

UNIVERSITY OF KWAZULU-NATAL

**LOCAL COUNCIL COURTS AND LOCAL CONFLICT
RESOLUTION: A CASE OF LUBAGA DIVISION, KAMPALA
DISTRICT, UGANDA**

BY

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DECLARATION

I, JJEMBA HAROLD MICHAEL, declare that

The research reported in this dissertation, except where otherwise indicated, and is my original research.

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ABSTRACT

The government of Uganda, on realizing that community conflicts could not be handled entirely by the centre, enacted a Local Councils Act, whose operationalization began on 8th June, 2006. The Act established the Local Council Courts for the administration of Justice at the local levels; it was also intended to define the Jurisdictional powers and procedures for the established Courts and other related matters. Laws and guidelines were developed and the Minister of local government issued the Local Councils Courts (Regulations) 2007 aimed at facilitating the operationalization of local councils in their functions related to the administration of Justice. Since their inception, the experiences, challenges, and people's perception of these local councils is not very clear.

Overall, the study explores the experiences of local council courts in resolving local conflicts and also comes up with suggestions for more effective resolution of conflicts. The specific objectives are: 1) to identify types of conflict handled; 2) to explain the process of resolving conflicts; 3) to document the degree of satisfaction with the court process and perception of the system's effectiveness; 4) to identify the challenges faced by local council courts system in helping to resolve conflicts; and finally to make suggestions for improving the effectiveness of these courts in resolving conflicts.

This study used a cross-sectional descriptive study and employed both qualitative and quantitative data collection methods. It was conducted in Lubaga division (LC III), Kampala District and it targeted members of the local courts, community members with a case handled by the local court representatives of collaborating institutions.

The findings show that there was no uniform understanding of the phenomenon conflict apart from the community respondents and key informants who almost had similar view to mean 'a misunderstanding between two parties'. The local councils at all levels (LC I, LC II, LC III) were only mandated to handle civil cases. The cases mostly handled were; domestic violence (37/63); rent defaulting (35/63) and land disputes (30/63). In all these cases the causes were mostly economical, social, cultural and political in nature.

The study also found out that most of disputes were being brought willingly to the courts but a small fee levied was unpopular among the community members. The local courts were issued with guidelines to follow although these guidelines fell short of the expectations of the members who wished they could also handle criminal cases. The level of satisfaction with skills and capability of local courts members to handle cases was just above 50% and the reasons advanced were that in most cases the conflicts were usually resolved or settled, and the disputants were always allowed to ask questions. Most of the conflicts were usually resolved through negotiations (37/63) with courts playing a moderating role and encouraging the complainants to reconcile. Local courts were also perceived to be effective in terms of being quick and cost effective. The effectiveness of these courts was also looked at in terms of their ability to handle a wide range of services as reported by 38/63% of the respondents. Other factors which were advanced as impacting negatively on the effectiveness of these courts include: biasness (36/63); lack of follow up, political interference and to some extent corruption.

etc. The key challenges reported were; delivery of services on voluntary basis; lack of coordination between police and local courts; lack of local courts to implement judgments; pressure to make judgments on cases outside the mandate of these courts and the high rates of child offenders yet they were protected the existing laws.

In conclusion, generally though not uniform there was a clear and rightful understanding of the term conflict. The local council courts were following the guidelines and were aware of their mandate of handling only civil cases which was a good practice. The approach of local courts endeavoring to solve cases through negotiations was a good one although at times it was reported as a slow process. Overall, communities were satisfied with the local courts and felt that they were effective in handling local conflicts. The existing policies should be revised to accommodate: 1) remuneration of local court officials, 2) empowering the local courts to enforce their judgments; 3) clearly defining the roles and responsibilities of the local courts vis-à-vis those of the police and 4) reviewing the laws regarding child-offenders less than 18 years of age.

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DEDICATION

This dissertation is to my family - my wife Asenath Jjemba, my son Kevin Lutaaya, my daughters Nicole, Eugene, Michelle and my newly born son Conrad- Micheal.

I cannot forget my late parents Dad Dominic and Mum Yunia. May the almighty God rest their souls in eternal peace.

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ABBREVIATIONS

UNLF	Uganda National Liberation Front
NRA	National Resistance Army
RCs	Resistance Councils
LCs	Local Councils
MoLG	Ministry of Local Government
UBOS	Uganda Bureau of Statistics
UNLA	Uganda National Liberation Army

1.0 INTRODUCTION

1.1 Background to local councils in Uganda

Over time various strategies have been tried for managing communities. After the overthrow of Idi Amin in 1979, The Uganda National Liberation Front (UNLF) introduced the peoples committees (Asiimwe 1989). The system was similar to that of the Ten House Cell System of Tanzania also termed as 'Mayumba Kumi' in the Ugandan context. When the National Resistance Army (NRA) eventually came to power in 1986, the institution of Resistance Councils (RCs) was introduced. Resistance Councils (RCs) committees were a new revolutionary concept of democracy that was participatory and popular down to the grassroots. .

Uganda underwent social, economical and political problems which had considerable influence on the organizational and institutional capacities for development. Resistance Councils (RCs) committees that later turned into Local Councils (LCs) after the promulgation of the 1995 constitution were started in 1987 with the aim of solving problems of disunity, community conflict and sectarian tendencies (Asiimwe 1989). This was also in line with the argument by Sabiti that the net result of dissatisfaction by the people with the performance of various political regimes at the helm of power had been constant demands for democracy and a sensible social and community order and hence the genesis of LC councils (Sabiti-Makara 1992). Furthermore, research by the directorate of research at the Movement Secretariat in Uganda (2005) asserted that both colonial and post- independence governments did not provide democratic governance to the people.

According to the structure, local councils are organized in such a way that the community at the village level constitute the basic unit of governance and is referred to as LC I. From the village council (LCI) one ascends the hierarchy through parish

council, sub-county council, county and district council designated as LC I, LC II, LC III, LC IV and LC V respectively (Ministry of Local Government 1997). Apart from mobilizing community projects, developing plans and projects, the councils do convene courts sessions for dispute or conflict resolution.

According Local Council Statute 1987, the village (LC I), Parish (LC II), Sub-County (LC III) are established as courts (Ministry of Local Government 1987) and every court has jurisdictional powers for the trial and determination of such cases as specified in the first and second schedule of statute No. I. 1988 which forms part of the basis for the study (Ministry of Local Government 1987). The research is basically to focus on the services provided by these courts inter-alia.

1.2 Research Problem

As a Local Government Reform, the decentralization policy in Uganda aims at building a more democratic government that is responsive and accountable to the public, to promote capacity building at the local level and to introduce local choice into the delivery of services and hence fostering a sense of ownership (Langseth 2000). The government of Uganda adopted three approaches to decentralization i.e. (giving decision making powers and responsibility to the local community) and one of the approaches adopted was devolution which was intended to improve the capacity of local councils to plan, finance, implement and ensure that the communities leave in harmony.(Kiyaga-Nsubuga etal 2001). Community conflict resolution was one of the functions the government of Uganda relinquished to the grassroots by enacting the local councils Act which was enforced on 8th June 2006, the same Act that established the local council courts...

Persistent conflict and crime rates pose a challenge on how the local councils handle t cases. Mismanagement of disputes and not following the guidelines and regulations issued may instead escalate conflicts in the communities. It was not known whether the

Local councils are ably pursuing their role of resolving conflicts in the communities that they are intended to serve. This study therefore seeks to explore the effectiveness of local council courts in local conflicts resolution. Guidelines and regulations will be consulted. The study is also intended to come up with suggestions on how to improve on the guidelines and regulations.

1.3 Objectives of the study

The overall objective of this dissertation is to explore the experiences of local council courts in community conflict resolution.

The specific aims are:

To explain the purposes and processes of local council courts in Uganda.

Drawing on data from a sample of people involved in local court cases in one area, and the opinions of key informants, to

Identify the types of conflicts handled by the courts.

Document the experiences of those involved in cases, their degree of satisfaction with the court processes and their perception of the system's effectiveness.

