NEW ISSUES IN REFUGEE RESEARCH

Crimes, conflicts and courts: the administration of justice in a Zambian refugee settlement

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Introduction

During a visit to Kakuma Refugee Camp in Kenya in March 1996, a researcher came across three minors and a mentally ill woman, detained in two cells in the middle of the camp and guarded by a young man with a long whip. When the researcher raised the human rights implications of this situation with UNHCR staff, his concerns were "dismissed with the observation that 'this is their culture.'"[1] Yet the Sudanese Bench Courts in Kakuma, of which the detention cells were part, were originally funded by the Lutheran World Federation, an international NGO responsible for the management of the camp.[2]

Access to justice is an important tenet of the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights. Article 16 of the 1951 Convention Relating to the Status of Refugees gives refugees equal access to host-state courts as nationals.[3] Nevertheless, many refugees do not have access to, or choose not to utilize, the host state justice system.

Camps and settlements are often characterized by a plurality of legal institutions, with the host state, UNHCR, NGOs and refugees themselves all playing a part in justice administration. Like the Sudanese Bench Courts in Kakuma, these institutions do not necessarily comply with international human rights or host state legislation, leaving refugees without the equal protection of the law.

The existing body of academic and practitioner literature on justice administration in refugee camps and settlements is very limited and has largely focused on procedural and legalistic questions. Researchers have been concerned with how different informal and formal institutions operate; whether women and minorities are involved in decision-making; the types of decisions reached, as well as the availability of legal counsel.

Almost no attention has been paid to the voices and agency of refugees: what are the crimes and conflicts of greatest concern to them, what justice institutions do they believe to be available, how do they view these institutions, what costs and benefits determine which institutions they use, and what are their objectives in pursuing justice?

My goal is to go beyond the procedural, rules-based analysis of past works and to undertake a socio-legal analysis that captures the voices and agency of refugees and engages with justice systems as dynamic social institutions that are heavily influenced by popular perceptions and actions. To this end, from July to September of 2008 I conducted fieldwork among three communities in Meheba Refugee Settlement in Zambia, host to about 14,000 refugees, largely from Angola, the Democratic Republic of Congo (DRC) and Rwanda. Through focus group discussions, individual interviews and participant observation, I sought to answer the following research questions:

- what types of crimes and conflicts do refugees in Meheba consider to be most common and of greatest concern?

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[1] Verdirame 1999, 63

[2] Griek 2007, 57

[3] It states: "1. A refugee shall have free access to the courts of law on the territory of all Contracting States. 2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the courts, including legal assistance and exemption from cautio judicatum solvi." States may not make reservations to Article 16 (1) at the time of signature, ratification, or accession to the Convention, according to Article 42.

- what justice institutions do refugees in Meheba identify as being available to them?

- how are different justice institutions regarded; do their costs and benefits determine whether a refugee will pursue justice through a particular institution?

- what do refugees in Meheba believe to be the objective(s) of justice?

- to what extent and in what ways do perceptions, preferences, and utilization of justice institutions vary across different groups of refugees within the same settlement?

- what factors help explain these variations?

Existing literature

UNHCR has long recognized that the lack of functioning law and order systems in refugee camps and settlements has serious consequences for violence and human rights. Until 2006, however, UNHCR did not issue any policy documents or guidelines that reflected an engagement with the complexity of justice administration in these environments.

When informal justice institutions were first officially addressed by UNHCR at a 2001 conference on sexual and gender-based violence (SGBV), the resulting document simply advised protection and field officers to "discourage the use of customs and traditional practices that violate basic human rights principles." Similarly, the 2003 SGBV Guidelines recommended that both informal and host state legal systems be encouraged to "adopt human rights norms and ensure the participation of women."[4]

In recognition of the challenges of operationalizing such vague recommendations, UNHCR commissioned a comparative study of access to justice in several refugee camps and settlements to generate more concrete guidelines for field staff. Written by external consultant Rosa da Costa and released in March 2006, the study was based primarily on surveys distributed to UNHCR Regional, Branch, and Field Offices in 13 countries and 52 refugee camps and settlements.

The survey questionnaire addressed the nature and history of refugee dispute resolution structures; refugee access to and experience with the host state legal system; the nature and degree of cooperation between the host state legal system and refugee dispute resolution structures; legal aid; policing and camp governance.

