledged that every month, there should be minimum of four cases mediated, have four radio talk shows (one per week), and at least one community sensitisation/awareness meeting per month. On the last Saturday of every month, the team met to reflect on what was accomplished, which ones failed, and the way forward. This was done to improve performance in subsequent months.

Table 8.2: Performance indicators

S/N	Indicator	What to be measured	Methodology
	Number of cases mediated using traditional approaches by BTPAT (peace team)	1. Increased community confidence in the BTPAT activities 2. Trust in traditional leaders' conflict resolution approaches 3. Attitude of people towards traditional leaders involved in resolving conflicts in the communities	- End of month reflection meetings - Pre- and post-test evaluation
	Number of sensitisation/ dialogue meetings successfully held in the community; Number of radio talk shows successfully held	1. Increased number of cases forwarded to be mediated using traditional approaches 2. Increased number of callers during talk show	- End of month reflection meetings - Pre- and post-test evaluation
	Conflicts that were successfully mediated	1. Change of attitude 2. The extent to which communities have reconciled after successful mediation	- End of month reflection meetings

8.8.1 The pledge method

At the end of the project, the team conducted an evaluation of the outcomes of the activities agreed at the beginning (see chapter 8) to strengthen the Bunyoro Kitara peacebuilding infrastructures. The team pledged: To form an action team that will mediate land and related conflicts; to conduct community sensitisation/awareness meetings; to conduct radio talk shows; to support kingdom officials to respond to court summons; and to train kingdom leaders in contemporary conflict resolution skills. The action team members met monthly, which we popularly called End-of-Month Reflection Meetings to identify any changes made, to review how much was done in the month, to assess the challenges met, and to discuss ways of improving in subsequent months. During these reflection meetings, it was noticed that all group pledges were fulfilled except in the first month which was not possible. As expected, we cannot claim to be flawless. Kawano-Chiu (2011: 18) agrees with this point by asserting that not scoring 100% does not mean failure. The reflection meetings were important because they helped us to see if there was a need to readjust our approaches. Kaye (2017: 07) affirms that, "The researcher reflects with an action team after the action has been done, in others, attempts are made to see if any changes can be identified, even though the time frame may be limited." In our case, we were able to capture changes, to identify challenges, and to readjust to ensure improvement in our work every month-end.

The initial target was four mediation meetings per month. The group did register success in mediating land conflicts. However, during the first month of implementation, we were able to mediate only two cases. During the end of the month reflection meeting, we pledged to up our game by ensuring that communities are sensitised about our work on mediation and, more especially, the benefits of traditional mediation approaches versus formal courts. We ensured that the message to deliver via the radio talk shows – which reached out to a wider audience – was accurate. The first sign of the impact created by the BTPAT project moved from two conflicts brought for mediation in October, the first month of implementation, to four cases mediated in the second month in November.

In the subsequent months, community members as well brought more cases. We had proposed to mediate four cases but we received five cases from the communities. These were forwarded by clan leaders who heard about our work during the Saturday radio talk shows on Liberty Fm. As time went by, we had more cases brought to us. For instance, from January 2018 to the end of February 2018, 12 cases were mediated out of 14 cases brought to us. Six were handled in January and six in February.

As I write this, more are coming from the communities. This increase was attributed largely to the publicity done via the radio talk shows and community sensitisation/awareness meetings about embracing the Bunyoro traditional approaches. Our message on radio was not only received in Hoima district but also in the neighbouring districts of Masindi, Kyankwanzi, Kiboga and Buliisa as evidenced by the callers during the interactive sessions during the show.

Still, not all cases we started on were mediated successfully. The team managed to mediate 18 cases successfully, and many of them were related to land grabbing, land boundaries between family members – for instance, sons against fathers, widows against each other, brothers against sisters – and the rest were between neighbours. For the rest of the cases three failed while two are still pending (see table 8.3 below).

S/N	Month	Total cases received	Cases successfully mediated	Cases failed	Pending
1	October	02	02	00	00
2	November	04	03	01	00
3	December	05	04	00	00
4	January	06	04	01	01
5	February	06	05	01	01

Total	23	18	03	02
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Table 8.3: Number of conflicts mediated by BTPAT from October 2017-February 2018

The table above shows mediation activities that the BTPAT project implemented in the five-month period. As earlier noted in chapter eight, 18 cases were successfully mediated using Bunyoro traditional mediation approaches. For us, this was a milestone because we were not known at all prior to the beginning of the project. This shows the impact the project has created. It is from this viewpoint that I concur with Harris (2017: 139) who attests that micro-level outcomes, typical of action research, can spread widely. There is even a strong likelihood of attaining change at a macro-level. That said, stopping at exploring the problem does not suffice.

The impact was also felt by some individuals in their communities. First, it has saved huge amounts of money for the common man that would have been spent on lawyers. It is estimated that the cheapest lawyer in Hoima costs around \$56, (approximately 200,000 Uganda shillings) whenever there is court session, whether the case is mentioned or not. Second, money was saved by conflicting parties on transport back and forth to Hoima Magistrate's Court. For instance, there is a conflict which started in 1982 over land boundaries that we successfully mediated in Kyangwali sub-county. One of the conflicting parties thanked us for mediating the case because it had cost him vast sums of money through lawyers, transport to Hoima, accommodation and so on. Below, Mzee Rostico expresses appreciation for saving him the baggage he carried for 36 years, and he was going to pass it over to his children and grandchildren:

The God who sent you to mediate this land conflict is an awesome God. I sold my land in Masindi in order to follow up this case since 1982. I sold my plot of land in Totema trading centre, I sold my goats, I have slept on an empty stomach, I have foregone school fees for my children all in the name of rescuing this land, but I have not been successful. I think you are God- sent because I have been left with nothing to sell apart from this piece of land I am [in conflict over] with Baguma.