Identify the challenges faced by the court system in helping resolve conflicts.

To make suggestions to improve the effectiveness of these courts in resolving conflicts.

The study will enable policy makers to know whether the local courts are effective and are aware and following the guidelines as provided in the local council courts regulations and it will also come up with possible suggestions for improvement.

The findings are intended to provide insights in the local council courts conflict resolution process and to the policy makers to help them fill existing information gaps. It is also intended to assist policy makers in the formulation of appropriate policies and interventions to the community in the field of conflict management. Currently there is no clear analytical documentation of the nature..

1.4 Overview of the dissertation

The chapters of this dissertation have been grouped under four parts. The theme of the first chapter is as to why the study was conducted and to what exact activities to undertake in order to get answers as to how the local courts operate in Lubaga division, Kampala district, Uganda. The background of local council courts in Uganda is given followed by statement of the problem, the overall and specific aims, and the justification of the study. In chapter 2; literature review is laid focusing on; theories and issues of conflict; the traditional conflict resolution methods outlining the court system in Uganda and why it needed to be supplement; history of courts in Uganda. Chapter 3 deals with the study methodology presenting; research design; areas of study; population of study; sampling strategy; data collection methods; data processing and analysis and finally data quality. Chapter four of the findings has four sections answering the explaining step by step the four specific objectives of the study as follows: 1) conflicts handled by local councils (understanding, types and nature; causes); 2) respondents experiences with local courts (process of handling; satisfaction with process; 3) opinion of effectiveness; and 4) challenges. From chapter 1, chapter 2 further introduces the reader with what is already know about conflict resolution and the Ugandan court system focusing on the traditional system and how the local courts supplements them.

2.0 LITERATURE REVIEW

Theories and issues on conflict

Conflict: A situation of divergent interests desires and issues in the social, political and economic spheres of life. Conflict can be latent or active, hot or cold. It is inevitable and part of human life meaning that man is conflictual by nature. Conflicts can be positive or negative, positive conflict is important for social transformation.

Conflict Resolution: is an approach based on mutual problem sharing and solving conflicts among conflicting parties. This is a method that aims at ending conflicts. Contemporary types often apply the method of addressing the root cause of the problems, which forms a basis for methodology.

Conflict resolution mechanisms: Are tools and methods, strategies and processes applied in analyzing and resolving conflict.

Peaceful Societies

The term 'peaceful societies' refers to societies that tend to be peaceful and have maintained peace for a considerable period of time. . What all studies have in common is the idea that peace may be limited to space and time and most of them assume that peace need not be perfect (Melko 1999). The assumption is that local council's courts contribute to resolving disputes in societies as elaborated in the approaches below.

Approaches to resolving disputes

In readings 1: theories and issues of UKZN, there are 3 ways to resolve a dispute namely: reconciling the interests of the parties; determining who is right and determining who is more powerful. This implies that in resolving a dispute the parties may decide to focus attention on one or more of these basic factors (Ury, Brett et al. 1988).

This is in line with chapter 16 of UKZN readings on theories and issues 2; that outlines 3 way of practicing peace namely: 1) Gandhian practice of saryagraha; 2) Quaker process of consensus and 3: principled negotiation (Cox 1986).

Decentralization: Transfer of legal, political, financial authority, planning, decision-making and administrative authority from the central government to local government -(Mamdani and Oloka - Onyango 1994)...

Traditional courts in Uganda and why they should be supplemented by local courts.

Local council courts were introduced in 1995 on the promulgation of the Uganda constitution to address problems associated with the cumbersome traditional court system. One of the main reasons given for starting local courts was to bring justice closer to the people (Ministry of Local Government 2007). Other reasons for bring local courts are detailed in section 2.3.

Courts of law in Uganda

The Judiciary is an independent organ of government entrusted to administer justice through courts of judicature including the Supreme Court, the Court of Appeal, the High Court and other courts or tribunals established by parliament. Local council courts are among the subordinate courts established under the resistance council (Judicial Powers) statute No. 1 of 1988. Other subordinate courts include: Magistrates Courts, *Qadhis'* courts for marriage, divorce, inheritance of property, guardianship, and tribunals such as those established under the Land Act (Cap 227), Communications Act (Cap 106) and Electricity Act (Cap 145)

The functions of the Judiciary are;

- * To adjudicate civil and criminal cases
- * To interpret the Constitution and the laws
- * To promote human rights, social justice and morality

The judiciary is established under Chapter eight of the constitution. The constitution states that judicial power is derived from the people and shall be exercised by the courts in the name of the people and in conformity with law and with the values, norms and aspirations of the people. It also sets out principles that the courts are to follow when deciding cases:

- * Justice must be done to all irrespective of their social or economic status;
- * Justice must not be delayed;
- * Adequate compensation must be awarded to victims of wrongs;
- * Reconciliation between parties should be promoted and
- * Substantive justice must be administered without undue regard to technicalities.

The structure of the judiciary has the Supreme Court, the Court of Appeal and the High Court of Uganda being superior courts of record.

Specifically, local Council (Executive Committee) Courts are established under the Executive Committees (Judicial Powers) Act.13. They basically entertain light civil matters that arise out of daily activities in their areas of jurisdiction and matters arising out of infringement of byelaws duly made under the Local Government Act.14. The Executive Committee Court is duly constituted when it is sitting with not less than five members. There are three levels of the Committee courts - “sub county” (level 3), “parish” (level 2) and “village” and appeals from the highest of the Committees, (Sub County executive) lie to the Chief Magistrate and, if the appeal involves a substantial question of law or appears to have caused a substantial Miscarriage of justice, to the High Court. All the information on courts of law in Uganda was downloaded from www.cmi.no/pdf/?file=/uganda/doc/court-administration-uganda on the 25th September 2009] ((Chr Michelsen institute) 2006)

Challenges/problems with court system

The traditional courts in Uganda have a number of problems and need to be supplemented by the local courts in Uganda. Some of the problems associated with the traditional courts according to the revised trainers manual for local council courts are:

The adversarial process of court trials. - where there has to be a winner and a loser

In formal courts hearings, the rules of procedure lay down a fixed framework for the way in which problems are addressed

The procedures followed in the recorded law are technical and can only be understood by persons who have studied law.

The system emphasizes punitive sanctions by way of a fines, imprisonment, damages, costs etc.

The system is expensive; it requires payment of services of lawyers. The system favors the rich to the disadvantaged poor who form majority of the population.

The system is with allegations of corruptions.

There is a lot of delay in disposing off cases and last but not least the lawyers don't want to work in rural areas due to lack of amenities.

2.3 History of local courts

The Resistance Committee Courts (RCs) were formally introduced in Uganda by the National Resistance Movement Government through the Resistance committees (Judicial powers) Statute 1988. The resistance committees had earlier been established by the Resistance Councils and Committees Statute, 1987. Local council courts as they became to be known on the promulgation of the Constitution of the republic of Uganda 1995 were introduced based on the ideas of popular justice and popular democracy.

The Resistance Committee Courts were established to address problems associated with the cumbersome court system.

The local council courts were established to bring justice nearer to the people. The grading of the courts is based on the administrative units created by the local Government Act (Cap 243) ((Ministry of Local Government 1997). Every village, parish, sub county and division/town councils is established as a local council court according to Local councils Courts Act (Ministry of Local Government 2006). The law establishes local courts for the administration of Justice at local levels, defines their jurisdictional powers and procedures (Ministry of Local Government 2006).

The local council courts are near the people and the people participate in electing the members of the committees, which constitute these courts. These courts are designed to resolve local disputes quickly at minimum cost. The governments' motive in giving judicial powers to local council courts is;

To entrench principle of democracy and give people greater powers to make decisions in matters affecting them

To bring legal services closer to the people at village level

To have cases decided entirely by local people so as to minimize the risk of intimidation

To make justice more accessible in terms of language, financial resources and distance

To provide simple formalities that allows people to follow the process.

To reach decisions expeditiously.

