Uganda:

Conceptual Limitations within Formal Conflict Resolution Mechanisms in Transboundary Protected Areas

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Abstract: This article illustrates the conceptual limitations within conflict resolution attempts in Transboundary protected areas (TBPAs) in Uganda. Using the case of Namatala wetland in Eastern Uganda, this paper analyses the conflict resolution initiatives by government of Uganda to-date; and highlights the conceptual gaps within these initiatives as a reason for the unending conflicts among those using the wetland. Although institutionalized approaches to conflict resolution are given priority by many countries, they often prescribe a public administrative structure model. This article illustrates how such approaches contradict tacit factors that un-

derlie the different dimensions of conflicts in TBPAs. Adopting a retrospective qualitative approach, a review of secondary sources and 7 key informant interviews were conducted. Previous conflict resolution attempts in Namatala have involved resurveying of the contested land, dividing wetland territories based on administrative units; organizing meetings based on districts and providing security to people in conflict zones. Invoking the relative deprivation theory, the article highlights five issues of historical injustices, cultural claims; boundary definition; effects of climate change and language discourse that have been contradicted by this approach. The article demonstrates that all these limitations need to be appreciated and factored into the resolution initiatives in order to yield meaningful and sustainable results.

Keywords: conceptual limitations, transboundary protected areas, conflict resolution mechanisms, wetland, and climatic change.

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Introduction

Environmental conflicts continue to attract a lot of attention in development research because they play a disruptive role in national and international development. ¹Increasingly, a number of countries are experiencing these conflicts because their national income base is derived from natural resources (Brown & Keating, 2015). While these conflicts can occur anywhere, they are more prone in transboundary protected areas² (Martin, Rutagarama, Cascao, Gray, & Chhotray, 2011) because of the shared nature of the resources. These transboundary areas range from water bodies, mountains, wildlife, forests and wetlands. However, their use often spark off conflicts (Machini, 2013). Perennial conflicts over transboundary protected areas have been recorded in a number of countries such as Nepal and India over the Ganges river (Kim, 2016), Israel and Jordan over river Jordan (Choudhury & Islam, 2015), and the conflict between Kenya and Uganda over Migingo island in lake Victoria (Rossi, 2016). Despite this, many of these countries do not have comprehensive approaches to manage these conflicts. Narratives on conflict management have posited that such conflicts can be managed by avoidance, coercion, negotiation, mediation, adjudication and conciliation (Alinon, 2010; FAO, 2000; Olowu, 2017). However, more narratives go a step further to categorize these mechanisms into broader approaches.

Broadly, approaches of conflict management in TBPAs fall in three categories; the traditional, formal (institutional) and collaborative approaches (Akudugu & Mahama, 2011). Literature indicates that earlier forms of conflict management within the TBPAs followed the informal approaches (Olowu, 2017; Sanginga, Kamugisha, & Martin, 2007) where traditional institutions were central to conflict management. These involved use of people of integrity within the communities, clans or families as mediators. But with the waning of traditional political systems, formal institutionalized mechanisms emerged that involve use of formal structures (Petursson, Vedeld, & Vatn, 2013) and legal frameworks to settle disputes in TBPAs. These approaches have two dimensions; those which divide the resource, and those which share the resource (Huda, 2017). Those that divide the resource use institutions to streamline governance of the TBPA by establishing agreements on boundaries that separate the resource and provision of security by each competing stakeholder (Huda, 2017). However, those that share the resource ensure that competing stakeholders establish joint institutional structures, treaties and strategies to share the resource. While these approaches may be good, oftentimes, they exclude local users in the management of conflicts in the TBPA

¹ Environmental conflicts refer to any disputes and disagreements over access to, control, use and responsibility of any environmental resource (LeBillon, 2015).

² The International Union for Conservation of Nature (IUCN) defines Transboundary Protected Areas (TBPAs) as preserved land resources that go beyond one sovereign land (Sandwith, Hamilton, & Sheppard, 2001). The sovereign land may be a country, region or community within a country.

