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Conflict resolution as cultural brokerage: how refugee leaders mediate disputes in Uganda's refugee settlements

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Looking through the lens of disputes and their resolution, this article examines the efforts undertaken by refugees to guarantee peaceful coexistence within and around settlements in northern Uganda. Based on extensive fieldwork, we examine which disputes occur within and around the settlements and which actors intervene to mediate and solve them. We identify a hierarchy among the different formal and informal actors involved in the resolution of disputes and show how refugee leaders operate as brokers between Ugandan law and South-Sudanese customs, between here and there, a recent past and imagined future in the home country. This finding comes to clarify the process of local integration, by foregrounding the link between law and culture. Some of the dispute-settlement outcomes facilitate the refugees' integration into Uganda as a host country, while other resolution strategies are geared towards a long-awaited return to South-Sudan.

Introduction

Refugees often find themselves in a vulnerable position, especially those who are hosted in developing countries. Many of them are poor, they have an uncertain legal status and their traditional community- and family-support structures have collapsed (Da Costa 2006). These unfavourable conditions have the potential to turn refugee settlements or urban slums into breeding grounds for social tensions or conflicts, either among refugees themselves or with the surrounding host population. While Article 16 of the 1951 UN Convention guarantees equal access to justice mechanisms for refugees, there is a lack of studies that discuss how daily disputes in a context of displacement are solved (Jacobs *et al*. 2017). This study responds to this gap in the literature through a case study on South-Sudanese refugees in Uganda.

Refugee settlements are social arenas formed by a plurality of legal systems (Veroff 2010; Griek 2014; Purkey 2014), or 'sites of institutional pluralism and contestation' as described by McConnachie (2014: 132). Justice is foreseen by both

state and non-state actors, although this distinction should not be considered dichotomous (*ibid.*). Non-state providers can be the refugees themselves, representatives of the host population or international organizations such as UNHCR (Veroff 2010; Jacobs *et al.* 2017). This means that refugees are subject to diverse sources of law, the main sources being international and host-country law as well as refugees' own customary rules (Da Costa 2006). Depending on the type of dispute or the parties involved, either the known structures of the home country or those of the host are followed (Da Costa 2006; Jacobs *et al.* 2017). (Legal) Anthropologists have repeatedly emphasized the importance of culture for the understanding of the living law of a given society. Law is 'part of a distinctive manner of imagining the real' (Geertz 1983: 173) and it is embedded in locally specific systems of meaning. Clearly, culture is not a cage in which people are trapped, but a web of meanings in which people are suspended (Geertz 1973). As a consequence, given the intricate connection between law and culture, diverse systems of meaning interact in and through processes of dispute settlement or seeking justice (Ingelaere 2006; Kelsall 2013; Ingelaere 2016).

Studies indicate that disputing refugees mostly try to settle their issues within the family first (Veroff 2010; Griek 2014). However, as displacement compromises family and other support structures, mediation can also be done by informal actors such as block or road chairman in settlements (Veroff 2010) or local chiefs and church leaders in urban areas (Jacobs and Kyamusugulwa 2018). When informal actors are not successful, people can either resign (*ibid.*) or report to formal institutions such as the police—if possible (Veroff 2010).

This article will describe the nature of the coexistence among the South-Sudanese refugees themselves with their Ugandan host communities through the lens of disputes and their resolution. More specifically, we examine which disputes occur within and around the settlements and which actors intervene to mediate and solve them. Refugee settlements are known as legally plural social arena's (Veroff 2010; Griek 2014) in which different formal and informal actors are involved in ensuring coexistence, ranging from local leaders and community-based organizations to state authorities and international non-governmental organizations (NGOs). Importantly, we seek to understand how refugees themselves are involved in the resolution of 'everyday disputes'. In doing so, this article considers the refugees as active agents. Such an approach differs from most of the available literature on the administration of justice in a setting of forced displacement. The latter dominantly focuses on the weak protection of human rights and the ways in which refugees live in a legal limbo.

We show how refugee leaders involved in dispute resolution operate as brokers between Ugandan law and South-Sudanese customs, between here and there, a recent past and imagined future in the home country. While, in the large majority of cases, the application of the Ugandan legal system is supported, few deviating South-Sudanese customs and values are considered to be too important to let go of. In these cases, solutions are sought that are 'culturally appropriate', having in mind their long-awaited return to South-Sudan. This finding comes to clarify the process of local integration, by foregrounding the link between law and culture.