According to Expedi Ddungu, LCs are viewed as popular organs created to counter and hold in check abuses of the civil servants and all other state functionaries. As organs of the people, they check corruption, solve conflicts and help in implementation of government programmes at little or no fee at all. On the other hand, political parties in Uganda view LCs as organs of one political group, the NRM with its socialist principles- (Ddungu 1993)

In Uganda the most articulate of all these parties to view LCs in this has been the Democratic Party. The third view which is semi-official version take LCs as organs of the people, organs of the movement and organs of the state. This implicitly assumes an identity of interests among the people, the movement and the state.

Expedi Ddungu (1993) on the evolution of local councils, states that Luwero district (then referred to in the media as Luwero triangle) was the arena of the five-year guerrilla war between the National resistance army (NRA) and the Uganda National Liberation army (UNLA). To draw on popular support to counter and survive state repression, the NRA had to broaden the parameters of popular participation, hence the introduction by NRA of the Institution of local councils. It was at this time that people began to be organized into councils for easy mobilization, politicization and dealing with local affairs and conflicts. As the area under NRA expanded, these people's committees grew from village to parish and then later to sub county levels. Through the LCs, people reviewed their conditions, criticized the misbehavior of some NRA soldiers, and used them as people's courts to judge local cases. Ddungu observed that there was widespread disillusionment of the people with previous system of chiefs in settling disputes, which included a chain of authority from the chief to the magistrate, the most sensitive being land cases. In Bushenyi district for example chiefs were alleged to have collaborated in land grabbing which they ratified by using their official positions. In Kisoro district, it was normal for land cases not to be heard by magistrates for over two years. In Rukungiri district, LCs argued that magistrates tried their best to stay with a case as long as possible so as to have maximum to extract bribes from both parties. LCs had now taken

over this function of settlement of local disputes. Apart from settling of local conflicts, LCs play a leading role in organizing bulungi bwansi labour (a traditional form of cooperation on self help projects). Projects include road- maintenance, opening up feeder roads, repairing damaged schools, dispensaries, administration posts, sanitation projects, double food production campaigns etc -(Mamdani and Oloka - Onyango 1994). For purposes of this research, the main area of focus will be their role in resolving conflicts or local disputes.

2.4 Other studies on local councils outside Uganda

A literature search using UKZN library database was undertaken and using keyword combinations as 'Local courts' AND 'Conflict resolution', only three relevant articles in academic journals were retrieved and these form the basis of this section

Village courts are not a new concept in Africa. In Papua New Guinea they started in 1973 by the Village Court Act in order to compensate for a Local and District Court System (Brison 2005). In India they have been in existence for millennia just like in Limpopo Province, South Africa (Van der Waal 2004; Brison 2005; Vincentnathan and Vincentnathan 2007). The traditional courts or village courts are recognized as partners in local government and in some countries they are paid a salary (Van der Waal 2004). Courts of traditional leaders in the rural South Africa comprise of 255 chiefs and most of them are paid indicating the importance attached by the previous and present administration to the law and order role of the institutions local leadership (Van der Waal 2004). In Papua New Guinea they were given short training courses in operation of courts before returning to villages to solve conflicts. On the contrary, village courts elders (panchayats) in India were never trained but were just respected elders who even the police had to request for permission to come to their village (Van der Waal 2004)

Both the police and indias panchayats (village courts) elders were caught between tradition and modernity, responding to disputes in cooperation and conflicting ways (Vincentnathan and Vincentnathan 2007). It is reported that in the past village courts known as panchayats controlled villages in inda and settled their disputes which system is now weakening and the police is getting stronger (Vincentnathan and Vincentnathan 2007) .

In Nkuna tribal Authority near Tzaneen in the Limpopo Province, the formal public courts of traditional leaders (chief and headman) still play a key role in adjudication of conflict (Van der Waal 2004). The civic association, kin, the police and other organized groups or networks play a significant role inside and outside these traditional courts (Van der Waal 2004).

Village courts in a study conducted in Papua New Guinea were found to provide an interesting context for studying competing visions of the nation because state and local groups in many areas view courts in different ways (Brison 2005). Villagers made use of village courts to promote their own narrative vision of the nation of Papua Guinea (Brison 2005). Most people in the rural areas see the local courts as a useful form of adjudication and an alternative to less accessible common law courts (Van der Waal 2004; Vincentnathan and Vincentnathan 2007). This satisfaction was however not enjoyed in Papua New Guinea in the Kwanga Courts where the magistrates most often presented themselves as agents of state and undermined these local courts (Brison 2005).

However, traditional courts are associated with some deficiencies in conflict resolution processes such as tribalism, failure to preserve procedural informality, weak record keeping and idea of not taking voices of youth and women seriously and to ensure that neither litigant would be given an unfair advantage (Choudree 1999). Common sanctions for wrongdoing done by traditional courts include: fines, restrictions, and excommunication where a person can live in his/her residence but cannot talk to others (Vincentnathan and Vincentnathan 2007).

The methods of conflict resolution employed by traditional courts are not unique to South Africa but mirrored in other societies in Africa. The debate is whether these methods can or should be extended to cases that did not fall under umbrella of traditional courts (Choudree 1999). Other problematic areas cited were weak record keeping standards and the idea that voices of women and youth not taken seriously (Van der Waal 2004). Choudree writes from the perspective that there are deep roots and valid reasons for traditional conflict resolution methods and that customs should be taken seriously.

2.5 Conclusion

The literature review provides the relevant concepts, theories and issues in conflict resolution, discusses the court system in Uganda, why it is needed, history of local courts in Uganda and how they are needed to supplement the traditional court system. In addition, experiences of local courts outside Uganda are also given. Chapter 2 helped to assist in deciding on the methodology particularly the design and data collection instruments as will be outlined in the next chapter 3.

METHODOLOGY

3.1 Introduction

This chapter presents the study design, study area, population of study, sampling strategy, data collection methods, quality control measures and data processing and analysis. .

A cross sectional descriptive study was carried out among the relevant institutions and communities to gain a deeper understanding of the processes during conflict resolutions by the local councils. The study adopted a mixed research approach that employed both qualitative and quantitative approaches. Quantitative methods were conducted to

establish trends, percentages with regard to common types of conflicts, nature, resolutions and measures such as the proportion of respondents who held certain attitudes or opinions. Qualitative methods were conducted to establish people's perceptions, opinions and attitudes with regard to effectiveness/satisfaction, general knowledge, and practices. The study included members of the local courts, community members who had a case with the local councils and community resource persons (corps) from relevant institutions such as the police.

To a very great extent the respondents were able to answer most of the questions posed to them. Exception and challenge was mainly with questions 9, .10 and 11 in the questionnaire which looked abit similar and a little confusing to the respondents and hence affecting reliability of the data. Overall question 11 was left out in the write up and questions 9 and 10 were adopted to represent types and nature of conflict.

3.2 Area of Study

Lubaga division is one of the administrative units of Kampala located in the Western flanks of Kampala City. The study choose Lubaga division because it had more elderly and youths than the working group which posed a high dependency ratio, low family incomes, increasing poverty levels all of which can be serious sources of conflict in the division. Furthermore, the division has a sex ratio of 94 males to 100 females implying that the number of females is more than that of men. According to the population and housing census of 2002, the division has experienced a rapid population growth of up to 344,752 (UBOS 2002). It also accommodates cultural tourist attraction sites and many Christian missions. This implies that many people flock and congest the division which increases the crime rate.. The largest part of the division (85%) is land and the soils are generally fertile. The division has 13 parishes and 131 zones. Politically it is composed of division councils comprising of 45 counselors led by the Mayor supported by an Executive committee of 5 members. The division has several activities but most notable are brick making, transportation especially of motorcyclists locally referred to as boda-bodas and these are common among the un- educated youths. One of the challenges

to development in Lubaga division is poverty which is exemplified by lack of basic needs such as food, shelter, clothing and general low standards of living hence a high influx of disputes that have to start at the local council level.