(Sanginga et al., 2007). Due to this, some academics have suggested collaborative approaches which intensively engage local users (Ratner et al., 2017). These approaches blend formal approaches and the traditional approaches in conflict management (Gent & Shannon, 2011; Yasmi, Colfer, Yuliani, Indriatmoko, & Heri, 2007). Although these approaches are known, the choice of approach to use during conflict in TBPAs depends on resource availability, the urgency in the settlement of the dispute, the need for binding decisions and the nature of conflict. Given that decisions from informal approaches are oftentimes not legally binding, yet collaborative approaches take a lot of time, some countries give priority to institutionalized approaches because they are quicker and follow national and international guidelines (Akudugu & Mahama, 2011). However in Uganda, these institutionalised approaches have followed the formal public administrative structure model. This involves creating new administrative units, surveying of the contested land, redefining administrative borders, dividing contesting ethnicities; talking to district leadership, halting the use of the wetland and providing security to people in the conflict zones. This model negates the historical and cultural claims within in the TBPA; contradicts local perceptions of a boundary and downplays other push factors that underlie conflicts in transboundary wetlands. This article therefore illustrates the conceptual limitations within such institutionalized conflict resolution mechanisms in TBPAs; using the case of Namatala wetland in Eastern Uganda. The article will examine the previous conflict resolutions regimes in the area, it will highlight the tacit factors which continue to drive, and contribute to the conflicts; and using the relative deprivation theory, it will illustrate how the attempts negate these tacit factors.

The relative deprivation theory as a framework for analysis

Relative deprivation as defined by Gurr (1971) is a sentiment when a group of people think they have less than what they should have. Salch (2013:167) in agreement with Gurr (1971) postulates that "relative deprivation refers to any perceived discrepancy between people's expectations and their capabilities to fulfill those expectations". The key idea in the theory is that people will feel deprived if what was initially theirs has been taken away or when they feel they ought to have what their referent group has. The feeling of relative deprivation creates a feeling of inequality between the discontented group and the reference group (Agbiboa, 2013). This raises frustration and the accumulated frustration strengthens group identities which lead to group violence (Abdullahi, Seedat-Khan, Saheed, & Abdulrahman, 2016). The dimensions of relative deprivations are varied, some could be political, cultural, social, economic, psychological (Smith & Pettigrew, 2015) or even structural. The more a group feels deprived, the greater the group bond and the intensity of conflict. The conflicts in Namatala therefore is driven by actual or perceived relative deprivation by some groups of people. The theory is used to identify what dimensions of dissatisfaction are created by the conflict resolution and how do these continue to contribute to the conflict in Namatala.

Area of study

The study adopted a retrospective qualitative approach in order to generate an understanding of the historical attempts in Namatala wetland and why the conflict has persisted. To achieve this, the study followed a case study research design in Namatala area shared by three districts of Mbale, Budaka and Butaleja of Eastern Uganda. This area was purposively selected because it has had recurring violent conflicts for over a decade. All the four transboundary sub-counties were purposively selected, these were; Kamonkoli and Lyama in Budaka district, Butaleja town council in Butaleja district and Bukasakya sub-county in Mbale district. The geographical context of Namatala is illustrated in the map below.

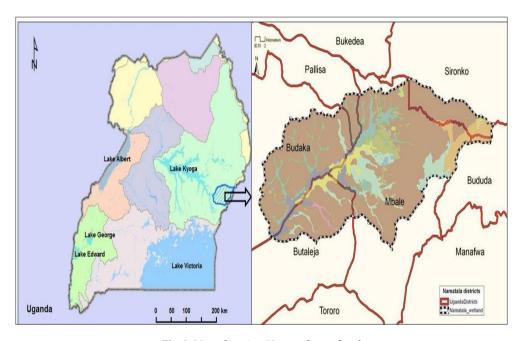


Fig 1. Map showing Namatala wetland

Source: Namaalwa, Dam, Guruh, Kaggwa, and Sekayizzi (2012)