This article is structured as follows. We first present the context of northern Uganda and its history of cross-border mobility. A second section describes the methodology. Our findings are based on 25 weeks of research in Adjumani district that aimed to understand the nature of conflicts and resolution efforts. The third section provides an overview of our findings on the latter aspects. We zoom in on the role of refugee leaders and show how law can be a site of resistance as well as integration. A final section concludes.

The Reception of Refugees in (Northern) Uganda

Since 1959, Uganda has continually been a host to refugees coming from different countries such as Rwanda, DR Congo, Burundi and (South-)Sudan. The 2006 Refugee Act and 2010 Refugee Regulations grant refugees the freedom to move, to work and to enjoy access to social services—leading to the description by international media as 'one of the best places in the world to be a refugee' (BBC News 2016). Uganda is currently host to more than 800 000 South-Sudanese refugees, of which the large majority is settled in the northern districts (Government of Uganda and UNHCR 2019). The governance of the settlements is coordinated by the Office of the Prime Minister (OPM), which works in close cooperation with UNHCR, NGOs and community-based organizations. The choice to carry out our research activities in northern Uganda and Adjumani district specifically is driven by the historical and socio-economic characteristics of the area and its inhabitants. Although refugee–host relationships are generally qualified as 'peaceful' (World Bank 2016), experts caution that 'what happens in reality is not as exemplary as has been reported in the media' (Titeca and Schiltz 2017), as especially the northern region is characterized by conditions of structural underdevelopment. Because of the influx of the South-Sudanese refugees, the district population has doubled. Already in 2014, the Refugee Law Project cautioned about 'looming conflicts with the host communities on issues of land, sharing water points, school facilities and toilets' (2014: 9). In the meantime, thousands of additional refugees have settled—a situation that weighs heavily on the local population and its wider environment.

Still, the local population is well known for its hospitality. To a large extent, their welcoming attitude is influenced by the history of cross-border movement that people within this border region share. Because of the area's decades-long instability, many of the South-Sudanese have sought refuge in Uganda before. The other way around, after the downfall of Idi Amin in 1979, the Ugandan Madi's were persecuted and crossed the border of southern Sudan. As the refugee camps got attacked by the Sudan Peoples' Liberation Army, most of them returned home by 1986–88, where again they were confronted with atrocities, this time by Kony's Lord's Resistance Army (LRA) (Allen and Reid 2015; Titeca and Costeur 2015). As a consequence, many of the Ugandan clan chiefs and elders are compassionate and understanding of the refugees' situation.

In forced-migration studies, refugee camps are often described as 'the materialization of the state of exception' (Agamben 1998: 174). Following this line of

thought, camps are 'non-places', imposing a condition of immobility on refugees while being displaced (Diken 2004). We argue that the settlements in northern Uganda are less 'exceptional' than many of the closed camps described in the literature. The open nature of the settlements allows a significant amount of interaction with the local population, as the refugees participate more actively in normal life compared to other refugee-hosting areas (World Bank 2016). According to Diken and Laustsen, one of the characteristics of a camp is that it stands for a doctrine, whereby 'the difference between the insiders in a camp is often less important and less consequential than the difference between its insiders and outsiders' (2005: 17). However, as it is located in a border region characterized by cross-border mobility and pre-existing social ties, we argue that a strict distinction between 'nationals' and 'refugees' or 'insiders' and 'outsiders' is not appropriate (cf. Andrews 2003). When making such a distinction, there is a tendency to overlook the specifics of the location in which forced migration takes place (Merkx 2002). The drawing of the national border was done arbitrarily and previously related communities suddenly found themselves being citizens of different countries (*ibid.*: 135). Because of this 'border identity', some of the refugees might more easily find opportunities to settle among the hosts (*ibid.*). Although, in 2018, a peace agreement has been signed between President Salva Kiir and opposition leader Riek Machar, there is still no lasting peace today—leaving no space for a safe and dignified repatriation (UNHCR 2019). Having no large-scale resettlement programmes in place, local integration is the preferred and only possible durable solution available for many. But, despite the relatively high degree of de facto integration, the 1995 Constitution refrains refugees from obtaining citizenship.