3.3 Sampling Strategy

In consultation with the local division, two parishes of Lubyia and Lungujja located in Lubaga North and Lubaga south respectively were selected. In each parish Namungona and Lungujja villages were selected. In each village the following methods of data collection were employed.

Key informants were conducted with purposively selected individuals who had a role in resolving conflict. The key informants included the Local council chairpersons of the local councils who moderated the local council courts. Others included a few members of the local council courts (LC I, LC II, LC III) (6), members of partner institutions which included the police in the local areas ...

For Semi-structured questionnaires 'Snow-ball sampling' where a small but carefully chosen sample was selected to get view of the population that is served by the local council courts. The researcher was assisted to identify members that have ever had a case with the local council's courts. A total of 60 questionnaires were targeted for both villages although final output was 63 questionnaires (31 Namungona and 32 Lungujja).

3.4 Data collection methods and instruments

Use was made of quantitative and qualitative approaches to data collection to achieve the study objectives. Data collection took place from the 21st of June 2009 to 2nd July 2006. Specifically questionnaires were administered between 21st and 24th and the remaining days were mainly in getting the key informant interviews.

1) Review of records and documents -

Records kept by the Local councils including minutes of meetings and court rulings were reviewed to establish the common types and nature of conflict encountered and the rulings were explored. Records were reviewed at all levels LC I, LC II and LC III (division)

Existing documents and information on local council's conflict resolution were also reviewed.

Key Informant Interviews - The study interviewed 5 local leaders, 4 local court members and 1 police officer in charge of police post forming the key informants. The interviews were held to establish the type and nature of cases handled, processes, challenges and suggestions for improvement. Stakeholders from other institutions (police, religious leaders etc) who also participate in the process were also interviewed. The interviews attempted to examine experiences, roles and management as well as practices regarding conflict resolution. Key informants also assisted in identifying informants for the In-depth interviews.

3) **Semi- Structured Questionnaires** - A total of 63 respondents who had some conflict brought to the local council courts in the last two years were interviewed following a questionnaire. Thirty one (31) of the respondents were from Namungona LC. I village while thirty two (32) were from Lungujja LC I (32) village which are found in Lubaga North and Lubaga South respectively. The interviews were mainly to explore people's perception of the 'effectiveness' of the local courts in conflict resolution. The selection of the above people was purposively done.

3.5 Data Processing and Analysis

The principle investigator assisted by 4 research assistants took the lead of the entire fieldwork and data was edited and cross-checked immediately on each day to ensure completeness and accuracy. Quantitative data from the questionnaires was entered using Epi-data version 3.1 and transferred to SPSS software to run the descriptions and frequencies. The qualitative data were coded and clustered along themes and sub-themes for subsequent analysis. Key phrases or statements (quotes) on any of the

topics or emerging themes were quoted verbatim and integrated into the report. An analysis of the responses by both the local council's courts members, institutions that work with the local councils was done for consistency and disparities.

3.6 Ethical Considerations

As required by the UKZN, an Ethical Clearance form was filled and an introductory letter was received from the University. Using these letters, permission was sought from the relevant authorities including Lubaga Division administration; Lubyia Parish administration and LC I (Lungujja and Namungona villages) During data collection, the respondents were assured that the study will be purely for academic purposes and the respondents' responses were to be kept strictly confidential and anonymous.

3.7 Data Quality

In order to ensure quality control; research assistants were trained, data collection instruments were pre-tested and modified, data was reviewed and edited to ensure completeness and validity at end of each fieldwork day.

3.8 Conclusion

The chapter explained activities that were undertaken to collect the data. The study was mainly qualitative with a limited number of questionnaires to represent some numbers in the presentation and analysis was done using Epic-data and SPAS. Ethical issues were put into consideration. What was done in chapter 3 led to the findings as presented in the next chapter 4. **4.0 FINDINGS**

Introduction

This chapter presents and discusses the findings of the study. The findings are presented following the objectives of the study that include: understanding of conflicts; types and nature of conflicts; processes of handling conflict;

perceptions of satisfaction, systems effectiveness, and challenges of local council courts in solving conflicts.

Background characteristics of the respondents

Table 1: Respondents by Age, Education Level and Occupation

Characteristics	
Age (years)	Exits (n=63)
Up to 20	7.9
21 - 30	25.5
31 - 40	22.3
41 - 50	8
51 +	6.4
Education Level	
Primary (1 - 4)	6.3
Primary (5 - 7)	19
Secondary (O-level)	44.4
Secondary (A-level)	17.5
Tertiary	9.5
Main Occupation	
Peasant/farmer	11.1
Small scale business (petty trade)	41.3
Casual laborer	20.6
Professional	12.7

Women respondents (33/63) were slightly more than the men a reflection of the national sex distribution among users of services. In addition, slightly more than half (33/63) of the respondents were married. Table 1 for age distribution reflects that majority were young adults below age 40 years and these are very prone to conflict.

Almost all respondents had ever attended school. However, the largest number of (44%) had stopped at secondary (O-level) implying that they did not have formal professional training.

The main occupation by which respondents earned their living was used as a proxy for the economic status of the respondent. Over one third (26/63) of the respondents and (13/63) of the respondents were small-scale businessmen and casual laborers respectively. The commonest businesses that were reported included: Boda boda riders; hairdressers, masons/builders, brick making and tailoring.

Types of conflicts handled by local council courts

4.2.1 Understanding of Conflict

This sub-section is an analysis of understanding of conflict by selected respondents and characteristics such as age, education, and occupation. Overall the respondents had a general understanding of conflict to mainly mean having a misunderstanding between two parties and this was close to our definition of conflict, which is a situation of divergent interests and desires as defined in section 2.1. There was no single definition of the understanding of conflict. However most of the respondents implied and mentioned a misunderstanding or a disagreement between two or more parties.

The most commonly mentioned terminologies reported to explain conflict were: a misunderstanding between parties; a clash between people; collision between parties, a disagreement between people; failing to come to a common judgment; mistreatment of any form; not being in good terms; and quarrelling with someone;

This was similar to that of the LC I chairman and Police who understood it to be a misunderstanding and failure to agree by different parties respectively.

4.2.2 Types and Nature of Conflicts

The study explored types and nature of conflict known to the respondents and type of cases handled by the local council courts. The local council courts reported to be handling civil cases. Types of conflicts mentioned handled by local council courts were: land disputes; domestic/family and rent defaulting all of which are civil cases in nature which is in line and within their mandate. The community respondents reported to know the same types of conflicts by local councils as illustrated in figure 1 below:

Figure 1: Types of conflicts known to be handled by local courts

Domestic Violence (37/63); rent defaulting (35/63) and land dispute (30/63) were the commonest types of conflicts known to be happening in the communities and all these were associated with poverty. With regard to nature of conflict, almost all respondents reported 'man to man' type of conflict (50/63) implying that it was arising from problems with another member of society and this was followed by conflicts of man to society which came out of failure to comply with the existing laws in society. Few conflicts arising from man and nature were reported and a case in site was to do with poor drainage that resulted into rain waters flooding in another's' compound.

Unlike the key informant interviews, most respondents from the questionnaires could not differentiate between civil and criminal cases.

Causes of conflict

The major causes of conflict to guide preventive measures as expressed by the key informant interviews were arising from: poverty; drug abuse, unemployment; infidelity, extended families, children outside marriage, rent defaulting.

The causes of conflict according to the key informants were either economical, socio or cultural. It was thought that cultural causes were mainly among tenants who suspected being be-witched by neighbors while economic causes were among rent defaulters, money lenders or micro finance institutions.

Local council members reported that mobile phones were becoming a major problem among couples making them leave on time bombs.

“If we had the mandate to separate couples to avoid death, we would do so to some so as to solve conflicts arising from most especially phone calls - but what we sometimes do is to advise one party to stay away for at least two weeks as tempers cool as a security measure” (KI- local council court official).

An increase in the cases of drug abuse (marijuana smokers) was reported. The youth usually had no jobs and ended up in wrong habits leading to criminal activities.