Methods

This study adopted a retrospective approach drawing upon a review of secondary sources and oral interviews with 7 informants. The review of secondary sources was done to generate data on the conflict resolution attempts during the colonial era in Namatala. I read articles, books, online sources and newspapers relevant to this study and these were obtained from Makerere University Library. Oral interviews with key informants were used to generate data on conflict resolution attempts since the post-independence era; and the unresolved issues which drive the conflict. Since in qualitative research the

concern is more with the richness of the data and not numbers (O'Reilly & Parker, 2012), 3 district natural resources officers representing each of the districts and 4 sub-county leaders representing each sub-county were selected. Natural resources officers were chosen because they are the technical people at the district level on issues of ownership and use of wetlands; while sub-county leaders were selected because they are knowledgeable about the previous attempts and drivers of the conflict in their districts. All the interviews were recorded by use of a recorder and later transcribed. A thematic analysis was adopted to identify codes, categories and themes (Bryman, 2012) during and after data collection and verbatim quotations have been used to strengthen the description of findings. Ethical considerations of informed consent, voluntary participation, anonymity and confidentiality were upheld during the study.

Results and analysis

The study set out to illustrate the conceptual limitations of the conflict resolution attempts in Namatala conflict. Findings show that there were a number of conflict resolution attempts in Namatala right from the colonial period; but all the attempts did not capture some issues that drive the conflicts in Namatala. The following section therefore will highlight the conflict resolution attempts and unresolved issues in Namatala.

Conflict resolution attempts in Namatala

Contestations around Namatala began during the colonial rule, when political boundaries were adjusted several times during the expansion of the British protectorate to Eastern Uganda (Khanakwa, 2012). During the formation of Bukedi district in eastern Uganda, the initial administrative unit was placed in Bugwere in 1902 which is dominated by Bagwere ethnic group). However, it shifted to Mbale dominated by Bagisu, two years later (Twaddle, 1969). This led to competing claim over Mbale between the Bagwere and the Bagisu. In an attempt to end the existing contestations, Bugisu district was curved from Bukedi District in 1954, and Mbale was made an independent district hosting the administrative units of both Bugisu and Bukedi Districts, causing more confusion and more contestations (Karugire, 1980; Kasfir, 1976).

Before independence, the conflict intensified, compelling the colonial government to establish a boundary commission in 1962 to look into the Mbale question (Khanakwa, 2012). To corroborate this evidence, an elderly key informant from Mbale said; "Britain helped and came and put a committee in 1962 to separate Bugisu from Bukedi. The good thing is that they even got the coordinates that separate them". However, all these efforts by the colonial government were to separate the conflicting groups by establishing new administrative structures. Probably the assumption was that; by laying new administrative units, the conflicts would end, but this was not the case as one key informant from Budaka explains; "at first, boundary between Bugisu and Bugwere was at the high court, and the head offices were in Maluku. But later, one leader confused the process of

demarcation and the boundary was extended to the railway line, relocating Bugwere to Bukedi". By independence, the conflict over Mbale was still going on as one local leader from Kamonkoli narrates; the decision to give Mbale to Bugisu was made some years after independence with the betrayal of one of our leaders at the time. But the case on this issue is still in the high court of Mbale, it has never been disposed up to now. This history had huge implication for the conflicts between Bagisu and Bagwere rice farmers over Namatala wetland in in the post-independence era.

When the new wave of conflicts broke out in 2005 between rice farmers from Bugisu and Bugwere, new attempts were made by government to ensure that this conflict ends. One of the attempts was to again re-survey and demarcate the land so that the Bagisu and Bagwere rice farmers know their limits as a key informant narrates;

"In the 2007, the ministry of lands sent us a surveyor who organized a meeting with the conflicting parties and informed them that he was going to survey the land basing on 1962 boundary. Together with the district leaders, Resident District Commissioners (RDC), District Police Commander (DPC) and 12 more people from either side, land was surveyed placing pillars at certain intervals to mark the boundary. The following morning, people from Budaka came and removed all the pillars claiming that the surveyor had been compromised" (key informant from Mbale).