Days after resolving this land conflict in Kyangwali, we received three cases to mediate in the same sub-county the following week. This implied that people had started to appreciate traditional approaches to mediation because all the people who knew about the case between Mr Baguma and Mr Rostico could not believe that their case needed lesser known people like us using traditional approaches. In all conflicts that we successfully resolved, after reconciling the parties, they were amazed by how our team handled their cases with confidence, calmness and the impartiality we exhibited. I attribute this to team work and also to the elder, clan leader and two experienced members of CSOs who

usually gave a lengthy talk about reconciliation, love, empathy, forgiveness, sacrifice and grace at the beginning of every mediation session. This was usually concluded with a slogan “*ebyensi n’omushenyi*” translated as, “the worldly treasures are nothing and worthless.” This played a great role in softening the hearts and minds of the conflicting parties because, in the end, they were assured that everybody will die and leave the land to the unknown.

Of the 23 cases received for mediation only, three failed. During mediation, the team applied a caucus technique. Through this technique, after observing that both parties were not progressing in reaching an agreement, each party was given time off to consult with his/her relatives or allies (we called it ‘clinicking’). Each party, together with their supporters, would discuss the pros and cons of the case, the benefits of ending the conflict, as well as any complications they might face if mediation fails. All these were also discussed during the mediation. This practice was applied because, in some incidents, parties would fail to reach a compromise. So, during mediation, sometimes parties were given ten minutes to consult their relatives and return with a win-win sustainable solution. It was during that time that some family members ill-advised the conflicting parties to refuse mediation and opt to settle the case in Hoima magistrate’s court. This was a learning point for the action team members because we discovered that, although caucusing has advantages in helping to soften the conflicting parties through constructive views from their relatives and close friends, it is also dangerous because conflicting parties are susceptible to getting wrong advice and may end up being confused; ultimately, that derails the case altogether. The two cases pending will be mediated in March and April as already scheduled. The pending cases required witnesses who lived in Kampala, and requested to be available after the Easter holidays.

The presence of the three kingdom leaders in our project consolidated more support and trust in the approaches we used to mediate the conflicts we received. The pledges by the team, voluntary work, the zeal by the team members to create positive change, and the ‘never-give-up’ attitude exhibited by the team members all contributed much to the success of the project’s initial phase. They pledged to continue the spirit and maintain the pace set already because the momentum must remain.

Table 8.4 Summary of community sensitisation/awareness meetings done from October 2017-February 2018

Date	Village/sub-county	Age bracket	Gender	Total
6/10/2017	1. Buraru, Kyabigambire S/C	Adults 34	Male 21	54
		Youths 20	Female 33	
10/11/2017	2. Nsozi, Kyangwali S/C	Adults 24	Male 19	44

		Youths 20	Female 25	
8/12/2017	3. Kigaaya, Buhimba S/C	Adults 39	Male 23	58
		Youths 19	Female 35	
8/1/2018	4. Pida A, Kabwoya S/C	Adults 40	Male 21	60
		Youths 20	Female 39	
26/1/2018	5. Kihuule, Buhanka S/C	Adults 35	Male 18	53
		Youths 18	Female 35	
2/2/2018	6. Mpunda, Kitoba S/C	Adults 30	Male 16	46
		Youths 16	Female 30	
23/2/2018	7. Kyakatamba, Kiziranfumbi S/C	Adults 44	Male 20	62
		Youths 18	Female 42	
Total				377

The table above shows community meetings that were conducted from October 2017 to February 2018 in the seven sub-counties. As noted above, 377 community members attended the meetings where the majority of the attendees were females. This is attributed to the fact that men usually attend meetings when they hear there are financial benefits or if there is a programme aimed specifically at addressing men's issues. On the contrary, women usually attend meetings regardless of whether there are financial gains or not. Since there were no financial gains from attending our meetings, it is believed that men were less interested and, thus, there were relatively fewer than women. It was also observed that youths were fewer than adults during the sensitisation meetings held in all seven sub-counties. It is commonly known that youths do not usually attend general adult meetings; they only come in big numbers when the meetings are specifically for youth. They tend to believe they have nothing to contribute to adults' meetings; indeed, this is embedded in most cultures and traditions of Uganda whereby children are prohibited from speaking where adults are gathered.

8.8.2 Reflection on the evaluation

The BTPAT is a peace team which employs traditional methods of conflict resolution. It is made up of Bunyoro traditional leaders such as chiefs, clan leaders, kingdom officials, members from CSOs, one female member, and one local council leader. Since the majority of the respondents interviewed during the exploratory phase were from the kingdom, almost half of the action team ended up being Bunyoro kingdom leaders. This team identified, prioritised, implemented and evaluated the project activities.

In its practice, BTPAT applied the New Testament principles of love, peace, forgiveness, grace and truth in order to soften the hearts of the conflicting parties. The rationale behind this is that the majority of the Banyoro are Christians and hugely religious; therefore, these principles greatly influence their thoughts, actions and words. They are meant to instill the heart of forgiveness among each other as Christians. The bible teaches in

Matthew 6:14-15, “If you forgive men of their trespasses, your heavenly father will also forgive you; but if you do not forgive men their trespasses, neither will your father forgive your trespasses.” Second, the Bunyoro region is well known for having people who are proud of their region. They hate to be bad examples; they cannot afford to be a laughing stock in the country. Therefore, explaining these principles reminds them that they belong together no matter the differences they might have. Hence, a lengthy explanation of these principles plays a great role in removing barriers that block the peace process.