Methodology

The results of this article are based on approximately 25 weeks of fieldwork in Adjumani district. The first part took place from March until May 2018, followed by second and third periods of fieldwork in January–February and October–November 2019, respectively. Adjumani district hosts more than 200 000 refugees, spread across 13 settlements (Government of Uganda and UNHCR 2019). Data-collection activities were focused on two settlements, namely Boroli and Alere settlement, based on their diverging composition. Alere settlement was opened in 1990 and houses 6 735 refugees (*ibid.*), both the old caseload from the Second Sudanese Civil War as well as new arrivals since 2013. Alere's refugees belong to four main ethnic groups: Dinka, Nuer, Kuku and Madi. Boroli I was opened in January 2014 and extended with Boroli II in 2015 (UNHCR 2018). Boroli numbers 14 926 refugees, belonging to around 40 ethnicities (Government of Uganda and UNHCR 2019). Given this multi-ethnic composition, it has the reputation of being one of the 'hotspots' in the district. Both Alere and Boroli are relatively close to Adjumani town, the district's main town centre. As registration in the camp is a sine qua non condition to receive support, part of the registered refugees in both camps are actually living in the town area.

Primary data collection was organized by the first author, in the form of in-depth interviews with the main stakeholders involved in ensuring peaceful coexistence within and around the settlements. To obtain a general overview of the resolution architecture, key informant interviews were organized with refugee representatives, local leaders such as chiefs and elders, police force, the OPM, local government members (LC1-LC5) and representatives of implementing agencies. Subsequently, as interventions of the refugee leaders proved to be the most insightful, our efforts were focused accordingly. Semi-structured interviews were conducted with a large diversity of respondents among the refugee community involved in dispute resolution. Hence, our sample includes refugee leaders coming from Boroli and Alere, including members of the Refugee Welfare Committees (RWC), block leaders, customary authorities and religious leaders. In total, more than 140 interviews have been conducted, including members of the host, refugees and staff members of implementing agencies.

Respondents were asked about the disputes they are confronted with in daily life, within and around the settlements. Hence, we do not specifically look at 'big conflicts' that necessarily imply a form of physically harm or destruction of property. Rather, our intention was to identify the most frequently happening disputes related to the presence of the refugees. Following up on the conflicts mentioned, we inquired about the actors involved in the resolution and the procedures applied.

Findings

Conflicts and the Dispute-Resolution Architecture

In general, most conflicts and tensions both within and outside the settlements are spurred by disagreements over the use of natural resources. In an area in which the majority of the population is dependent on agriculture for subsistence, land is a 'minefield of potential conflict as refugee communities have very few enumerated rights around a very valuable asset' (Action Against Hunger and Institute de Relations Internationales et Strategiques 2017: 12). The land on which the refugees are settled is customary land, lent by the host population for free for the time during which the refugees are present. As many of the plots allocated to the refugees are not large enough for both housing and cultivation, and as the food support they receive is too little, the refugees make informal agreements with the host to rent a piece of land for a certain period of time. Without any written contract, the refugees are vulnerable and many disagreements regarding the ownership of the land or the conditions of the agreement occur. Frustrations, however, are on both sides, as many landlords that gave away the land on which the refugees are settled feel unrecognized for this effort (see also IRRI 2019).

The resources that the refugees share are scarce, while the host population experiences a negative impact in terms of degradation of the environment (IBRD and FAO 2018). Therefore, when collecting resources such as firewood

or grass, refugees get chased away or even attacked by local villagers (see also IRRI 2019). These are interpersonal quarrels, not stemming from enmities between 'insiders' and 'outsiders', but driven by a lack of resources for both communities.

Apart from interactions with the Ugandan host, many South-Sudanese experience their first encounter with nationals from ethnic communities other than theirs. The conflict in South-Sudan is ethnic in nature and some communities blame each other for the atrocities committed. In Uganda, however, different ethnicities are bound to live together within the limited space of a settlement. Speaking different languages and being accustomed to a different way of living, many of their everyday disputes result from misunderstandings between 'tribal groups'. According to our respondents, including refugees and NGO representatives, the number and intensity of ethnic hostilities has decreased considerably compared to the period immediately after their arrival and most of the communities now coexist peacefully. Conflicts such as assault, theft and sexual and gender-based violence (SGBV) are triggered by the harsh conditions of displacement and 'camp life' in general: lack of resources, loss of livelihood activities, shifting gender roles and limited access to services such as education.