As the "first comprehensive attempt at compiling information on the situation of administration of justice in refugee camps," Da Costa's study raised important questions about the connections between justice administration and protection, the role of different camp management actors, and the operations and human rights implications of different institutions.[5] She recommended that authorities increase their presence in camps and settlements to build and maintain trust with the refugee populations; develop relevant assessment, monitoring, learning, and implementation

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[4] Griek 2007, 10
[5] Da Costa 2006, 2

tools; and enhance awareness of refugees' rights among themselves and the broader refugee population.[6]

Since the study's release, there have been more references to access to justice in UNHCR policy documents and a seemingly greater interest in legal systems within the organization. But the organization's reports have continued to be largely descriptive, offering only ambiguous and general guidelines for action. Despite giving greater attention to the topic, UNHCR is currently, as a senior official has admitted, "a little bit at a loss of what is really needed in the field."[7]

Apart from UNHCR-sponsored research and policy documents, there is little academic or practitioner literature specific to justice administration in refugee camps and settlements. Two papers that directly address this subject, and that have consequently shaped this paper, are Ilse Griek's master's dissertation from the Department of Public Administration at Leiden University, "Access to Justice in Kenyan Refugee Camps: Exploring the Scope of Protection" (2007), and the International Rescue Committee's "Assessment of Protection Issues, with a Focus on Access to Justice and the Rule of Law: Mae Le Camp, Tak Province and Sites One and Two Camps, Mae Hong Son Province" (2006).

In the former work, Griek explicitly builds on Da Costa's work by providing detailed case studies of justice institutions in Kakuma and Dadaab Refugee Camps in Kenya. She examines "the forms of administration of justice," looking specifically at the Mobile Court in each camp and what she terms "traditional dispute resolution mechanisms": Sudanese Bench Courts in Kakuma and Somali *Maslaxad* in Dadaab.[8]

Griek argues that host state and "traditional" refugee-led justice institutions constitute "parallel legal systems" which result in more disadvantages than advantages for refugee protection. She cites discrimination against women and minorities, threats to complainants and witnesses, inadequate justice for victims, impunity for offenders and unclear jurisdiction as the major problems.

In 2005-06, the International Rescue Committee partnered with UNHCR and the Royal Thai Government to develop a legal assistance project for camps along the Thai-Burma border to learn more about the refugee security and protection-related concerns and their experience of accessing justice by means of a "comprehensive assessment" in three pilot project sites.[9]

A survey was administered to 2,299 refugees and in-depth interviews and focus groups were conducted with Thai authorities, camp authorities, community-based organizations, NGOs and UNHCR. Refugees were asked about the security and safety issues of greatest concern to them; the justice institutions they used in disputes and crimes; their reasons for pursuing or not pursuing justice (e.g. prevention, punishment, personal compensation) and which institution they would go to first; the advantages and disadvantages of the different justice institutions; the extent of their legal knowledge; and the obstacles they faced in accessing camp-based and host state justice institutions.

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[6] Ibid 65-66
[7] Stakeholder Interview 14
[8] Griek 2007, 11-12
[9] Harding et al. 2008, 29

The report that emanated from this research argued that refugees in the Thai camps are "caught in a legal void": camp-based justice institutions did not adequately deliver justice and host-state institutions were difficult to access and fraught with their own flaws.[10]

These past projects on justice administration in refugee camps provided a basis for the generation of hypotheses about the types of crimes and conflicts I would find in Meheba and the reasons why refugees might prefer one justice system over another. However, the existing literature also left some significant gaps that I seek to address in this paper.

There are three major limitations to Da Costa's study. Firstly, she did not directly take into account the views of refugees, whereas, as Terence Ranger has noted, "The refugee situation is so much the product of gross imbalances of power, including the power of communication, that researchers have a duty to correct these as much as they can by listening to and recording the 'refugee voice.'"[11] Only two questions out of more than 45 asked UNHCR staff to reflect on refugee opinions.[12] Moreover, the study did not directly include the voices of host government authorities or NGOs.