“Marijuana smokers have increased in the area because most local councils are not bothered with the youths most of whom are jobless and spend the working hours gambling with Ludo and cards. (Police - Officer)”.

Both the local council courts officials and the police cited domestic family issues such as: infidelity, low incomes, extended families, children outside marriage to be the major causes of conflict. Other issues were defilement, prostitution, fighting, and rape, rent defaulting.

4.3. The respondents experiences with the local courts

This section presents experiences with local courts in processes of handling cases, satisfaction with court processes and opinions of effectiveness of the system.

4.3.1 Experiences of processes of handling conflict

Experiences of processes of handling conflict covered the period from how the case got to the local council courts up to costs involved;

How the cases reach the local council court

In most cases the cases were brought to the first local council courts by community members. Thirty five (35) out of sixty three (63) cases got to court as the ones complaining compared to those that were reported to the courts (26/63). The members of the local councils courts reported that they never look for cases or complaints and that the cases always find them in their offices as and when they come. The police on the other hand receives cases both refereed by the local council courts (LC I and LC II) and those they have to get through their enforcement activities. The police rarely refereed cases to the local council courts.

Payment for any services

More than two thirds (37/63) of the respondents had to pay for the services of the courts before their cases are tabled. The literature reviewed had no mention of experiences of other countries with regard to payment for services. This was in line with what was reported by the local council members where a maximum of 5,000/= was demanded depending on the case. The justification reported for charging the above fee was as a contribution to stationary and required documentation to facilitate the court process and this brought about dissatisfaction.

Dissatisfaction was not because of the money paid, but how big the offence is and in whose favor is the judgment. In some circumstances such as land issues and money lenders, the respondents felt that the court fees were too small.

“Too me court fees is too small compared to time consumed. Cases involving land disputes; money lenders etc that go on endlessly need to be charged more than those of fighting (respondent)”.

Contrary to the above, some section of the community felt that the money was too much for them and a good number of them did not pay.

“We are local people with low incomes, so getting 2,000/= is hard (respondent)”.

Civil Vs Criminal Cases

The local council members were aware and never handled criminal cases that were outside their mandate according to the law. The local courts officials were aware of the cases that they could not handle to include; robbery, treason, rape and defilement. They however admitted that although not in their mandate, they at times handled cases of fighting/assault, theft, rape and defilement. This poses a similar challenge as in South Africa where debate was whether local councils should be mandated to take on these other cases (see section 2.4 last paragraph). The local courts had guidelines under the Local Government Act that they followed during the court sessions and referrals.

The criminal cases not handled by the local courts are either referred to police in the area or forwarded to the traditional courts. Unlike the local courts the police never referred any cases to the local courts and instead they felt the LCs would protect and hide some wrong doers. According to the O/C police Namungona, some members of the community came directly to the police for fear of bias by the local councils. The police handled cases depending on nature of conflict and following the restructuring and police laws. Except for reasons of lack of food and dependency on 999 police vehicle for transport, other reasons for referral was because of cases like rape, defilement, robbery and drug abuse (marijuana smokers).

“We operate under the police laws and most of our prisoners are transferred to Old Kampala Police Station for further investigation and court action (O/C police - Namungona)”.

Both LC II and LC III mainly handled cases that were referred from LC I and LC II respectively and these were mainly to do with land issues. According to the respondents at all levels (LC I, LC II, LC III), referral of cases to these levels rarely occurred. LC II only had 2 cases and LC III never had any in past 2 years. Cases referred from LC I were reportedly to be very difficult to win at LC II or LC III. Part of the reason was because of the difficult requirement where the complainant had to meet all the costs that include transportation and stationery.

“A case referred from LC I, has to be taken by a member of the local council court and the LC II has to start from the LC I judgment, that is why you find that LC I judgment is most times upheld (LC II chairperson)”.

Chance to ask

Almost all community respondents reported to have been given a chance to ask question during the court sessions. They felt it helped them to seek clarification and to negotiate.

Cases referred

Unlike the police that quickly referred the cases to higher police station due to logistical problems, local council courts rarely refereed cases to other levels given that the community had knowledge and mainly brought cases that local courts could handle. More than half (38/63) of the community respondents had rightful knowledge that criminal cases such as defilement, rape, child sacrifice and murder are referred to police and LCs and then to courts of law. At the LC II level, the courts the cases handled were mainly land disputes and encroachments.

“The LC II handle cases that are referred by the LC I and these are mostly land issues but it is almost impossible for a case that has been refereed from LC I to be won at LC II” (KI - LC Lungujja).

Guidelines were reported available at the local courts and would enable them select the cases to handle and those to leave out at an early stage.

How was the conflict resolved?

The local council's method of conflict resolution is mainly by encouraging the 2 parties to go into negotiations. The table below illustrated how the conflict was resolved:

Table 2: How the case was resolved

<i>Resolution</i>	<i>Number</i>	<i>Percentage</i>
Negotiations	37	58.7
Punishment	19	30.2
Case Referred	2	3.2
Case Dismissed	4	6.3

Close to two-thirds of the community respondents (37/63) reported that their dispute was resolved through negotiations and coming to agreement. Unlike others local courts experiences from other countries, no resolution was to do with restrictions or excommunication as stated in section 2.4 paragraph 6. According to the chairperson of the local council courts.

'We as the local court mainly play a moderating role and encourage the complainants to reconcile (Ki Local court).'

Other resolutions were by: punishment (19/63); cases dismissed (4/63) and cases refereed (2/63). Cases referred were mainly because of un-satisfaction by the complainants while those dismissed were due to lack of evidence.

Some of the resolutions quoted from the community respondents include:

We were asked to negotiate and come to an understanding (community respondent)

I was told to pay some money for child feeding and treatment and to try and resolve the matter outside court (community respondent)

I was fined 25,000/= and was asked to always take care of my family (community respondent)

I was not happy with the ruling and went to the police (community respondent)

Lacked evidence to back my complaint and the case was dismissed.

The police handle cases involving fraud, money, simple assault and normally resolves them by signing an agreement for financial disputes and paying for medical expenses in case of simple assault.

Satisfaction with court processes

The assessment of degree of satisfaction with the court processes explored a number of important factors that may influence satisfaction and these mainly covered: 1) skills and capabilities of local courts; 2) chance to ask questions; 3) resolving the case vs referral; 4) privacy, 5) physical state of fatalities.

Overall, More than two thirds (63.5%) expressed satisfaction with the way their case was handled by the Local council court with (21/63) completely satisfied and (19/63) mostly satisfied. The respondents felt satisfied given that: procedures were followed, LCs were trained, and dialogue was encouraged. The participants felt relieved for the local courts helped them to realize where they are wrong and discouraged further conflict.

Level of satisfaction with skills and capability of local courts member was just above half (33/63) with 14 out of 63 community respondents completely satisfied and (19/63) mostly satisfied. Satisfaction was attributed to the fact that most cases that are brought to the local courts are settled. Furthermore, it was reported that most local court members were people with experience, provided complainants chance to explain their issues and to ask questions, some were educated and exhibited professionalism.

“Despite lack of formal training, LCs skills were good enough to handle cases (community respondent)”.

Dissatisfaction with skills and capabilities of the local courts were in situations when the courts referred cases, biasness and suspicions of judgment being based on rumors and judgment taking too long. Although referral of cases to LC II or police rarely occurred, community members did not like it and were always dissatisfied whenever it happened citing inconvenience and added expenses.

Although most respondents (41/63) reported to be satisfied with privacy and confidentiality, it was observed and also reported by LC chairman that court processes were handled in the open. The LC office in Lubyia was reported to be in the market place and there was no privacy.

A large proportion of the respondents (28/63) reported not being satisfied with the physical facilities, (18/63) being completely unsatisfied while (10/63) was mostly unsatisfied. The court sessions mainly happened in local court members' home or complainants' homes which may not be a neutral place and hence interfering with democracy.

“There were no offices; we just sat in the compound of the chairman because there is no office (community member)”

Because of the presence of the secretary for defense in local courts sessions, community felt that there was some security. However, security issues were not of major concern to a large proportion (30%) of the community.