That most of the refugees are able to lead a relatively secure life, in peaceful coexistence with the Ugandan host results from the efforts of diverse actors. In the case of Adjumani, the resolution mechanisms available to the refugees can be divided into two categories, the most obvious being the Ugandan formal legal system. To be able to bring or defend cases in front of the courts of law, legal support is provided by implementing agencies such as the Lutheran World Federation and Danish Refugee Council. Once in a while, to make up for challenges such as transportation costs, mobile court sessions are organized, whereby litigation is literally brought to the settlements.

However, in line with the literature on access to justice in refugee camps, a (strong) preference for informal, 'non-state' resolution methods could be identified. Although informal resolution practices worldwide differ across communities, they have a number of characteristics in common. Through the nature of informal systems and the fact that they are close to the people who want to make use of them, they are often more accessible and less costly and people feel more 'culturally comfortable' compared to intimidating formal procedures (Wojkowska 2006). In a context of forced displacement, informal mechanisms are indispensable to resolve disputes that otherwise would not be dealt with (McConnachie 2014: 104).

Next to their legal assistance, the NGO's strongly support 'alternative dispute resolution' (ADR) by the refugees as, suffering from a structural lack of financial and human resources, Adjumani's formal justice system is heavily overstretched. Combined with other barriers such as the refugees' limited knowledge of English and lack of familiarity with legal procedures, refugee-led resolution systems offer an important alternative, so that, as argued by one of the refugee leaders, they can leave behind their 'old ways of tit-for-tat' (Male RWC1 member Alere, February 2019). To keep order within the settlements, the refugees come up with their own

bylaws. Bylaws can apply to a specific community as well as to the whole settlement:

> We have to follow the laws of Uganda. But we cannot leave our culture. When somebody is doing wrong things, there is a time that we bring our bylaws so that our people will follow them . . .. In any community in Africa, bylaws are respected. That is why we sat down and wrote our bylaws. In the settlement now, we have our bylaws. Guiding the youth, guiding the women, guiding the men (Male RWC3 member Adjumani district, 20 November 2019).

Generally, refugees take part in 'Refugee Dispute Resolution Systems' (RDRS) to offer an accessible alternative for the host-state legal system, to try to maintain their culture and traditions (Da Costa 2006: 37) or to absorb the devolution of responsibilities by the host state (McConnachie 2014). In her study of the camps on the Thai–Burma border, McConnachie describes how, internally, the refugee-led structures enjoy a great amount of legitimacy, as disputes are handled quickly, but, externally, international agencies are worried by their lack of 'legal legitimacy' (2014: 114). As (protracted) refugees might end up in a 'sui generis system of governance' (Purkey 2014: 262), different actors work in parallel and what happens is that some actors treat cases that are beyond their capacity, instead of making complementary efforts (Jacobs *et al.* 2017). We will return to this in the following sections.

A Hierarchy of Dispute-Settlement Roles

The weak position of formal legal institutions that can often be identified in fragile or conflict-affected regions combined with a strong preference of refugees to resolve conflicts in a family-like setting triggered our interest to learn more about the role of informal mediators in the settlements of northern Uganda. So far, there has not been a study to describe dispute resolution in northern Uganda as a refugee-hosting area. Pommier (2014), however, already identified that minor disputes and quarrels are often solved by refugee-led customary justice mechanisms. This is often motivated by feelings of distrust and scepticism in the formal system, 'due to the deep insecurity of being a refugee and scepticism that legal avenues to address crime would result in justice' (Boswell 2018: 28). Building further on these findings, studies have not yet provided a clear picture of the role of refugee leaders, mediating between 'their' refugees and local communities. Therefore, we examined the efforts made by South-Sudanese refugees to find out how they contribute to peaceful coexistence within the settlements of Adjumani.

When a dispute occurs, a certain hierarchy is followed, starting from within the settlement to beyond the settlement borders. The settlement is divided into different blocks. Each block has a block leader and executives that have the responsibility to maintain stability and resolve disputes within their area. Cases that are reported to the block leaders, such as family disputes or cases of alcohol abuse, are solved by bringing both parties together in a rather informal way.

In traditional South-Sudanese communities, the resolution of disputes is the main responsibility of the customary authorities, namely the chiefs. However, the

displacement has had great impact on this institution, as many of the chiefs remained in South-Sudan or were targeted in the conflict. To give a clear lead to the community members during their displacement, most of the ethnic groups identify a temporary form of cultural leadership. In Alere, members of the four ethnic groups appoint their 'council of elders', headed by one main representative or 'chief'. Being small in number, most of the ethnic communities in Boroli select only one representative. Elections for customary leaders are usually organized every 2 years. However, leaders who are generally seen as 'good' by their communities can stay in place. The chiefs or elders are not formally involved in the governance of the settlement (Braak and Kenyi 2018), but they have one main responsibility: to settle 'cultural issues' in their local court.