The second limitation emerges from the first. Methodologically and analytically, the study positions UNHCR as a central actor in justice administration. The rationale behind this approach is understandable, as the study was intended to generate guidelines for UNHCR field staff "on how to handle situations where either national justice does not meet international standards, or where the lack of national justice mechanisms has spurred traditional justice systems to be established."[13] However, the possibility that refugees, host state, and non-governmental actors may not view UNHCR as important or even relevant to justice administration is not considered.

Thirdly, the study prioritized breadth over depth. Even with the incorporation of examples from survey responses, the highly general nature of Da Costa's study risks essentializing refugees and their experiences. A senior official observed that the Da Costa study "lacked the anthropological perspective" needed to truly contribute to a nuanced understanding of justice administration in refugee camps and settlements.[14]

Griek's work offers the case study depth that is lacking in Da Costa's study and draws attention to the important human rights and protection concerns that can arise for victims of violence seeking justice in refugee camps. However, she too focuses on the forms and operations of justice institutions without seeking a deeper understanding of the perceptions and preferences that sustain them. Though Griek did engage with refugees through informal conversations and five focus groups,[15] she spent just two weeks in each camp, a limitation she acknowledges.[16]

Theoretical framework

UNHCR policy documents, Da Costa, Griek, and to some extent the IRC study analyzed justice institutions primarily in terms of their legal rules and procedures. Griek justifies her focus on

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[10] IRC 2006, 1
[11] Ranger 1994, 281
[12] They were: "What is the general reputation or view of [refugee dispute resolution] mechanisms by the targeted refugee population?" and "When are refugees most interested in pursuing cases in the state legal system?" (Da Costa 2006, 77-78)
[13] Ibid, 1
[14] Stakeholder Interview 1
[15] Griek 2007, 95. She does not specify how many individuals were present in each group, how they were selected, or what questions they were asked.
[16] Ibid, 25

"the legal and functional, rather than cultural, implications of parallel justice" by her desire to "influence practitioners and policy dealing with justice in refugee camp settings." She calls her approach "not anthropological but policy-oriented."[17] I reject the assumption that anthropological and policy-oriented research are somehow mutually exclusive and argue that rich scholarship on the topic at hand requires more than a rules-based analysis.

In contrast to the previous literature, I employ a socio-legal approach, which understands justice systems to be comprised of dynamic social institutions that are "shaped heavily by the population's perceptions and actions."[18] Clark (2005), who analyzed gacaca courts in Rwanda through a socio-legal lens, argues that individuals' "involvement in, and interpretations of gacaca are important for understanding and critiquing the institution as a whole," and extends this approach to all justice institutions that are characterized by high levels of community participation.[19]

In the socio-legal approach, justice institutions cannot be understood exclusively as legal entities but must be situated in the wider social, cultural, and political context.[20] Moreover, in the particular context of a protracted refugee settlement, different stakeholder groups may have different objectives for justice. According to Clark, there are three major categories of justice, each involving a distinct view on the form that punishment should take and what it should achieve.

Retributive justice emphasizes that perpetrators must be held accountable and appropriately punished. Deterrent justice views punishment as necessary not just because perpetrators "deserve it, but because it may dissuade future perpetrators from committing similar crimes," thus helping to end impunity. Restorative justice contends that punishment is necessary but not enough in itself, and so must enable perpetrators and victims to rebuild relationships.

Retributive and deterrent justice typically sentence perpetrators to pay financial restitution to the state or serve prison terms commensurate with the severity of the crime, while restorative justice considers that sometimes the form or degree of punishment must be altered in order to achieve more reconciliatory ends.[21]

A deterrent view drives many of the critiques of informal justice made by Da Costa and Griek, though the latter acknowledges that some communities may have other, or additional, objectives. She writes: "Like traditional law in much of Africa, Somali customary law is not based upon values of retribution or punishment, but on reconciliation and compensation; the restoration of relations between communities."[22]

Yet in the same way that Verdirame was told "'this is their culture,'" Griek inappropriately conflates traditional, customary, and informal justice, and stops short of asking *why* these preferences exist and particularly how the refugee camp or settlement environment might affect them.[23] Any nuanced sense of refugee agency and strategic thinking, as well as a notion of camp