The BTPAT team has been involved in peacebuilding work through activities they have implemented (see section 8.2 up to 8.8). They have done this out of their desire for and love of peace in their communities. One benefit that they kept mentioning is the greater recognition they have now as peace actors in their communities. One member happily reported that she is now regarded with high esteem in the village where she comes from because they hear her contributions on radio (Liberty Fm). Another team member said he is recognised whenever there are community gatherings and is thanked for the work being done by the BTPAT. Yet another team member was recently appointed as a conflict monitor in his parish by a certain non-governmental organisation operating in Hoima district. The team’s work is being appreciated and that is why we never noticed any organisations or individuals being jealous of our work. Instead, they were so supportive, which was evidenced by callers during the radio talk show, and at the end of sensitisation meetings in communities where awareness sessions took place.

Learning is a lifetime activity. Another benefit which was mentioned by the kingdom leaders during the evaluation is the knowledge they have acquired in working as a small peacebuilding team. A clan leader in the team intimated that the kingdom is planning to rejuvenate kingdom activities through building pillars to strengthen clan leadership. He confessed that he will be able to use the knowledge he acquired to influence the leadership to emulate the BTPAT style of work. It is gratifying to know that people’s lives have been and will be changed by our team’s actions.

Because of the pledge method of evaluation adopted by the BTPAT team, the commitment and zeal of the people implementing the peacebuilding activities are primary in bringing change, while other factors such as financial resources are secondary. I have come to realise that pledging as a team is also crucial in fulfilling the objectives of the team because everyone is of one mind. For instance, all the pledges made at the end of the month by the team members were fulfilled in the subsequent month. It would have been different if individual pledges were made, because an individual can easily succumb

to personal challenges at home or work, and fail to fulfill their pledges; ultimately, this affects the outcomes.

The primary purpose of this project evaluation was to (1) Measure the effectiveness of the BTPAT project in strengthening the Bunyoro traditional peacebuilding infrastructures and management; and (2) To ascertain whether the activities undertaken by the team created any changes in the Bunyoro communities. Without doubt, the team's activities had a major impact. This will remain, either as team members continue working together, through the individual members' work, or by contributions in the communities from where they hail.

During the first month of implementation, things did not go as well as planned. This was attributed to the fact that the BTPAT team was still in its embryonic stage and bonding, and by nature, human beings cannot bond in a fortnight. Also, based on the narratives from some team members where they confessed to low levels in confidence at the beginning, it seemed that team members were unsure about how exactly the implementation would work out. This affected the first month of operation, and resulted in low output from the team, with hardly any changes being identified.

Evaluation of this project, based on performances recorded during the month-end reflection meetings, typically show that positive results motivate teams or individuals to perform better. The BTPAT had better results in the third month compared to the second month, and this motivated the team to do even better. All this is attributed to the collaboration between members, clear goals, and good communication among the team.

That this team has successfully applied traditional conflict resolution mechanisms and methods in helping to resolve conflicts in the Bunyoro region is clear. If the momentum and the enthusiasm to build peace in the region is maintained, I envisage them going extra strides in mediating in non-traditional cases such as large-scale land grabbing and compensation disputes that have ravaged the region.

As far as sustainability is concerned, I imagine the team being scaled up. This is the team which has been operating with no budget at all, yet they have been able to create some impact in the communities. With support from various peace lovers, as was promised by callers during the radio talk shows, I believe their work will be strengthened. For instance, one government official promised to avail them with free air time on radio to continue promoting traditional mediation and peaceful co-existence. A kingdom royalist promised to lobby for support to ensure that the radio programme continues to be aired. All these are signs that the work done by the team will be increased because I picture sub-

teams evolving from the BTPAT to spread to other districts in the region to continue promoting the good intentions of the initial project. Other teams will evolve from the BTPAT and continue to raise awareness of traditional peacebuilding approaches as a viable means of resolving emerging land related conflicts in the region rather than using formal courts. The team is aware that this can only be achieved if they remain focused on peacebuilding work, and avoid being involved in partisan politics. Politicians have a tendency to use organised popular groups in the community to canvass votes from the electorate, especially during election season. When the election period ends, the enmity between the different supporters ensues.

Furthermore, scaling up the BTPAT project will be possible if the mission and the objectives are clearly adhered to, and if the spirit and vigour of the original team members are passed on to the new teams. This is possible if the methodology used by the original team is replicated in all new teams. For instance, the monthly reflection meetings, which proved a key to motivating the team members to remain focused because it was during those meetings that successes and challenges of the project were highlighted. In addition, since the plans to strengthen clans in the Bunyoro kingdom are under way, the BTPAT, which consists of kingdom clan leaders, might be supported to identify teams of clan heads in different sub-counties. This is because the work the team did is what is supposed to be done by the clan heads in their communities. In the long run, these teams, which in this case are infrastructures for peace, will carry on peacebuilding work, and will be in a position to prevent, resolve and manage conflicts in their communities sustainably.

8.9 Summary

As already noted above, the evaluation of the outcomes from the BTPAT project was done in order to measure the intended change. Kawano-Chiu (2011: 26) highlights that, regardless of the purpose for conducting evaluation, the role of evaluation in peacebuilding is paramount and, if well accomplished, can result in coherent and sustainable relationships among stakeholders. The BTPAT, as a local peace team, is a peacebuilding infrastructure itself, as Van Tongeren (2011: 401) rightly asserts; it is not a rigid structure but a platform for change. Evaluation results indicate that the activities applied have contributed to strengthening the Bunyoro traditional peacebuilding infrastructures. This is seen through: mediating land conflicts; creating awareness on radio and in communities by calling upon the local communities to file their disputes with the Bunyoro kingdom rather than going to formal court; through training Bunyoro traditional leaders in contemporary conflict management and resolution; and finally, through supporting Bunyoro traditional leaders to respond to court summons regarding land titles issued by the kingdom, and to attend court sessions when required.