4.3.3 Opinions as to the Courts Perceptions of effectiveness of local courts

Community perceptions of the courts effectiveness was also assessed focusing on strengths and weaknesses as illustrated in the tables below:

Table 2: Perceptions of strengths and weaknesses

Strengths		
	Numbers (n=63)	Percentages
Range of services handled	38	60.3
Conflict resolved	35	55.6
Skills and Capacity	22	34.9
Privacy and confidentiality	17	27
Weaknesses		
Unfair/Biased judgment	26	41.3
Delay in judgment	22	34.9
Lack of skills and Capability	11	25.4

Some of the strengths reported that made local council courts effective were handling a range of cases such family/marriage issues; rent defaulters.

They are excellent in marriage affairs and even protecting children (community respondent)

Other strengths reported that made local courts more effective were ability to resolve most of the cases, skills and capacity of handling cases and surprisingly privacy and

confidentiality. The local council courts were familiar with most people and they felt that this was to their advantage in resolving the conflicts.

Although not trained they have skills of handling people and cases (community respondent)

They are capable of solving people's problems (community respondent)

Quick and cost effective

Although one of the weaknesses reported in local courts, was delay in judgment, communities reported that local courts were easy and convenient to access since they were within the communities. Furthermore, they were cost effective because accessing their services neither needed transport nor hiring a lawyer. This is a similar experience to other local courts in Limpopo South Africa see section 2.4 paragraph 6).

They are always there when we need them (community respondent)

Reporting a case to high court is simple compared to high court (community respondent)

The local council courts are asks for little money compared to the police (community respondent)

Because they are cheap, approachable and there being no convenient alternatives, most community respondents (28/63) were definitely and (26/63) were probably willing to use and recommend the same services of local council courts.

Unfair/biased judgment

Unfair judgment/biasness was listed as the commonest factor to the effectiveness of local courts as reported by 26 of the respondents. The local courts were being accused of favoring the rich, landlords who are permanent residents, and the influential people.

However the tendency of not taking voices of youths and women seriously as reported in other areas did not arise (see section 2.4).

Follow-up

The local council courts rarely followed up on cases. There were mixed perceptions of the effectiveness of follow up cases where some looked at them as avenues for court members asking for more money while others looked at them as means of ensuring that families are settled.

Some cases are followed up while for others they are reluctant (community respondent)

Other issues that the community respondents felt were negatively affecting effectiveness of the local courts included:

Having to pay court fee before handling of case begins

Lack of skills for handling some cases such as recovering debts; writing reports, lack of working materials

Lack of documentation

Lack of permanent structures for the court

Lack of budget to run the local council courts

Inability to conduct in-depth investigation.

4.4 Challenges faced by local court system

Both the community respondents and the key informants reported facing challenges with the local council systems.

Delivery of services on voluntary basis

Conducting court services on a voluntary basis was a challenge to the local courts and yet the community respondents were dissatisfied with having to pay for services before a case is handled which would have been a motivation. This scenario brought about mixed feelings that made some respondents to conclude that the local courts are

corrupt. Although it was not mentioned whether the communities or the chiefs in those countries were satisfied, it was noted that chiefs of local councils were being paid in South Africa [see section 2.4 para 2]

“There is no remuneration and yet we work a lot i.e. for 24 hours. There is no stationery so we sometimes charge a fee depending on the case but it does not go beyond 5,000/= (Local council member)”

Language

Language barrier was reported as one of the challenges faced by those who were not fluent in 'Luganda' an indigenous language in which the court sessions are conducted.

I was forced to communicate in Luganda (community respondent)

Coordination between police and local councils

Although they are supposed to work and supplement each other, the police and local courts had challenges arising from mistrust and suspicions of sabotage from either party.

The local council courts felt that once they refer a case to the police, the police blocks them from any form of follow-up, completely loose and fail to know how it ends. Local courts complaint to police is lack of cooperation and because of corruption on many occasions the culprits are released.

“Although we accept that the presence of police is important in threatening wrong does, we can't do any follow-up because when cases go to the police, they don't want us to go there (chairman - local council courts)”

The police on the other hand felt that the local leaders were contributing to the increasing crime rates in the area since they were knew and were protecting most of the youth committing crime. This experience is similar to a study which was done in India

between police and local courts that showed that both police and local courts respond to disputes in cooperative and conflicting ways [see section 2.4 paragraph 3.

Implementing Judgment.

The local courts have the mandate of making judgments but are facing a challenge of ensuring that Judgment is implemented because of gaps in the existing laws that don't empower them. After judgment, then enforcement depends on other institutions such as police, courts of law otherwise.

'For example, in case judgment is to evict a tenant or demolition of unplanned constructions beyond accepted boundaries. We have to use other institutions like the police or go to the magistrates court who themselves need to use court bailiffs otherwise if you implement yourself, the law can easily victimize you (Local council member Lungujja)

Demand for judgment by communities outside the mandate of local courts

The local courts are also faced with challenges of whether to go ahead and make judgment on cases that are outside their mandate as requested by the communities. The members of the local courts reported having been tempted in the past and handled cases of rape and defilement, mainly by encouraging dialogue.

Crimes by children under 18 years.

Children under 18 years were the main category committing crimes brought to the local courts and yet the law was protecting them from detention and rather taken to remand homes which have greatly weakened.

Children less than 18 years are a rising concern because they are the main category involved in theft, house-breaking and yet laws of Uganda don't allow us handle them (Chairman Local court Namungona)

Forgery

Forgery was reported by local courts as an upcoming challenge that can even take them to jail. Some members of the communities were forging signatures and stamps and go ahead to make transactions. .

Some members of the community were forging signatures of members of the LC council and would go ahead and get loans from micro-finance institutions, or make land agreements pretending to be the owners of land (chairman LC I, Namungona).

4.5 Conclusions

Findings show that the respondents had a good understanding of conflict and were knowledgeable about types and causes. Experiences with local court system exploring process, satisfaction and effectiveness were explored. The process of local courts is explained from when a case is brought to local courts till case resolved or referred. Generally participants were satisfied with the local courts reasons being; skills and capabilities; free interaction; limited referral. Opinions on effectiveness were positive reasons being ability to provide a range of services such as being non bureaucratic and quick, cost effective and solving most disputes mainly through negotiations. Challenges are presented that include; operating on voluntary basis, lack of coordination among encountered by local courts members include: lack of empowerment to implement judgment. The challenges have policy implications and explained in the next chapter.

CONCLUSION

Introduction

This chapter presents a summary of the findings presented in line with the overall objective of the study of 'Exploring experiences of local council courts in resolving local conflict and develop suggestions for more effective resolution of conflict. Summaries of the findings are presented for each of the specific aims of the study namely:

1. To explain the purposes and processes of local council courts in Uganda.

Drawing on data from a sample of people involved in local court cases in one area, and the opinions of key informants, to

a. Identify the types of conflicts handled by the courts.

Document the experiences of those involved in cases, their degree of satisfaction with the court processes and their perception of the system's effectiveness.

Identify the challenges faced by the court system in helping resolve conflicts.

To make suggestions to improve the effectiveness of these courts in resolving conflicts.

Summary of findings

Types of conflict handled by local courts

The local council courts except on very rare occasions handled civil crimes as per their national guidelines and requirement and within their mandate. The commonest types of conflicts that they handled were: a) family matters particularly domestic violence and marriage issues; b) rent defaulting; c) Land disputes.

Process of handling conflict in local courts

Unlike the police, cases are always brought to the local courts by the complainants. On reaching the courts, normally a fairly contested processing fee of about 5,000/= has to be paid before the hearing starts to facilitate stationery and other requirements given that the local courts operate voluntarily. The local courts were aware and never handled criminal cases such as defilement, rape, murder that were outside their mandate.

Although it rarely happened, LC I courts cases are referred to either police or LC II. Referrals were very rare because community had knowledge and brought mainly cases that the local councils could handle. Both LC II and LC III handled cases referred from LC I and LC II respectively and these were mainly cases of Land dispute.