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[17] Griek 2007, 25
[18] Clark 2005, 6
[19] Ibid, 5
[20] Ibid, 97
[21] Clark 2005, 40-41
[22] Griek 2007, 50
[23] Advocating for an understanding of different justice objectives should not be confused with an attempt to defend them as acceptable or good. But as Lazarus (2004, 9) notes, "a normative commitment to human rights" should not lead the researcher "to downplay the complexity and diversity of local environments."

or settlement variations, is absent. The socio-legal approach, in contrast, calls for a consideration of the "pragmatic and profound aims" of justice and the motivations behind them.[24]

Unique features of protracted refugee settlement

Three factors make the refugee settlement a particularly unique space to examine issues of justice administration: restrictions on basic rights and freedoms; uncertainty about long-term prospects; and non-state actors fulfilling state-like functions.

Firstly, refugees are often disenfranchised when living in camps and settlements. Zambia, for example, has made reservations to the 1951 Convention Relating to the Status of Refugees with regard to refugees' rights to freedom of movement, employment, and education, and the provision of travel documents. The 1970 Refugee (Control) Act requires all refugees to live in camps and settlements designated by the government.[25] Its provisions include that refugees can only leave Meheba with permission from the Refugee Officer and a travel permit that specifies their terms of travel.

An authorized officer is allowed to arrest a refugee without a warrant if they are "reasonably suspected" of committing or attempting to commit an offence against the Act. Breaches of the Act can be punished by up to three months in prison. Police officers have the right to use reasonable force, including firearms, to compel refugee compliance, and are given immunity "from any liability, action, claim or demand whatsoever" for their actions under the Act.[26]

The 1967 Immigration and Deportation Act, last amended in 1994, authorizes Zambian courts to deport refugees convicted of offences regardless of their gravity. The only exceptions are related "to cases where the Minister, or the court, is of the opinion that the refugee may be tried, detained, restricted or punished without trial for an offence of a political character upon return or is likely to be subjected to physical attacks." These exceptions are much narrower than those provided for by non-refoulement principles in the 1951 Convention and other international human rights instruments.[27]

As the Senior Legal Officer in UNHCR's Protection Division, notes, not all host governments are willing to ensure that refugees have the same access to courts as nationals, despite an obligation under Article 16 of the 1951 Convention.[28] Consequently, refugees are vulnerable relative to the host state and its nationals. With these restrictions on fundamental rights and freedoms, the power differential between refugees and the host state is greater than that between poor nationals living in the periphery and the host state.

Secondly, refugees living in protracted exile are uncertain about their long-term status. No longer considered part of an emergency crisis, they also have little hope of securing a durable solution.[29] They are trapped in a state of limbo: unable to return to their country of origin, typically because it is unsafe; unable to permanently reside in their country of first asylum because of resistance from the host state;[30] and unable to move to a third country, because none has consented to offer them permanent residency.[31] This uncertainty and the associated duress is simply not something

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[24] Clark 2005, 81
[25] UNHCR 2007c, 7
[26] USCRI
[27] UNHCR 2007c, 12-13
[28] Stakeholder Interview 14
[29] UNHCR 2006b, 106
[30] The 1970 Refugee (Control) Act in Zambia does not provide for local integration.
[31] Crisp 2002, i

experienced by host state nationals or those living in post-conflict states, and affects the way refugees view and pursue justice.

Finally, refugee camps and settlements are unique in that non-state actors, specifically UNHCR and partner organizations, have state-like administrative and governance functions and may play a role in justice administration. UNHCR does not have the legal authority to arbitrate justice issues, but it does believe that its protection mandate includes "fairly far reaching" responsibilities for ensuring that justice mechanisms used by refugees meet basic international standards.[32] Thus in Meheba, UNHCR financially supports a Mobile Court and the provision of defence counsel to refugees, offers occasional training to the police and refugee Chairmen, and is designing several programs to prevent and address sexual and gender-based violence.

Meheba refugee settlement

With hundreds of refugee camps and settlements throughout the world, there were many possible sites for my research. Meheba Refugee Settlement in Zambia was selected for five reasons.