In Alere settlement, the elders of the Dinka and Nuer community each have their own local court, with representatives of the different sub-clans. Being smaller in number and sharing similar cultural values, the Madi and Kuku communities join their forces and form their local court together. The composition of Boroli's local court is exceptional because of the settlements' ethnic heterogeneity. In general, the majority groups elect their representative to take part in the local court hearings. The court has seven members, including an overall chairman. One of the refugee leaders of Boroli settlement explained the logic behind the multi-ethnic composition of the local court, consisting of representatives of different communities. The representatives are there to describe the principles and practices that are usually applied to disputes within their respective community. Resolution mechanisms and punishments are compared in order to come to a final verdict.

The most frequently mentioned cases by local court members are disputes between husband and wife (e.g. non-payment of dowry, divorce), other family-related matters, fighting, minor theft and alcohol abuse. The punishment depends on the nature of the crime and the community involved. A RWC3 member explains how divorce is arranged in his community's local court:

> The time that this man was married, he paid dowry to the parents of the girl. We ask them how many children they have. If it is 5 children and he paid 50 cows, then we ask the parents of the girl to pay back the remaining cows. According to our culture, a child is equivalent to five cows. The remaining balance, we tell them to bring back to the man. . . . When they agree, we write the document and then they will sign. We give the man a paper and the lady a paper (20 November 2019).

The local court is initiated by the communities and can be seen as the customary court on a *boma* level (lowest administrative level South-Sudan), adapted to the specific conditions of the refugee camp. As most of them have experience with customary ways of dispute resolution in South-Sudan, they transfer their methods to the settlement and maintain focus on the restoration of social harmony. One of the customary leaders of the Nuer community proudly showed an application on his smartphone, with the different subsections of customary law, to consult in local court sessions.

That refugees who bring over their own resolution systems to the settlements has already been discussed by several other researchers, such as Griek (2006) and Jansen

(2018) in Kakuma and Veroff (2010) in Meheba Refugee Settlement in Zambia. Being displaced to a location other than 'home' does not by itself lead to a loss of norms, traditions or identity (Malkki 1992, 1995). Having refugee status does not imply that people should eliminate their knowledge of customary resolution methods but, needless to say, these actions should be in accordance with the host-state law. Yet, the solutions offered by the South-Sudanese refugee leaders are not always in harmony with the standards of the Ugandan or international authorities.

ADR in general is supported and the legal representative of one of the leading agencies acknowledged the benefits of the local court, provided the persons involved do not go beyond their authority. The court members argue that they follow their South-Sudanese customs when resolving cases, as long as this is in accordance with Ugandan law. But, in reality, this turns out to be a difficult exercise, as will be explained later on in the article. RDRS offer an accessible and 'culturally appropriate' alternative for the formal host-state justice system (Da Costa 2006), but also suffer from important drawbacks. Similar to other systems of informal justice (Penal Reform International (PRI) 2000), there is little or no representation of women and youth, and one could question their 'legal legitimacy'.

Cases that are inappropriate or too complicated to solve by the local court or block leaders or that deal with more 'official matters' (e.g. food distribution) are referred to the RWC, the highest refugee authority within the settlement. The committee members and their chairperson are democratically elected to be the liaison between the refugees and external parties such as the OPM and the organizations delivering the support programmes. Depending on the nature and severity of the case, the RWC chairperson mediates him- or herself or reports to the camp commandant and police if necessary. The RWC structure, initiated by the OPM, is a 'non-political mirror of the Local Council system' (Zakaryan and Antara 2018: 15), which facilitates the cooperation with the leadership of the surrounding village. In case a refugee–host conflict occurs, the RWC1 and LC1 chairpersons join forces, the former representing the refugees, the latter the host. The open nature of the settlements is an important facilitating factor, as the many socio-economic interactions offer a platform to discuss potential tensions or conflicts compared to other refugee-hosting areas worldwide where there is a bigger 'gap' between nationals and encamped refugees. If a refugee–host conflict is of significant magnitude, it requires the intervention of UNHCR and the lead agencies, and a 'community dialogue' is organized. The refugee leaders easily join forces not only with the agencies and LC1, but also with the cultural leaders of the host community, leading to hybrid solutions that are a combination of Ugandan law, regional traditions and global 'good practices' taught during training by NGOs.