The local courts method of conflict resolution is mainly encouraging the 2 parties to go into negotiations. Majority of the cases were resolved through dialogue (37/63) and the community members felt they were given chance to ask questions and seek clarifications. Some few cases were dismissed on grounds of lack of evidence. The police handles cases involving fraud, simple assault etc.

Degree of satisfaction with court processes

Overall, more than two thirds of the respondents expressed satisfaction with the way their cases was handled by local courts. Level of satisfaction with skills and capabilities of the local courts was high and the major reason was that majority of the most cases were settled and chances were given to ask questions. Despite lack of formal training, LC courts had enough skills to handle conflict.

There was no dissatisfaction with privacy and confidentiality although open court system method was used. The local council courts sessions mainly took place either at the chairman's place or homes of complainants which at times brought about dissatisfaction. Because of the presence of a Secretary for Defense in the local courts sessions there was satisfaction with security.

Perceptions of effectiveness of local courts

Both positive and negative responses were expressed with regard to effectiveness of local courts. It was felt that the local courts were quick and cost effective. The local courts were easy and convenient to access and it neither required transport services nor hiring a lawyer. The local courts were cheap and approachable and probably this is the reason why most respondents reported to continue using and recommend others to

use these courts. Strengths of local courts that contribute to effectiveness were the ability to handle a wide range of cases such as: a) family/marriages, rent defaulters and land disputes; b) ability to settle most conflict; c) skills and capacity; d) privacy and confidentiality.

Unfairness/biasness was listed as the commonest factor to effectiveness of local courts. The courts are accused of favoring the rich and landlords who are permanent residents. The courts were also not effective in following up on cases. Other issues that were negatively affecting effectiveness of local courts were: Inability to conduct in-depth investigation; Having to pay a court fee before handling of case begins; Lack of skills for handling some cases; Lack of documentation; Lack of permanent structures for the court and Lack of budget to run the local council courts;

Challenges faced by local council courts

Conducting court services on a voluntary basis was a challenge to the local courts and yet community respondents were dissatisfied with having to pay for services before a case is handled and some thought that the courts were corrupt.

Although they are supposed to supplement each other, the local courts and police had challenges arising from mistrust and suspicion of sabotage from either party. The police alleged that LC was protecting criminals while the local courts alleged that the police block them on following up cases refereed to police. Local courts had a challenge of implementing judgment given that the existing laws did not empower them to do so.

The other challenges were: demand for judgment by communities on cases outside the mandate of the local courts; increasing crimes by children above 18 years who are protected and not supposed to be detained; and forgery of local courts officials signatures and stamps to make illegal transactions.

Implications for Policy

Local language and enforcing use of an interpreter.

As findings showed in section 4.4, court sessions were conducted in 'Luganda' the local language spoken in the area and problem was it was not understood by others bringing a language barrier problem. The Local Council Courts Regulations, 2007 stipulates that where any of the parties does not understand the language being used, the court shall provide an interpreter. There is therefore the need for the local courts and local governments to enforce this law.

Implementing Judgment.

As reported in section 4.4, the local courts makes and the existing policies mandates them to make judgments but they are facing a challenge of ensuring that Judgment is implemented since the existing laws don't empower them to do so. After judgment, enforcement was reported to depend on other institutions such as police, courts of law etc. Local courts should be empowered to some extent to ensure enforcement of judgment so as they are not undermined as the case is at times.

.Remuneration of court officials

Providing services by local council courts on voluntary basis was reported as one of the challenges faced by courts officials. Although the guidelines allow LCs to charge a substantive fee for a few things such as stationary and transport to facilitate the process, community members were dissatisfaction and some felt it was promoting corruption. It is therefore necessary to come to consensus on how to satisfy both the court officials and community respondents. There is need for further exploration in the matter borrowing from experiences from other areas such as South Africa in Limpopo Province where the chiefs are paid so as to come to consensus on how to satisfy both the court officials and community respondents.

Define roles and responsibilities of police and local councils

From the findings, both the police and local courts were not satisfied with their working relationship and this may be attributed to mistrust and suspicions of sabotage from either party.. There is need for clear description of the roles and responsibility and how they support each other and sensitization done accordingly.

Widen mandate of local courts councils

In some cases, local courts handled cases such as rape, defilement which were outside their mandate and usually this was on pressures by the communities who in most cases wanted cases settled at that level. .Although community would be satisfied if these cases could be handled at the local level, court officials felt at risk just in case of any eventuality. The policy may need to widen the range of cases that can be handled by the local council courts. A debate could be engaged as is the experience in South Africa to examine which of these cases could be extended to the local courts.

Laws on children under 18 years

Despite children under 18 years being the key sources of crime brought to the local courts, the law does not allow them to be detained but instead to be taken to remand homes for rehabilitation and hence keep coming back in the communities. Furthermore, there is also a policy to protect children against abuse and neglect and its supposed to be implemented by the local councils. The above scenarios hence brought a dilemma on how to handle such cases and hence need for harmonization and coming up with a more amicable way of dealing with it.

Unfairness

Unfairness/biasness was at times reported as one of the commonest factors to effectiveness of local courts. However cases of not taking voices of women and youths seriously as was noted in other countries from the literature review did not arise. This was outside the stated core values of local courts as outlined in the revised trainer's manual for local council courts. When people keep on grudgingly going along with local courts decisions, they may end up not bring cases anymore or anywhere. And if they

lump them or engage in self help out of desperation, it may result in fights, injuries, and killings as was noted in India village courts (Vincentnathan and Vincentnathan 2007) There should be more sensitization to all local councils of the need to this core value of 'right to a fair trial'.

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APPENDIX 1: QUESTIONNAIRE

Local Council Courts and Local Conflict Resolution in Uganda.

QUESTIONNAIRE

DATE OF INTERVIEW

		2009
dd	m	yyyy

Screening question

*Have you had a Dispute brought to and handled by the local council Courts in the **last 2 years.**

(If screening answer is "NO" do not fill in questionnaire)

Name of Local Council _____

Level of Local Council (LC I, LC II, LC III) _____

Section 1: Background Socio and Economic characteristics		Circle appropriate number
1.	Sex	1. Male 2. Female
2	Age of respondent in complete years?	_____
3	Religion	_____
4	Have you ever attended school?	1. Yes 2. No
5	If yes, which level of schooling did you complete?	1. Primary (1-4) 2. Primary (5-7) 3. Secondary (O-Level) 4. Secondary (A-Level) 5. Tertiary 6. Other (specify) _____
6	Marital status of respondent?	1. Single 2. Married 3. Separated/Divorced 4. Widowed 5. Other (Specify) _____
7	What is your main Occupation?	1. Peasant/Farmer 2. Small scale business (petty trade) 3. Casual laborer 4. Professional (Specify) _____ 5. Other (Specify) _____
Section 2: Understanding of Conflict		
8	What is your Understanding of Conflict (Briefly explain?)	
9	What are the different types of Conflict that you know? (Multiple Respondents)	1. Land dispute 2. Rent defaulting 3. Child Care 4. Clan - inheritance 5. Adultery 6. Domestic Violence 7. Political 8. Other specify
<i>Of these which are the commonest?</i>		

10	To be filled by the Researcher basing on Response in Qn 20	
	What type of conflict brought you to the local council courts?	<ol style="list-style-type: none"> 1. Man Vs Man (<i>problem with another</i>) 2. Man Vs Society (<i>problem with laws</i>) 3. Man Vs Nature (<i>Problems with force of nature</i>) 4. Man VS Himself (<i>Problems with what to do or think</i>)
11	What's the nature of Conflict occurred to you and was handled by local councils?	<ol style="list-style-type: none"> 1. Family 2. Government/Policy 3. Cultural 4. Ethical 5. Rivalry 5. Land