Firstly, Zambia has a long history of hosting refugees fleeing strife and civil war, and current numbers are substantial. As of January 2009, Zambia hosted 77,880 refugees and asylum-seekers, 45,950 of who were assisted by UNHCR.[33]

Secondly, the major refugee populations in Zambia are from three of the region's most violent and long-running conflicts: Angola, the DRC and Rwanda. If thousands of these refugees do eventually repatriate, there will be serious socioeconomic, political, security, and overall stability implications and their views of and experiences with crime, impunity and justice during their exile will be carried back with them.

Thirdly, the camps and settlements in Zambia have not been over-researched, unlike some East African camps, particularly Kakuma and Dadaab.[34] Though the influx of tens of thousands of Angolan refugees to Zambia and their subsequent repatriation once attracted the attention of researchers from academic institutions, UN agencies, and NGOs, Meheba has been relatively neglected in recent years.

Fourthly, as a host to refugees from several countries, Meheba allows for a cross-nationality comparison without the need to control for structural or substantive differences in settlement administration. This approach distinguishes my paper from previous work: the Da Costa study drew conclusions from 52 camps and settlements in 13 countries; Griek compared two camps in Kenya, one of Somalis and one of Sudanese; and the IRC study looked at multiple camps in Thailand with Burmese refugees. This is the first work to examine variations *within* a single settlement, and thus the first to demonstrate the value of a micro-level analysis as compared to the macro-level generalizations of previous literature.

Finally, I selected Meheba for reasons of accessibility and familiarity. I previously worked for FORGE (Facilitating Opportunities for Refugee Growth and Empowerment), a non-governmental Operating Partner of UNHCR, in Mwange Refugee Camp in Zambia. FORGE also

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[32] Stakeholder Interview 14
[33] UNHCR "Global Appeal 2009 Update," 219. The precision of these numbers should, of course, be viewed with some skepticism. As Sommers (2001, x) has argued: "All of us who study African refugees recognize that the official statistics of refugee populations and flows should be considered to be, at best, rough approximations of reality and, at worse, seriously misleading." For various reasons, refugees may avoid registration, try to register more than once, or be accidentally or purposefully excluded from these counts.
[34] Inhetveen 2006, 6

operates in Meheba and my history with the organization enabled me to easily access housing, transportation and valuable contacts in the field. I was able to directly communicate with several of Meheba's residents with English, a working knowledge of French and basic Swahili.

Meheba's history and current population

Located 70 kilometres from the city of Solwezi in the North Western Province of Zambia, Meheba Refugee Settlement was established in 1971 in response to an influx of people fleeing the war of independence in Angola. Prior to its formation, the area was "largely unpopulated bush" controlled by Zambian Kaonde chiefs.[35]

Since 1971, Meheba has been extended five times: in 1976-1977 as more Angolans fled the civil war between the People's Movement for the Liberation of Angola (MPLA) and the National Union for the Total Independence of Angola (UNITA); in 1985-1987 as the MPLA-UNITA conflict escalated; in 1993-1995 following the failed national elections in Angola as well as an influx of Luba-Kasai from the Democratic Republic of Congo, expelled from their homes in Katanga Province; in 1997-1998 to accommodate about 2,000 Rwandans; and in 2000 after the conflict between the MPLA and UNITA dramatically escalated in Moxico province in eastern Angola.[36]

Meheba now covers 800 square kilometres and is organized into eight Blocks known by the letters A through H. In most of the settlement, the Blocks are comprised of 'Roads' that branch off in a spine from the main road at 1 km intervals. The newest, Block H, is organized into 'villages' of houses grouped together around a central area of land "to encourage a more communal environment and to provide services more easily."[37]

Meheba was established under the auspices of the 1970 Refugee (Control) Act, which requires all refugees to reside in government-designated camps and settlements unless they receive permission to do otherwise. At the time, Zambia "was virtually surrounded by hostile states and a major concern was to move refugees away from the border to preclude the Portuguese [in Angola] using their presence as a pretext for attacking into Zambia."[38]

As Meheba is a settlement and not a camp, its residents are expected to be self-sufficient in terms of food production. When Meheba first opened, refugees were given five hectares of land for cultivation. Since the 1987 expansion, refugees only receive 2.5 hectares.[39] Food rations are to be provided to new arrivals for up to two years and to other individuals who are deemed to be unable to achieve self-sufficiency.