The removal of pillars indicates that one group did not agree with demarcations that were made. And indeed another key informant emphasised that; "The railway line had been the boundary for many years. Even Amin's road blocks used to be stationed there. But to our surprise, they were saying that Namatala stream is where the new boundary is. There was even a tree near the boundary, but when the surveyor came to demarcate, the tree was far away from what we knew as the boundary in favor of the Bagisu" (an elderly key informant from Budaka). Another key informant also reported that in 2010, another attempt was made by government through the ministry of water and environment to cordon off the wetland for human activity but the surveyor was only rescued by the police from the angry mob from Nyanza in Budaka.

Due to the disagreements, another attempt that was made during the violent episodes was to halt the use of the wetland. The army and police were deployed around the wetland to avoid bloodshed. As a local leader claims; "the DPC and RDC met with the farmers and ordered them to stop using the wetland immediately and they declared that whoever was to be found using the wetland during that period would be arrested". But after some time people gradually started going back to the wetland (a local leader from Mbale). While these efforts were able to stop the violent conflict, the subtle conflict still went on. In fact one leader from Budaka said "we don't know where the boundary is up to now" and another from Mbale reiterated "the major conflict stopped but people are running out of patience because many issues have not been resolved". This implies that

the conflict resolution attempts were able to calm down the violent conflict but there are still some unresolved issues and it is these that breed grounds for more conflicts.

As the conflict between the Bagwere and Bagisu rice farmers was declining, another wave of conflicts over farming rights in Namatala wetland emerged in 2015; but this time between Banyole of Butaleja District and Bagwere of Budaka District. In response, government intervened by sending government officials including the Inspector General of Police, Minister of State for Lands and permanent secretary Ministry of Lands to talk to warring parties and their leadership (local leaders from Butaleja). These attempts fuelled the conflict instead of lessening it. Like the previous conflict between Bagisu and Bagwere, government attempted to demarcate the districts of Butaleja and Budaka as remarked by a key informant; "two surveyors were hired, one by Butaleja district and another by Budaka District. It was agreed before surveying that both parties should accept the outcome, but when this was done, the people from Butaleja disagreed with the new demarcations" (Female key informant). Despite all the efforts by government, the conflicts have persisted; some with latent manifestations, while others are violent and fatal. The persistence of the conflict indicates that there are underlying issues that remain unresolved. The next sub-section is going to highlight some of these issues.

The conceptual limitations and the unresolved issues in Namatala

The findings show that there is a historical element in the conflict that relates to change in weather patterns in the past. Key informants indicated that in the 1960s, there were heavy rains which flooded the low lying areas of Namatala forcing people to shift to the upper lands. However when the water levels receded, river Namatala had changed course, shifting the ownership of certain pieces of land. This historical event continues to play a significant role in driving the current conflict because some conflicting groups still feel that they unfairly lost their land.

Besides history, the findings also show that there were cultural issues embedded in the conflicts. One key informant made this expression; "from time immemorial, what is now called a wetland used to be people's homes, there were houses and there are burial sites even up to now in that wetland. So we cannot just leave our ancestors under the custody of strangers" (an elderly male informant from Mbale). This statement suggests that the contested wetland is not only perceived as a piece of land for sustaining livelihoods but a symbol of their identity and cultural heritage. Additionally, language plays a significant role in escalating the conflict in Namatala. In one of the interviews, a local leader noted; in 2007, "the conflict may not have broken out had it not been the language used by Bagwere. The people from Bugwere said; have you ever seen a buck mounting a cow? Meaning that we the Bagisu are goats and they are the cows" (An elderly male informant). Such demeaning language raises emotions and can be used to mobilise other members to join the conflict.

The findings also indicated that there are issues of difference in the interpretation of the boundary. Some community members view Namatala river as the boundary while others use the boundary on the map of Uganda used by the technical people to separate districts. To emphasise this, a local leader said; "In the year I have forgotten, the Ministry of Lands sent us surveyors. When the surveyors started plotting the boundary, they were attacked by some people claiming that they are changing the Borderline". This is indicative of the difference in interpretation of the boundary between some community members and the technocrats. Another key informant noted; "You know that Namatala river is seasonal, but there are those who believe that Namatala is the boundary so even after the river has changed its course, they will follow the river as a boundary". The mismatch between the local interpretation of a boundary and that of the technocrats is a tacit issue that may not have been considered in the previous attempts.