Section 3: Process of Resolving conflict

12	How did the dispute/case get to court?.	<ol style="list-style-type: none"> 1. Complainant 2. Reported 9. (Other) Specify
13	Did you have to pay for any services	<ol style="list-style-type: none"> 1. Yes 2. No
14	If you have to pay, how much do you normally pay and for what?	_____
15	Do you think the services paid for are worth the money you have to pay?	<ol style="list-style-type: none"> 1. Yes, much more than the payment made 2. Yes, worth the payment made 3. No, not worth money paid 4. Not sure

Briefly explain your response

16	Are you happy/satisfied with the skills and capabilities of members of the local courts?	<ol style="list-style-type: none"> 1. Completely unsatisfied 2. Mostly unsatisfied 3. Neutral/do not know 4. Mostly satisfied 5. Completely satisfied 6. Not sure
----	--	---

Briefly explain your response

17	Are members given chances to asks questions	<ol style="list-style-type: none"> 1. Yes, always 2. Yes, to some extant 3. No 4. Don't remember
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Briefly explain your response

18	Are there cases that are referred?	<ol style="list-style-type: none"> 1. Yes, always 2. Yes, to some extant 3. No 4. Don't remember
----	------------------------------------	--

Briefly explain your response (Which cases and referred where)

19	How was the conflict Resolved/settled	<ol style="list-style-type: none"> 1. Negotiation 2. Punished/Fine 3. Case Refereed 3. Case Dismissed 4. Other (Specify)
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Briefly explain your response (*Perception about judgment, satisfied or not. For Referral which CASES are those? Any follow up on judgment*)

20	Would you recommend somebody to report a case to the local council's courts?	<ol style="list-style-type: none"> 1. Yes, definitely 2. Yes, probably 3. No 4. Not sure
----	--	--

Briefly explain your response (which cases would you send here?)

Section 4: Problems and Challenges

21	Overall what are the problems you found with the local Council courts?	
----	--	--

Briefly outline and explain?

22	Overall what are the challenges you found with the local Council courts?	
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Briefly outline and explain?

23	When you go to the local court, are you happy with what goes on? (E.g. cross examination, people involved, and tests done)?	<ol style="list-style-type: none">1. Completely unsatisfied2. Mostly unsatisfied3. Neutral/do not know4. Mostly satisfied5. Completely satisfied6. Not sure
----	---	--

24	Why? Please explain
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Section 5: Perception about effectiveness

25	Do you feel happy/satisfied with the way your case was handled?	<ol style="list-style-type: none">1. Completely unsatisfied2. Mostly unsatisfied3. Neutral/do not know4. Mostly satisfied5. Completely satisfied6. Not sure
----	---	--

26	Why? Please explain
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27	Are there unfair plays or bias during the handling of the case?	<ol style="list-style-type: none">1. Yes, definitely2. Yes, sometimes3. No4. Do not know
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28	Why? Please explain
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29	Are you happy and satisfied with the way referral is made to these local courts? (If you were referred)?	<ol style="list-style-type: none">1. Completely unsatisfied2. Mostly unsatisfied3. Neutral/do not know4. Mostly satisfied5. Completely satisfied6. Not sure
----	--	--

30	Are you happy and satisfied with the way the local courts follows up cases (implements)?	<ol style="list-style-type: none"> 1. Completely unsatisfied 2. Mostly unsatisfied 3. Neutral/do not know 4. Mostly satisfied 5. Completely satisfied 6. Not sure
----	--	---

Why? Please explain

31	Is there privacy and confidentiality in handling cases?	<ol style="list-style-type: none"> 1. Yes, definitely 2. Yes, to some extent 3. No 5. Not sure
----	---	--

32 Why please explain?

33	Are you satisfied with the physical state of facilities/buildings, supplies, equipment? <i>[Office, Environment]</i>	<ol style="list-style-type: none"> 1. Completely unsatisfied 2. Mostly unsatisfied 3. Neutral/do not know 4. Mostly satisfied 5. Completely satisfied 6. Not sure
----	---	---

34 Why? Please explain

35	Are you happy with the security at the local courts	<ol style="list-style-type: none"> 1. Completely unsatisfied 2. Mostly unsatisfied 3. Neutral/do not know 4. Mostly satisfied 5. Completely satisfied 6. Not sure
----	---	---

Why? Please explain

36	What are the Strengths of local councils in conflict resolution (<i>What is good about the system</i>) (Multi -responses)	<ol style="list-style-type: none"> 1. Skills and capacity 2. Adequate range of cases handled 3. Privacy and confidentiality 4. Charge the victims 5. Unfair/biased Judgment 6. Lack of Security 7. Poor facilities 6. Other Specify
----	---	---

Why? Please explain

37	What are the Weaknesses/ of the local councils in conflict resolution (<i>What is not good about the process</i>) (Multi -responses)	<ol style="list-style-type: none"> 1. Lack of skills and capacity 2. Limited range of cases handled 3. Lack of Privacy and confidentiality 4. Charge the victims 5. Unfair/biased Judgment 7. Delay 8. Lack of Security 9. Poor facilities 10. Other Specify
----	--	---

Why? Please explain

Section 5: Recommendation

38	What are your recommendations to improve Conflict resolution by Local Councils?	
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Please explain

THANK YOU FOR YOUR TIME FOR THIS INTERVIEW - GOD BLESS YOU
APPENDIX 2: KEY INFORMANTS INTERVIEW GUIDE
(Local leaders, member of the local courts, staff of collaboration institutions i.e. Police)

Local Councils and Local Conflict resolution in Uganda

Name of Local Council _____

Level of Local Council (LC I, LC II, LC III) _____

A) UNDERSTANDING OF CONFLICT (Types, Nature and Causes)

What is your understanding of Conflict?

What are the types/nature of conflicts are in your areas

(PROBE: Which are the common ones, by whom, how often? Are they civil, criminal?

What are the causes of these conflicts are in your areas?

(PROBE: Political, socio, economic, family, cultural etc

B) CONFLICT RESOLUTION

What type of cases do you get in local council courts? **(PROBE:** How do you get the cases, by who, which are the commonest cases,

How do you handle these cases? (Process)

(PROBE: Do you have guidelines you follow, do you have lawyers, do you have gaps, When do you convene these meetings

What type of cases don't you handle?

(PROBE: ie theft, forgery, rape, defilement, fighting, family, land? Why don't you handle them?

What common type of conflict resolution do you use

C) CHALLENGES AND PROBLEMS

What are the key challenge/problems you find in doing your Work?

(PROBE: Time, remuneration, follow-up, enforcement, stationery, security

D) STRENGTH AND WEAKNESS

What are the strengths of local courts in conflict resolution?

What are the weaknesses of the local courts in solving conflict?

E) CONFLICT RESOLUTION

What suggestions do you have for improvement?

Do you have any questions?

University Of KwaZulu-Natal

Faculty of Management Studies, at the University of KwaZulu-Natal in

M.COM, Conflict Management and Peace Studies

Researcher: Jjemba Harold Michael

Supervisor:

Research Office:

I, Jjemba Harold Michael, am an M.com, student in the Faculty of Management Studies, Westville Campus at the University of KwaZulu-Natal in South Africa. You are invited to participate in a research project entitled 'Local council courts and Local Conflict Resolution: A case of 'Lubaga' Division, Kampala District, Uganda.

The aim of this study is to explore the experiences of local council courts in resolving local conflict in Lubaga Division specifically in Lubyia and Lungujja Parishes given that since when give the powers by government no research has been carried out to know how they are operating.

Through your participation, I hope to understand the processes the local council courts go through while solving community disputes. The results of the key information interviews and questionnaires are intended to contribute to this understanding.

Your participation in this project is voluntary. You may refuse to participate or withdraw from the project at any time with no negative consequence. There will be no monetary gain from participating in this study. Confidentiality and anonymity of records identifying you as a participant will be maintained by the Faculty, at the University of KwaZulu-Natal in South Africa.

If you have any questions or concerns about participating in this study, please contact me or my supervisor at the numbers listed above.

This interview should take you about one hour to end. I hope you will take the time to participate in the interview.

Sincerely

Investigator's signature _____

Date _____