Refugee Leaders: Navigating between Ugandan Law and South-Sudanese Customs

As UNHCR and its implementing partners treat everybody in the camp equally, it is difficult to distinguish 'who was big and who was not' (Turner 2005: 324). In his article on Eritrean refugees in Sudan, Kibreab (2000) argues that the preference of

external actors for working with younger and more educated refugees contributed to the breakdown of traditional power structures. A similar dynamic can be identified in Boroli. One of its customary leaders described the detrimental impact of 'camp life' on his credibility:

> If you cannot even decide what you will eat on a day, how can you exercise authority on your fellow community members? ... How can you be credible towards your fellow refugees as you are talking to them wearing dirty pieces of cloth? (Male customary leader Boroli settlement, 6 February 2019).

In the settlement, the customary leaders lack resources to exercise their authority or even to take care of themselves. The elders and chiefs are feeling bypassed as their fellow South-Sudanese appeal more and more to the Ugandan authorities, while the resolution of disputes among community members has always been one of their main responsibilities. Still, despite their legitimacy crisis, these institutions remain valuable, as they are the only reference to culture and tradition in the settlements.

While customary forms of authority decrease in importance, other refugees take up important roles in camp governance and new forms of authority arise (see also Braak and Kenyi 2018). In the setting of a refugee camp, new rules of the game apply and positions of power and status are continuously being 'renegotiated' (Turner 2005: 314). The new characteristics that are valued are based on merit, such as knowledge of English language and previous professional experience in the humanitarian sector. In addition, secondary relations gain in importance at the expense of primary ones, further leading to the erosion of the institutions based on kinship and tribal affiliations (Kibreab 2000). Some of the RWC members have experience of leadership positions before; others are motivated by trying to cope with the conditions of displacement. The RWC leadership cuts across the different ethnicities in the settlement and, being democratically elected, its members–the chairperson in particular–enjoy a lot of legitimacy. For chiefs and elders, the resolution of disputes is their main responsibility, while RWCs are much more broadly involved in the camp governance in general. As such, the latter do not so much engage in practices of 'ADR' per se, but more quickly tend to cooperate with the formal authorities.

Refugees are not only subject to multiple sources of law; they may also believe in other value systems (Da Costa 2006). Having different mediators at their disposal, the refugees can either prefer the democratically elected leadership (RWC and block leaders) or they report their issues to the chiefs, in line with the values and norms they represent. In a strict sense, this can be labelled as 'forum shopping' (von Benda-Beckmann 1981; Griek 2014), whereby people can choose whether they want their problem to be solved according to the laws of Uganda or in a way that is more 'culturally appropriate' (Da Costa 2006).

Typically, refugees are expected to be '*tabula rasa*' (Turner 2005: 331): 'universally undifferentiated actors whose culturally differentiated identities or interests no longer inform their action' (Lubkemann 2008: 16). Assuming the country of

asylum is a different world for the refugees—whereby normal life stops and a new life begins—one disregards that people's actions are strongly influenced by their life and history before displacement (Malkki 1995: 508–510). Talking about refugees, the focus on national identity dominates all other identities (Merkx 2002: 119). Especially in the border region of Uganda and South-Sudan, this focus should be reconsidered, as decades of cross-border mobility have resulted in a myriad of social and economic ties. In these rural societies, conflicts are mostly resolved informally, based on chiefs' and elders' past experiences with similar disputes and with a focus on community cohesion.

As a result of many sensitization efforts by government authorities, agencies and local elders, the 'law' is followed and promoted by the refugee leaders, turning it into an important instrument stimulating local integration. Yet, the host-country legal system does mostly, but not always, overlap with the value systems that the refugees adhere to. Whenever there is friction, the refugees actively choose whether to appropriate the 'new system' or hold onto their familiar values.

The refugees feel 'in-between' in terms of time (present vs. future) and space (home vs. host). They appreciate Uganda's warm welcome but, at the same time, they know–or at least they hope–their situation is temporary. When reflecting on the right solution to put forward, different periods of time are duly considerate. Which practices did we apply in the past? Which solutions are accepted in our new environment, where 'new rules are defined by the new rulers' (Turner 2005: 324) and, importantly, how will our current actions be perceived upon return back home? Hereby, fear of retaliation plays a role. One of the male RWC members in Alere explained that 'if you act according to the Ugandan law, it will bring infarcts in South-Sudan later on' (18 February 2019).