Additionally, the findings also showed that the wetland of Namatala supports the livelihood system of farming communities that are adjacent to the wetland. Perhaps the
conflict would not emerge if the wetland was not used as a source of livelihood for the
conflicting parties. A key informant noted; "the biggest thing is the economic benefit
associated with the resource of a wetland. It is the driving force of the conflict because, if
you are not using the resource, would you want so much to go and fight for it? Or would
you care where the boundary is? The wetland is where rice farmers get higher economic
benefit." The economic value of the resource of a wetland is critical, given that most
users of the wetland are rice farmers who need constant flow of water in order to reap
big. Another key informant also noted, "Right now anybody who has a wetland is a very
rich person because other pieces of land in Butaleja are not productive". The unproductivity of the uplands either due to loss of soil fertility or effects of climate changes is a
significant push factor of the conflict. These unresolved issues have bred a feeling of
relative deprivation among communities; resulting into perennial conflicts.

Discussion

This article set out to illustrate the conceptual limitations of the conflict resolution attempts in the transboundary protected area. Given that such areas are transboundary in nature, it is easily assumed that such conflicts are about unclear or unstable boundaries. In as much as this may be true in some situations; in Namatala, there are other underlying issues. Therefore, the national efforts that informed the purpose and approach of these conflict resolution regimes in Namatala appear to have been based on that understanding. While government thought that physical separation of the conflicting groups, offering security to conflicting group or surveying the contested lands could resolve the conflict; this favoured the public administration structure but not the local people. Increasingly, the conflict in TBPAs in Namatala wetland appear to be driven by historical and cultural rights of the contesting parties, the perception of boundary by local users, the changing nature of the river, and the role of climate change.

History is well known to play a significant role in conflicts (Gleick, 2014) but often times this history is not associated with change in weather patterns. In the case of Namatala, the history is in relation to heavy rains which led to flooding. The impact of flooding is well documented in terms of creating food shortages (Vermeulen, Campbell, & Ingram, 2012; Wheeler & Braun, 2013) and poor health conditions (Franchini, Mannucci, & Baldi, 2015; Hashim & Hashim, 2016), but this study suggests that it can lead to conflicts in subnational transboundary wetlands. The change in the river course due to the floods created social, economic and cultural losses to some groups and unless such groups get their entitlements, that continues to breed a feeling of deprivation. Physically demarcating territories is good for public administration, but to the local people in may just reinforce the injustice especially if what they claim remains in the hands of the competitor. The relative deprivation theory argues that feelings of felt injustice can continue to breed emotions even when overt manifestations are absent (Alam, 2013). Therefore if a conflict resolution attempt ignores such undertones, the attempts may become futile.

Culture is an important aspect in creating cohesion but it can as well create social difference especially when different groups share resources. When resources are contested for, cultural identity and heritage become important elements. In agreement with this argument, He and Xue (2014) contend that; collective violence becomes a means of building and defending cultural identities. In the case of Namatala, the need for communities to secure the burial sites is one of the factors causing the conflicts. Burial sites denote traditional places where families bury their dead. Evidence suggests that burial sites is one way in which communities and families maintain their cultural heritage (Nafziger, 2017), but their meanings and purposes vary greatly across families and communities. Rugg (2000) suggests that in some communities burial sites express an identity to the living but Francis, Kellaher, and Neophytou (2000) assert that the deceased are part of the living and should be close by for customary and religious functions. However, the conflict resolution mechanisms of redefining boundaries sometimes make the burial sites more distant especially when ownership of the land changes to another person by the new boundary. Therefore, the persistent conflict may be a resistance to the fact that the deceased members of the family are distant, it could be a response to fact that some families are unable to perform certain cultural and religious practices; and it may equally mean that the living are not able to care for their deceased as they ought to. The relative deprivation theory argues that sentiment of relative deprivation takes different forms; it can be political, economic, social or cultural (Smith & Pettigrew, 2015) like it is in Namatala. This implies that cultural connotations have to be factored any attempt of resolving the conflict in Namatala.