Whereas it is hard to generalise and to replicate the results from this study, as an action research, the outcomes clearly show that the project has registered some differences in attitudes to mediation, and about those who should be involved and how. All these efforts, in one way or the other, have contributed to strengthening the traditional infrastructures and, ultimately, enhancing the capacities for local peacebuilding in the Bunyoro sub-region. Clearly, capacity in peacebuilding, especially the traditional leaders with knowledge and skills, has been enhanced. Hence, these leaders will be able to prevent and resolve conflicts before they can erupt within their communities.

Lessons learnt from the seven-man action team

“Where there is a will, there is a way.”

While working with the action team, I have discovered that commitment is the key to achievement of any set goals. Whatever was pledged at the beginning of the month was achieved. These are people who were not paid a single coin at the end of the month, but due to the zeal and desire to have change in their communities, they committed themselves to achieving monthly pledges without fail. Kawano-Chiu (2011: 18) agrees that peacebuilding programmes are not expected to be flawless. Nevertheless, all the achievements from this project were entirely due to the full commitment of the action team participants. This signifies that, for any development to be successful, it must be pro-people. When people are included in the development project, they own it and ultimately, when it succeeds, in celebrations they will all say, “Yes, we did it!” This was an important lesson to me, and for any other peacebuilder; people always know what they want and can achieve everything they want as long as they are committed. Needless to say, for any peacebuilding efforts to yield success, it must use people-centred approaches interwoven with the action components. Kaye (2017: 2) opines that,

Without people’s participation in developing a solution, the solution is more likely to fail as whatever is proposed has to be done *with*, not *to*, the people involved. People are capable of understanding and participating in change.

This is the beauty of action research, positive results are much more likely when people at the grass roots are left to engage and implement peacebuilding activities. Indeed, as Botes (2001: 06) truly asserts, as people continue owning the process of moving from conflict inhabited systems to peaceful ones, they absolutely become transformed. Without doubt, the BTPAT peace team is a transformed team, and they would concur with Lederach (2003: 18) who affirms that conflicts provide us with opportunities for growth and an avenue for “understanding ourselves, others and our social structures.” This was not a learning period for the participants alone, but the researcher as well. One action team member, during the monthly reflection time said,

I truly believe that where there is will there is a way. At the beginning, I didn't believe that we will achieve our monthly targets, but as weeks passed, I realised full scale commitment from the all team members. Five months down the road, we have somehow won the hearts of the people to believe in us and in traditional approaches of mediation, considering the increase in the number of people bringing their cases for mediation to us. I didn't know every one of us has power to transform our motherland Bunyoro. I am sure that, even if we don't get any financial support, we will continue doing good work within our reach.

Indeed, I believe team members were motivated during the initial workshop that was held at the beginning of the project. Kawano-Chiu (2011: 23) states that, "A simple vision can motivate and inspire your team. An early investment in time and effort to get people on the same page is well worth it since perceived relevancy, and even urgency, can foster intended change."

During the workshop held to evaluate the project, one team member who happens to be the Bunyoro kingdom public relations officer, commented,

I will forever live to tell what we have achieved. I am now an advocate of team work. Individual people who think they can make changes in the communities single-handedly have no idea about the power of people working together. Every time we met during the end-of-month reflections meeting, I would feel proud of our achievements. I think they played a crucial role in motivating us to achieve more and more. I now believe that, as a kingdom official, we have to change our mindset. If I ever get an opportunity to speak during council meetings for the kingdom leaders, I will always assure them of how important it is to work as one team to promote kingdom activities, and I will always use the BTPAT peace team as a reference; I am proud of you guys.

Another team member, the clan leader for Bagahya, appreciated what the team did:

In my experience as a clan leader, I didn't know that we will be committed enough to achieve anything. I knew it was going to be an on-and-off project like other projects I have seen around. To be honest, before we started, I doubted our efforts. As much as I accepted voluntarily to be part of it, I didn't believe we would reach this far. I thank our facilitator, Mr Noel, for his never give-up attitude. I always felt his presence, which motivated me to work harder to achieve our monthly pledges. He invested his time and energy in building peace in Bunyoro, even though he is not a Munyoro. The kingdom had an idea of building pillars for clan leadership. I am sure I will be of great use and influence to the prime minister and the entire cabinet, and I will challenge them to emulate what we have done so far.

The only woman we had in our team was also thankful for the opportunity she had to be part of the peace team. The group work has exposed her to more; she commented,

This project has given me an opportunity to grow and be recognised more as a woman peace actor in my community. Everywhere I pass these days, they tell me how they have heard me on radio. They have seen me as part of the team mediating in some villages and, above all, they have heard my voice on radio. People have seen us in communities; they have heard me introducing myself on Liberty radio every Saturday talking about peace in the region. And to me, this is a milestone. I promise to continue being an agent of peace and will always be grateful. I believe I am able to mediate small family disputes owing to the experience I have gained. I will encourage other women to join me as peace actors.

The above narratives from the team speak volumes about how important it is to build peace using practical approaches. If I had only collected data, analysed it, published it and stopped there, it would not have made the impact that this peace team has created. As I have argued earlier on, power belongs to the people, and for any peacebuilding project to be sustainable, people must own it and bottom up approaches must be used. As Kaye (2017: 2) rightly asserts, action research is crucial in peacebuilding and has continued to be recognized because community social problems are peacefully resolved. Conducting research and stopping at exploring the problems without providing sustainable solutions is not enough because the goal of bringing change and transforming the society remains unachieved.

I have also learnt that, for any peacebuilding efforts to yield success, it does not require large masses of people to participate. A few people, if well organised and well directed, can achieve much. The team has done the work of ‘insider mediators’ as coined by Berghof Foundation for Peace Support, and Mason (2009: 04), which MacGinty and Richmond (2013: 770) describe as, “a local turn,” whereby local actors who are well versed with the local environment work on creating necessary processes for peace.