In June 2001, Meheba hosted an estimated 53,070 refugees.[40] Between 2003 and 2007, the population greatly declined due to the voluntary repatriation of Angolans. Over 74,000 Angolans from across Zambia were assisted in their return by UNHCR and many others returned spontaneously.[41] As of March 2008, Meheba hosts 14,181 refugees: 8,816 Angolans, 2,430

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[35] Bakewell 2002, 59
[36] Powles 2000, 23
[37] Bakewell 2002, 59
[38] Powles 2000, 16-17
[39] Ibid, 59
[40] UNHCR 2001, 1
[41] Shimo 2008

Congolese, 2,565 Rwandans, 337 Burundians, and 33 others from Uganda, Ethiopia, Somalia, Sudan, and Namibia.[42]

The following table summarizes the population in Meheba as given in the March 2008 registration, broken down by Block and country of origin.

Table: March 2008 Registration: Population by Block and Nationality

Block	Angolan	Congolese	Rwandan	Burundian	Other	Total
A	1672	189	31	29	14	1935
B	1987	234	47	28	13	2309
C	1069	61	22	7	0	1159
D	1859	1473	377	101	5	3815
E	395	17	0	0	0	412
F	285	425	74	4	0	788
G	5	31	2014	168	1	2219
H	1544	0	0	0	0	1544
Total	8816	2430	2565	337	33	14181

Settlement administration

The Zambian Ministry of Home Affairs and UNHCR administer Meheba Refugee Settlement, with assistance from implementing and operating partners and elected refugee leaders.[43] The following section briefly discusses each actor's official role in the settlement as it relates to justice administration.

The Refugee Officer, appointed under the auspices of the Office of the Commissioner for Refugees in the Ministry of Home Affairs, is the lead official in Meheba and has far-reaching authority. He ensures that the settlement is run in an orderly and efficient manner, that essential services and general welfare are maintained, and that proper precautions are taken to preserve refugee health and well-being. He is responsible for issuing identity cards and travel permits, allocating plots of land, and maintaining law and order. The Refugee Officer has control over the police and military forces in Meheba and oversees the election of Road and Block Chairmen, upon whom he relies "to deal with minor problems."[44]

During my fieldwork, from July to September 2008, the UNHCR staff for Meheba comprised of an Assistant Protection Officer, a Registration Officer, a Resettlement Officer with two assistants, and a Program Officer. They live and work in Solwezi and travel by vehicle to Meheba a few days per week. The former Protection Officer for Meheba was transferred to Kawambwa to oversee Kala Camp days before I arrived in the settlement. There had been no Field Officer for several months.

UNHCR's main objectives in Zambia are: "To promote durable solutions; help the Government of Zambia enact refugee legislation in line with international standards; strengthen collaboration

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[42] These should be considered approximations, rather than precise figures, for the same reasons as those given above regarding the total refugee population in Zambia.

[43] An implementing partner receives financial support from UNHCR to perform specific services as arranged in a formal project agreement. Operating partners support the work of and closely coordinate with, but do not receive financial support from, UNHCR.

[44] Powles 2000, 26

with local stakeholders to give refugees better access to national social services; and advocate that refugee issues are integrated into national, regional, and community policies. The Office also aims to…ensure that the specific needs of women, the elderly and children are included in all protection and assistance programs."[45] Refugees may bring concerns and justice issues directly to UNHCR protection staff, but staff prefer that cases first go through the refugee leaders or the Ministry of Community Development and Social Services (MCDSS).

In Meheba, Implementing Partners include the Ministries of Health, Community Development and Social Services, Education, Forestry, and Agriculture and Cooperatives; the Department of Water Affairs; World Food Program; and the International Committee of the Red Cross.

The Ministry of Health operates clinics in Blocks A, B, D, F, and H. Clinicians may write medical reports as evidence in criminal investigations. The MCDSS office coordinates all SGBV activities in the settlement and provides counselling, assistance, and advocacy for affected individuals, as well as training and community education. It maintains client records and all related data. MCDSS staff also helps refugees find alternative housing and provides clothes, soap, and blankets.