Differences are there not only in terms of rules, but also in the ways certain problems are taken care of. The actions the refugees undertake and the nature of the solutions offered to disputes now should be accepted ex post in South-Sudan. Although South-Sudanese traditions and norms largely correspond with Ugandan culture and law, a few crucial differences regularly lead to friction. The most-cited example by the respondents was that of marriage. In a few South-Sudanese communities, it is common practice to marry a girl below the age of 18 years, whereas, in Uganda, this is a criminal offence (according to Art. 31(1) of the Constitution of the Republic of Uganda 1995 as amended and s. 129(1) of the Penal Code Act Cap 120, referring to 'defilement'). While, in the large majority of cases, the application of the Ugandan legal system is supported, in other cases, the refugees 'resist' and search for solutions that are 'culturally appropriate' or, as illustrated by one of the agencies' legal representatives: 'Why would you take a fellow refugee to the courts of law and yet early marriage is a practice in South-Sudan?'

Being cheap and accessible, informal mechanisms are indispensable but, simultaneously, they suffer from important flaws. The most widely cited shortcoming is their male dominance and unequal power relations (PRI 2000; Wojkowska 2006). Indeed, there is little or no representation of women and youth among the customary authorities and members of the local court. Moreover, these types

of RDRS might be ill-suited to deal with traumatized communities (Pommier 2014). Offences are usually taken more lightly by refugee-led mechanisms compared to the host-state justice system, especially with regard to SGBV and the treatment of women (Da Costa 2006). However, the other way around, one of the refugee leaders explained that certain customs not considered as an offence under Ugandan law got penalized by certain South-Sudanese communities:

> For example, in the Ugandan court of law, the case of adultery, taking somebody's wife, is not considered as a [criminal] case. But according to our court in South-Sudan, if you take somebody's wife, you will be charged to pay six pieces of cattle. . . . So for people to stay together peacefully, we do it according to how we make it in our country (Male RWC member Alere settlement, 18 February 2019).

In line with McConnachie (2014), we find that, although the RDRS enjoy wide support, they do not comply with international procedural norms. As has also been identified in other localities (Da Costa 2006), some of the refugee leaders have the tendency to cross their boundaries and handle cases that are beyond their capacity, such as defilement. According to the beliefs of certain South-Sudanese communities, the perpetrator should marry the victim if defilement takes place. As with other informal resolution practices, the focus is on restoring the status quo (PRI 2000). As the refugees recognize this is a criminal offence according to Ugandan law, what happens is that both victim and perpetrator are sent to South-Sudan to perform the marriage. That some of the refugees do not trust the Ugandan formal justice system is caused by a number of factors including suspicions of corruption and not being aware of the rules and regulations. Therefore, in certain cases, they feel as if their fellow refugees should not be taken and tried in Uganda.

Even if, in Uganda, there is freedom of movement, refugee settlements always imply a 'condition of immobility' (Diken 2004). In different ways, refugees 'seek room to enact their own customs' (Jansen 2018: 65). Jansen gives the example of Sudanese refugees in Kakuma who realize their practice of 'elopement' is not in line with the rights-based reasoning of UNHCR and therefore search for a location near the settlement to enact their practice. Similarly, we found that South-Sudanese cross the border with their home country to maintain customs such as the execution of marriages with girls below the age of 18:

> A lady of 14 or 15 years cannot be married here in Uganda. We have a cultural norm that this has to be done in South-Sudan. Our people cannot let them be married here in Uganda. The parents want to avoid that being taken to the court. They will automatically send their daughter back to South-Sudan, to finish the marriage when they are young. And they come back to Uganda when they have finished everything (Male RWC member Boroli settlement, 15 February 2019).

Going home—back to the 'national order of things'—gains significance as the refugees cross an international border while staying registered in the camp. In this sense, mobility is used as a solution to escape from justice, blurring the distinction between forced and voluntary migration. The open nature of the settlements has

many advantages, but one negative side effect is that the management of crime becomes more difficult. In line with the findings of Jansen (2018: 69) in Kakuma settlement, we argue that the refugees in Adjumani 'simultaneously appropriate and resist' efforts by the Ugandan government and agencies to align with (inter)-national norms and procedures. This way, they move back and forth between local integration and resistance.