CHAPTER NINE

SUMMARY, REFLECTIONS AND CONCLUSIONS

Building peace is not a mechanical or overly simplified process as it involves myriad factors – how people learn and how change and transformation come about, the dynamics of power and of groups, understanding the history and context in which the conflict occurs, seeing beyond the conflict to broader failures of structures or systems” (Kaye 2017: 04)

9.1 Introduction

Following the literature review and research methods chapters, chapter 6 explored traditional conflict resolution/peacebuilding infrastructures and management in the Bunyoro sub-region. Chapter 7 assessed the current effectiveness of traditional methods of dealing with conflicts faced in the Bunyoro region; presented the role of traditional authorities in addressing emerging challenges; discussed how traditional authorities have dealt with the new challenges in the region and whether traditional authorities need to be strengthened and how it can be strengthened; and concluded with themes that emerged from this study. Chapter 8 presented interventions and their outcomes and a preliminary evaluation of the outcomes of the initiatives of the project. Chapter 9 presents summary, personal reflections, and the conclusions of this study.

The overall aim of this study (see section 1.4) was to enhance the capacities for local peacebuilding in the Bunyoro sub-region by empowering local actors, especially the traditional leaders, with knowledge and skills in peacebuilding so that they are able to prevent, manage and resolve conflicts before they can erupt within their communities.

The specific aims were to:

- To explore traditional conflict resolution/peacebuilding infrastructures and management in the oil-rich Bunyoro sub-region;
- To assess their current effectiveness in dealing with conflicts in the Bunyoro sub-region;
- To design and implement a programme for strengthening these traditional infrastructures and to add new infrastructure where necessary; and
- To undertake a preliminary evaluation of the outcomes of the initiatives implemented.

9.2 Main findings

As far as the first specific objective was concerned, the study revealed that traditional conflict resolution begins at family level. Every head of the family has a responsibility to resolve conflicts within his family. When a dispute fails at family level, the study

discovered, it is forwarded to the clan leaders. If it fails at that level, it goes to the chiefs at the parish level. If the chiefs fail to handle the case, it ends up in the *orukurato*, the kingdom parliament. However, these peacebuilding infrastructures in Bunyoro are not active, with much of their work taken over by local councils under the local government, as well as civil society organisations operating in the region.

The second specific objective of this study was to assess the current effectiveness of the Bunyoro traditional authorities in dealing with the conflicts faced in the region. The traditional authorities were used to resolving small conflicts within their reach, but bigger challenges that have emerged recently, such as land grabbing, displacement and compensation for people affected by oil production and refinery projects, seem to be too complex for the kingdom to handle. In addition, the kingdom has lost a degree of moral authority since some top kingdom officials have been implicated in land grabbing while the kingdom itself was involved in land wrangles.

The third specific objective was to design and implement a programme for strengthening the Bunyoro traditional infrastructures and management, which was described and evaluated in chapter 8. The interventions included strengthening the traditional mediation approaches, promoting traditional mediation via radio as well as community meetings, training traditional leaders in contemporary conflict resolution skills, and supporting kingdom leaders to be available in court whenever needed by the Hoima magistrate's court.

The fourth objective was to evaluate the outcomes of the intervention as presented in chapter 8.2 to 8.8. In summary, using traditional conflict resolution approaches, the committed BTPAT team successfully resolved a number of land-related conflicts. The committee members reflected positively on their involvement in the conflict resolution processes.

The joint issues of validity and reliability were discussed theoretically at length in chapter 5. Creswell (2014: 251) states that triangulation entails, "corroborating evidence from different sources." Therefore, converging data from FGDs, interviews, unstructured observation, and various documents enriched the validity and reliability of the study findings.

As a result, the findings from this study can act as a launch-pad for larger studies in the region, while the action team template can be replicated in other parts of Bunyoro region, as well as the entire nation where inter-personal, inter-group or inter-tribal conflicts are

rampant. This is because the nature of conflict in the country is almost similar; communities throughout Uganda are engrossed in land conflicts every day.

9.3 Personal reflections

This research has been enormously enriching to me. Other than acquiring knowledge of the matter, I have learned new research skills and good understanding of action research. In addition, I have come to realise that building peace is not something that can be done via speeches or statements or publishing articles; it requires action. The impact can only be spread by going down to the grass roots, interacting with the affected people, and helping to build peace, either formally or informally. For any peacebuilding efforts to be sustainable, I have learned that ideas and action for change must come from the affected people themselves. That said, the efforts and commitment of the BTPAT team members during implementation of the project activities was crucial to the success of the project.

This study has demonstrated that building an infrastructure for peace does not require large donor funds but, rather, a dedicated team with zeal to work for the betterment of their communities. Supporting communities to build simple infrastructures such as village peace committees can play a great part in managing conflicts in the communities and, in the long run, will reduce the backlog of cases in the courts. Minor conflicts have ended up with the police and, later, the magistrates' courts, due to absence of community peace committees or initiatives which should be able to resolve community disputes using traditional approaches.

The project has resolved conflicts and contributed to the strengthening of the Bunyoro infrastructures. Where cases were mediated successfully, people will live to tell the benefits they now enjoy under the Bunyoro traditional system, instead of opting for unending formal court processes with the associated costs and prolonged justice.

As a result of the BTPAT work, 18 cases were successfully mediated, and all parties and communities were happy with the outcomes. They envisage that the BTPAT work will contribute to transforming other conflicts in the Bunyoro sub-region.

Much as a lot could have been done to further enhance capacities for local peacebuilding, I strongly believe that what we have contributed is noteworthy and meets the specific objectives of this study, as well as the demands for integrity of the entire research process. My source of pride as a researcher is that this study has contributed to enhancing local capacities in the arena of peacebuilding. All the action team members benefited from this project, for they were able to develop their capacities which, in one way or the other, will help to continue building peace in their communities. Though the number was small, I

believe it will grow to influence others and create more positive change in the communities. Finally, our interventions have proven to be viable and, in small but significant ways, have contributed to strengthening the Bunyoro traditional conflict resolution structures. Therefore, I feel those structures will continue to handle emerging disputes in their communities with great success.