Related to culture is the issue of boundary definition. In many African societies, geographical features such as valleys, rivers, mountains and forests have always been used as thresholds to determine how far one can use a particular resource (Ngwochu,

2012). In agreement Grassiani and Swinkels (2014) contend that borders are not man made but socially constructed. This denotes that borders can be determined by local perception through the process of socialization. Therefore, if people have learnt from experience that Namatala stream/river is the boundary, anything contrary to this will be contested. This is because the socially constructed boundary is visible and has a geographical location compared to the imaginary one determined by use of the Global positioning system (GPS) which is normally used in trying to resolve the conflicts. Arieli (2016) further maintains that imaginary lines act as barriers, but socially defined boundaries involve a network of trust. Therefore, the use of GPS may be the best approach for district leadership because it clearly determines the threshold of each district, but to the local people, it is unfamiliar, foreign, and a total contradiction of what is known. The paradox though is that even the socially constructed boundary is problematic because land marks like rivers/streams change position over time. It is even worse if it is a seasonal river like Namatala because access and use of the wetland will be determined by the season. Clearly, this creates a feeling of inequality that is the central idea in relative deprivation theory (Agbiboa, 2013). But redefining such borders based on the imagery line yet the local people define it differently is counterproductive because it destroys the networks of trust local people have. This implies that socio-cultural connotations have to be factored in any attempt of resolving the conflict in Namatala.

From an economic point of view, the transboundary wetland of Namatala is a critical resource for survival of communities adjacent to the wetland. Even when it is illegal to use the wetland for human activity, their reality gives them limited options. Findings indicate that the upland has become less productive and therefore the wetland is the only mechanism available for coping to the unproductive uplands. What could have made the uplands less unproductive is not clear; but it could probably be due to climate change effects like higher temperatures (Fischer, Hizsnyik, Tramberend, & Velthuizen, un dated). A conflict resolution mechanism that halts or restricts the surrounding communities to use the wetland like it was in Namatala is detached from reality. It deprives all the conflicting groups from using the wetland which is an economic dimension of relative deprivation. Since there are limited alternative livelihoods, the wetland is the only source of livelihood and income for surrounding communities (Bhatta et al., 2016; Nasongo, Zaal, Dietz, & Okeyo-Owuor, 2015). Besides that, it offers a favourable condition for the major economic activity of rice farming because of the constant availability of water for production. Effects of climate change and the need for water for production play a significant role in influencing the different dimensions of conflicts in Namatala. However, the Conflict resolution mechanisms seem to ignore them. The failure of the conflict resolution attempts to capture such issues is bound to lead to unending conflicts.

Conclusion

This article illuminates the conceptual limitation within the public administrative and geophysical initiatives that have been made by government to end the perennial conflicts in the transboundary wetland of Namatala in Eastern Uganda. This article demonstrates that the conflict resolution attempts in Namatala have largely adopted an institutionalized separationist approach using public administrative frameworks and geophysical solutions including spatial deprivation of the resource. This has involved defining of boundaries between the conflicting groups, dividing of administrative units, provision of security and establishing buffer zones for human activity. The assumption of government has been that; once a group has been given a well-defined territory for utilisation and administration; and has been given protection; then that group is secure. But this paper shows that conflicts in TBPAs take different dimensions. Increasingly, the conflicts are also being occasioned by increasing demands for water for production in the wetland, boundary definition and the changing nature of the river; language historical and cultural claims. Therefore while the purpose of the conflict resolution attempts in Namatala is good, the approaches used to resolve the conflicts in Namatala favour the public administrative systems but negate the underlying tacit historical and sociocultural issues of the local people. Therefore, there is need to have holistic attempts that capture all these undertones within the community.

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