Especially the members of the RWC find themselves at the crossroads between formality and informality, between 'longing for the moral order of yesterday and striving for the opportunities created in the camp' (Turner 2006: 776). As they are endorsed by and work in close relationships with the OPM, it is one of their responsibilities to make sure that Ugandan law is respected by fellow refugees. In principle, the customary leaders depart from their South-Sudanese tradition, the RWCs from Ugandan law. Being the liaison between their fellow South-Sudanese, the Ugandan authorities and UNHCR, the RWC chairpersons find themselves in a difficult position:

> You see, there is a conflict of loyalty in the mind of [the RWC's]. Do I need to respect the elders and support the consequence [thereof]? Or I must dissociate this culture and work with the government institutions. You find they are in a difficult situation (Male OPM staff member Adjumani district, 29 February 2019).

This 'in-between' position is further illustrated by one of the RWC chairpersons in the district, who explains his resolution procedure:

> If a case reaches me, I consult other people. How do you people make it in your culture? I get some information from the people and later on, I compare it with the Ugandan law. What does the law say? From there, I will explain to the person: okay, what you have done it is wrong. Culturally, it is like this. But in Ugandan law, it is supposed to be like that (18 February 2019).

Clearly, the different mediators invest a lot of effort into ensuring adherence to the Ugandan law, pushing their fellow refugees one step closer to local integration. Simultaneously, acting as 'cultural brokers', they safeguard their South-Sudanese customs and value systems until their long-awaited return 'home'.

Conclusion

In 2017, media reported that the reception of refugees in northern Uganda was reaching a 'breaking point' (Al Jazeera 2017; Summers 2017; UNHCR 2017). In view of the heavy pressure on the region's natural resources and social services, the situation no longer seemed tenable for the local communities. Therefore, our research aimed to systematically examine this alarming statement through an analysis of the main sources of tension and conflict. Because of the open nature of the settlements in the district, there is no strict segregation between the villages of the host communities and the area where the refugees are settled. Therefore, disputes that happen between not only individual refugees or groups, but also

those with the local communities are considered. While previous studies have pointed out that, in refugee settings, informal justice providers are mostly appealed to, this study added the importance of refugee leaders mediating between the refugees and also with the local communities. Refugee-hosting areas are an interesting environment in which to study interactions in terms of conflict resolution, as refugees are not only used to other laws, but also believe in other value systems (Da Costa 2006).

Refugee-led resolution systems are indispensable, yet imperfect. This article brings to light the many efforts that refugees invest in to guarantee peaceful coexistence within and around the settlements. Similar to other contexts of displacement, we identified shifting roles and dynamics in households, communities and on the settlement level in general. But, above all, we uncovered the extent to which the refugees navigate between Ugandan law and South-Sudanese customs and feel 'in-between' in terms of time and space. Doing so, they sometimes opt for dispute-settlement outcomes that are suboptimal today, but focused on their long-awaited return to South-Sudan.

Facilitated by the large overlap with their laws and customs of South-Sudan, the appropriation of the host-state law promotes the refugees' local integration. In the few cases in which there is friction between the old and new systems of meaning, some of the refugees actively seek room to enact their own customs (cf. Jansen 2018) and, in doing so, try to escape the law. Although the refugees recognize and respect the Ugandan law, few deviating South-Sudanese values are considered to be too important to let go of, having in mind their return back 'home'. The refugee leaders are found to act as cultural brokers, navigating between Ugandan law and South-Sudanese norms and traditions, between here and there, a recent past and imagined future in South-Sudan. By promoting adherence to the host-state law, the refugee leaders push their fellow South-Sudanese one step closer to local integration, while at the same time safeguarding the 'moral order of yesterday' (Turner 2006). Herewith, the law acts as an instrument equally promoting integration as well as enabling resistance. Eventually, life in the settlement is steered by a combination of local practices and norms, Ugandan law and international 'best practices' introduced by the implementing agencies.

An interesting avenue for future research would be to look at the shifts in positions of power and authority in the northern Ugandan settlements and identify the 'winners' and 'losers' among the refugees. What are the characteristics that are being valued and will these shifts have an impact on community structures when peace returns to South-Sudan? Moreover, future research could explore whether refugees living in an 'ethnically homogenous' settlement have more space to adhere to their culture and traditions than those within a 'mixed' settlement, as the elected and customary leadership could become more intertwined.

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