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ANNEXURE A: LETTER OF INFORMATION



Title of the Research Study: “Enhancing capacities for local peace building in Bunyoro sub-region, Western Uganda”

Principal researcher: Noel Kansiime Kiiza, PhD Candidate

Supervisor: Prof. Geoff Harris

Dear Sir/Madam,

My name is *Noel Kansiime Kiiza* I am a PhD candidate at Durban University of Technology (DUT). I am conducting a study on: “*Enhancing capacities for local peace building in Bunyoro sub-region, Western Uganda*”. This study is part of the requirements for the completion of my PhD degree at DUT. This study is entirely funded by DUT therefore you are not expected to make any financial contribution or to benefit in monetary term from this study. You are one of 40 potential participants in Bunyoro

sub-region. You are therefore purposively chosen and requested to voluntarily participate in this study. I will ask you questions related to traditional conflict resolution/Peacebuilding mechanisms in Bunyoro.

If you choose to be part of the study you will:

1. Be required to have an interview with me as a key informant or;
2. You may be part of a group of participants in focus group discussion;
3. You may be part of a group as a volunteer participant during the implementation and evaluation of the project outcomes

Your participation is voluntary and you can withdraw at any time. There will be no negative consequences should you choose to withdraw from the study. You will not be paid for participating in the study and you will not be expected to pay anything to take part in the study. You have the right not to answer certain questions you feel uncomfortable with, or to completely withdraw at any point during the interview in case you feel ill or uneasy; it will have no punitive consequences on you. You will not provide your name in the interview and I will not use your name when reporting on the focus group discussions. Your answer will only be seen by me. However, if you participate in the action team to develop and implement the outcomes from this project, then you will be known to everyone.

All the data you give me will only be used for this study and your anonymity is guaranteed. The products of this study such as thesis, commentaries, newspaper articles, and academic journal articles will be accessible by everyone especially DUT, government of Uganda and Bunyoro cultural leaders as well as other stakeholders who might take remedial-action in this region.

In case if you have any problems or queries then please contact me (+256 704 539349/ +256 772 539349 or +27 784735793), my supervisor Prof. Geoff Harris (031-3735609) or the Institute Research Ethics administrator on 031 3732900. Complaints can be reported to the DVC: TIP, Prof F. Otieno on 031 3732382 or dvctip@dut.ac.za

Thank you for your cooperation

Noel Kansiime Kiiza (Researcher)

ANNEXURE B: EBARUHA Y'OKUMANYISA



Omutwe gwomushomo: *Okwongera obushagiki omubantu abahansi omukurinda obusingye omu omukyanga kya Bunyoro, obugw'izooba bwa Uganda"*

Omucoondoza mukuru: Noel Kansiime Kiiza, PhD Candidate

Omureberezi: Purofeesa Geoff Harris

Dear Sir/Madam,

Amaziina gangye nibanyeta *Noel Kansiime Kiiza*, ndi omweegi wa diguri ya kashatu omuri Durban yunivasite ya tekinologiya. Nincoondoza ahamushomo ogukwatireine na: *"Okwongera obushagiki omubantu abahansi omukurinda obusingye omu omukyanga kya Bunyoro, obugw'izooba bwa Uganda"* Okucoondoza oku, nikimwe ahabirikwetagisa kwenda kumaririza diguri ya kashatu eya Durban yunivasite ya tekinologiya. Okucoondoza oku nikuhagirwa Durban yunivasite ya tekinologiya (DUT) nahabwekyo torikwetagwa kumpa sente nginga iwe kunteekateekyeramu kukuha sente omukucoondoza oku. Ori omwe omubantu 40 omuri Bunyoro abari kuza kwejumba omukucoondooza oku. Okatoranwa nekigyendererwa, kwonka okwejumba omukucoondoza oku ninyekundiire. Ninyija kukubuuza ebibuuzo ebikwatireine nemiringo y'abobuhangwa bwa Bunyoro babeire bashara emishango nginga emanja hakagumaho obusingye.

Ku orikirize kwetaba omukucoondoza oku, noza:

1. Kushabwa kuganiiraho nanye
2. Nginga nobasa kuza omukigaaniro ekya gurupu
3. Nginga obe nyekundiire omu gurupu erije kuba nekora kandi ekashwijuma bimwe ebiratebwe omunkora ahamuheru gw'okucoondoza oku.

Okwejumba omukucoondoza oku ninyekundire kandi nobasa kurugamu ahu orayendere eshaha yona. Tiharabeho okufubirwa kwona waheza kuruga omumushomo ugu. Torije kushashurwa sente ahabwokwejumba omumushomo ugu kandi toreije kushashura sente zona ahabwokwetaba omu mushomo ugu. Oine obugabe kwanga kugarukamu ebibuuzo ebyorahirire ngu torikwenda, nginga norugira kimwe omumushomo ugu eshaha yona waba nobuuzibwa waba otari kwehurira gye nginga nka warwaara; torije kufubirwa nakakye. Torije kuhayo eiziina ryaawe omubwire bwokubuzibwa kandi tindije kuhayo eiziina ryaawe naba ningamba ebiraruge omukugaanira nanye omugurupu. Ninye nyenka orabase kureba ebyoragambe. Kureka, ku oreije kwejumba omu tiimu erije kuba nekora

kandi ekashwijuma bimwe ebiratebwe omunkora ahamuheru gw'okucoondoza oku, aho noza kuba notekwa kumanyana na bataahi baawe abu oreije kuba nokora nabo.

Byona ebyoragambe ninkikuhamiza nibiza kukoze sibwa omumushomo ugu.

Byona ebirarundanwe kuruga omumushomo ugu nk'ekitabo nibiza kushomwa aba Durban yunivasite ya tekinologiya, gavumente ya Uganda hamwe n'abebembezi b'obukama bwa Bunyoro nabandi abakubasa kwenda kutaho obuhweezi omukyanga eki.

Kuwakuba oine ekyokwenda kubuza nobasa kunterera esimu aha namba ezi :(+256 704 539349/ +256 772 539349 nginga +27 784735793) nginga omureberezi wangye Purofeesa Geoff Harris (031-3735609) nginga omwebembezi omukakiiko ka yunivasite akari kukurira ebyemicwe y'okucoondoza aha simu ye 031 3732900. Kuwakubasa kuba oine okwetombwita hikirira omuhweezi womwebembezi wa yunivasite DVC: TIP, Prof F. Otieno aha simu ye 031 3732382 nginga aha dvctip@dut.ac.za

Webare kukwatanisa nanye.

Noel Kansiime Kiiza (Omucoondoza)

ANNEXURE C: CONSENT



CONSENT

Statement of Agreement to Participate in the Research Study:

- I hereby confirm that I have been informed by the researcher, **Noel Kansiiime Kiiza**, about the nature, conduct, benefits and risks of this study - Research Ethics Clearance Number: _____,
- I have also received, read and understood the above written information (Participant Letter of Information) regarding the study.
- I am aware that the results of the study, including personal details regarding my sex, age, date of birth, initials and diagnosis will be anonymously processed into a study report.
- In view of the requirements of research, I agree that the data collected during this study can be processed in a computerized system by the researcher.
- I may, at any stage, without prejudice, withdraw my consent and participation in the study.
- I have had sufficient opportunity to ask questions and (of my own free will) declare myself prepared to participate in the study.
- I understand that significant new findings developed during the course of this research which may relate to my participation will be made available to me.

Full Name of Participant	Date	Time	Signature /
Right Thumbprint			

I, **Kansiiime Noel Kiiza** (name of researcher) herewith confirm that the above participant has been fully informed about the nature, conduct and risks of the above study.

Kansiiime Noel Kiiza

Full Name of Researcher

Date

Signature

Full Name of Witness (If applicable)

Date

Signature

Full Name of Legal Guardian (If applicable) Date

Signature

ANNEXURE D: OKWIKIRIZA



Endagano yo'kwehayo kwejumbira omukucoondoza:

- Ninkihanya ngu omucoondoza *Noel Kansiime Kiiza* yanshoborora ebikwatirine nembera, emitwarize, akabi nakarungi k'okwejumbira omukucoondoza oku-enumber yemitwarize yokucoondoza ni: _____,
- Nayakira, nashoma, kandi nayetegyereza ebaruha erikugamba ahakucoondoza oku
- Ninkimanya ngu ebiraruge omukucoondoza oku nka amazina gangye, nebirikunkwataho byona nka emyaka, obushere, nebindi tibirije kworekwa omu ripota y'okucoondoza oku.
- Nahabwekyo, nkoku ebikwatirine nokucoondoza oku birikwetagisa, ninyikiriza ngu ebindabagambire babirabye omuriza kanyabwenye
- Enshaha yona, hatariho, kunyetombitibwa, nimbasa kwemereza narishi kwanga kugarukamu ebibibuuzo
- Natunga omugisha gurikumara kubuuzza ebibuuzo kandi (nyekundire) nasharamu kwejumbira omukucoondoza oku.
- Ninyetegyereza ngu ebirarugyemu mu kucoondoza oku nibyija kunyamba narishi ninyija kubitunga.

Eizina ryo'wabuuzibwa

Narishi ekinkuumu
sayini

Ebiro by'okwezi

Eshaha

Nyowe, *Noel Kansiime Kiiza*, nimpamya ngu namushoborora ebikwatirine n'okucoondoza oku, akarungi hamwe na kabi kokucoondoza oku

Noel Kansiime Kiiza _____

Eizina ryomucoondoza

Ebiro byokwezi

Sayini _____

Eizina rya kareebi (kyaba nikyetagisa)

Ebiro byokwezi

Sayini _____

Eizina ry'omukuza (kyaba nikyetagisa)

Ebiro byokwezi

Sayini _____

ANNEXURE E: REQUEST FOR RESEARCH PERMIT



Owek. Norman Lukum

Prime Minister / Katikiro,

Bunyoro-Kitara Kingdom

Hoima,

27.05.2016

Dear Sir/Madam,

Re: Research Permit: Enhancing capacities for local peace building in Bunyoro sub-region, Western Uganda

My name is Noel Kansiime Kiiza a Ugandan PhD Student at Durban University of Technology (DUT) in South Africa. I am requesting for permission to conduct field interviews in Bunyoro sub region. Am conducting a study titled: “Enhancing capacities for local peace building in Bunyoro sub-region, Western Uganda”. The research intends to explore traditional approaches used in resolving conflicts and also to assess their current effectiveness (traditional leadership) in dealing with challenges which have come as a result of oil discovery in Bunyoro sub region.

This study is part of the requirements for the completion of my PhD degree at DUT and is expected to commence in January 2017. It is entirely funded by Durban University of Technology.

Participants will mainly be Bunyoro traditional leaders (chiefs, tribal leaders, village leaders). They will be informed of the purpose of the study and assured of utmost confidentiality and anonymity. Informed consent will be sought, their participation will be voluntary and the study will not cause any harm or discomfort to participants. There will be no financial benefits to participants and the researcher will not ask them to contribute financially to the study. The products of this study will be shared with you and

other key stake holders such as the government of Uganda who might be interested in the welfare of people of Bunyoro.

Your approval for this study will be much appreciated.

Yours sincerely,

Noel Kansiime Kiiza (Researcher)

Durban University of Technology

Persons to Contact in the Event of Any Problems or Queries:

In case if you have any problems or queries then please contact me (+256 704 539349/ +256 772 539349 or +27 784735793) or my supervisor Prof. Geoff Harris (+27 31-3735609) or the Institute Research Ethics administrator on +27 31 3732900. Complaints can be reported to the DVC: TIP, Prof F. Otieno on +2731 3732382 or dvctip@dut.ac.za



**PROJECT TITLE: ENHANCING CAPACITIES FOR LOCAL PEACE
BUILDING IN BUNYORO SUB-REGION, WESTERN UGANDA**

**OBJECTIVE 1: To explain traditional conflict resolution/peace building
infrastructure and management in the area**

Traditional methods of CR/PB in Bunyoro

1. How are disputes resolved under Bunyoro traditional culture currently?
2. What aspects of traditional methods of CR/PB that have worked well in resolving disputes? Probe (what has not worked)

Types of conflicts in Bunyoro sub-region

3. What are common disputes that have come up after oil discovery in this region?
Probe on how traditional authorities have intervened in resolving them (on mediation, reconciliation and facilitation)
4. What are the successful stories on traditional authorities' intervention in resolving disputes? (probe non-successful stories)

Traditional peace infrastructure

5. What are existing traditional methods of conflict resolution in Bunyoro? Probe on administration. How well is it working in resolving disputes? How healthy? Has it been able to resist outside forces especially oil and non-oil disputes?

**OBJECTIVE 2: To assess current effectiveness of traditional methods in dealing
with conflicts faced in Bunyoro region**

6. What are general challenges faced in this region?
7. Probe on the role played by traditional authority in resolving these challenges.
8. How well are traditional authorities dealing with new challenges brought about by oil discovery? Probe if they need strengthening. How can they be strengthened? Resisting outside forces? How?

APPENDIX G: INTERVIEW GUIDE



PROJECT TITLE: ENHANCING CAPACITIES FOR LOCAL PEACE BUILDING IN BUNYORO SUB-REGION, WESTERN UGANDA

OBJECTIVE 1: To explain traditional conflict resolution/peace building infrastructure in the area

Traditional methods of CR/PB in Bunyoro

1. What do you know about resolving disputes using traditional approaches in this region?
2. What are major conflicts/disputes experienced in this region?
3. In what ways have traditional authorities intervened in resolving them (on mediation, reconciliation and facilitation)
4. What are the successful stories on traditional authorities' intervention? (Probe on non-successful stories on traditional authorities' intervention?)
5. What used to be done by traditional authorities to prevent these disputes from escalating?

Traditional peace infrastructure

6. What are existing traditional methods of conflict resolution in Bunyoro? Probe on administration. How well is it working in resolving conflicts in the region? How healthy? Has it been able to resist outside forces especially oil and non-oil issues?

OBJECTIVE 2: To assess current effectiveness of traditional methods in dealing with the conflicts faced in Bunyoro region

7. What are general challenges faced in this region?
8. Probe on the role played by traditional authority in resolving these challenges.
9. How well are traditional authorities dealing with new challenges brought about by oil discovery? Probe if they need strengthening. How can they be strengthened? Are they resisting outside forces? How?

ANNEXURE H: NON-STRUCTURED OBSERVATION GUIDE



The following will be observed in the field

1. The physical places in Bunyoro kingdom
2. Actors : people
3. Activities people are involved in
4. Objects: physical things in Bunyoro e.g cultural instruments like regalia
5. Events in the communities
6. Feelings: emotions felt and expressed by the people

ANNEXURE I: RESEARCH PERMIT



BUNYORO - KITARA KINGDOM OFFICE OF THE PRIME MINISTER

P.O. Box 8, HOIMA
Tel: 0772 - 413410

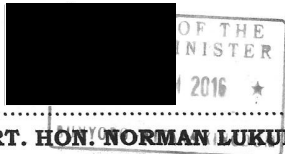
6th June 2016

NOELINE KANSIIME KIIZA (RESEARCHER)
DURBAN UNIVERSITY OF TECHNOLOGY

RE: PERMISSION TO CONDUCT PHD RESEARCH

This letter serves to inform you that permission has been granted to you to conduct field interviews in Bunyoro Kitara Kingdom since the research intends to explore traditional approaches used in solving conflicts. The research findings will be beneficial to the Kingdom.

Incase you need any further information do not hesitate to contact the undersigned.



RT. HON. NORMAN LUKUMU
PRIME MINISTER
BUNYORO KITARA KINGDOM

CC. Min. of Education & Sports - B.K.K

CC. Min. of Culture – B.K.K

APPENDIX J: RESEARCH PLAN AND FIELD BUDGET

Research plan

Activity	Timeframe
Proposal writing and submission	January-June 2016
Literature Review	June- December 2016
Pilot study	January 2017
Data Collection	January-May 2017
Data Transcription and analysis	June-Sept 2017
Discussion and presentation of findings	Oct 2017- February 2018
Final editing	March 2018
Submission of thesis-first draft	April 2018
Revision, Corrections and final editing	May 2018
Submission of thesis final draft	June 2018

Budget

Section A: Budget		(Motivate below)	
1.	Consumable Details (Motivate)	Refreshments for focus group discussion meetings, printing, photocopying, duplicating papers	R 2500
2.	Outside Specialist Services (Motivate)		
3.	Books/Journal/Documents	Books and articles	R 2000
4.	Library Charges		R
5.	Equipment (Motivate)	Tape recorder	R 1500
6.	Travel Costs (Motivate)	Field travels (researcher and research assistants) (30 days x R140 per day (4200) plus transport of R(800)	R 5000
7.	Other (Motivate)	Printing and Binding final thesis drafts	R 4000
	TOTAL		R 15000