Saint Mary's Mission, the Zambia Mine Action Centre, and FORGE are the Operating Partners in Meheba. From June 2006 to late 2008, FORGE played a role in justice administration through the Refugee Advocacy Initiative (RAI). The RAI staff served as liaisons between the refugee community and social service providers. Staff would confidentially meet with clients and document their problems, provide information on possible assistance, escort clients to service providers, and bring especially complicated or serious cases to the attention of MCDSS and UNHCR. RAI had staff in Blocks A, B, D, F, G, and H.

Refugees choose Block and Road Chairmen in elections, which are held every five years for six committee members. In order of votes they elect the Chairman, the Vice Chairman, the Secretary, and three general members. The committee is gender balanced according to regulations set down by the Refugee Officer.[46]

Officially, Chairmen are responsible for mitigating arguments and disagreements between parties in their respective jurisdictions; notifying residents of major UNHCR or Ministry of Home Affairs news and announcements; overseeing food distribution; and serving as an information bridge between refugees and settlement authorities.[47] They are not supposed to handle criminal matters on their own, but are to refer these cases to higher authorities. Chairmen are not paid for their services and do not undergo any formal training.

The Zambian police force, under the authority of the Ministry of Home Affairs, is divided into regular and paramilitary units. In Meheba, there are both regular (permanently stationed) and paramilitary (mobile and rotate every few months) police officers. The former are based in the main office at Road 6 in Block A, while the latter are 20km away at Road 36 in Block D. The Officer in Charge, head of the regular police, would not tell me how many police worked in Meheba "for security reasons."[48] From my observations, I would estimate that there are about ten regular and paramilitary police officers in Meheba at any one time.

Most police posted to refugee camps and settlements do not receive training in refugee protection, though they may participate in UNHCR workshops.[49] The police maintain a Victim

[45] UNHCR 2008a, 288
[46] Stakeholder Interview 11
[47] FORGE 2008, 10

Support Unit to handle SGBV cases, ensure the security of the victim, and follow up on prosecutions.

The police force in Meheba is of limited capacity, hindering its ability to effectively respond to and investigate cases. Their work is hampered by the insufficient number of officers, high turnover, few if any female officers, no vehicles, and basic communication tools. There are holding cells in the main police station at Road 6, but they can only accommodate a few individuals at one time, afford no privacy, and are of "sub-standard" condition.[50]

Neighbourhood Watch committees monitor the security situation in Meheba, alert police to any concerns or incidents, and help individuals access the police. Members are volunteers, appointed either by the community or the police depending on the Block, and are trained by the police. They are not regulated to charge for their services. Some refugees have raised complaints about committee members abusing their power and resorting to extortion and intimidation.[51]

A Mobile Court was established to ease the burden of travel on refugees and settlement authorities and to improve access to the Zambian justice system. The Solwezi prosecutor informed me that all felony cases brought to the police are taken before the court. Misdemeanours may also be addressed in court but complainants have the option of settling them externally. The magistrate from Solwezi presides over the court.

The Mobile Court is supposed to convene sessions in Meheba twice monthly, but actual appearances are much less frequent. During my two months in Meheba, the Mobile Court held only one session. The magistrate and prosecutors did arrive for a second session but found no defendants, complainants, or witnesses present and so cancelled the session and left.

UNHCR helps finance the Mobile Court's operations and, in April 2008, signed an agreement with the Legal Resources Foundation, a Zambian legal aid and human rights non-profit, to provide counsel to refugees appearing before the Court.[52] In the future, and should funding be available, LRF may expand its operations to include community awareness on Zambian law and refugee legal rights.[53]

Crimes and conflicts in Meheba

Critical to addressing the issue of justice administration is an understanding of the signature justice issues in any given location. However, no official data on the type and frequency of crimes and conflicts was available from the police, UNHCR or Zambian Ministries. This is not surprising given their limited capacity of these institutions in Meheba and in Zambia more broadly.[54]

Without such administrative data, I used stakeholder interviews and focus groups to gather information on the crimes and conflicts perceived to be most common and/or of greatest concern in Blocks G, H, and D. They generally fell into one of three categories: violent and sexual crime, livelihood-related civil and criminal issues, and threats to social harmony and community image.

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[48] Stakeholder Interview 10
[49] UNHCR 2007c, 25-26
[50] Stakeholder Interview 2
[51] UNHCR 2007c, 26
[52] Stakeholder Interview 2
[53] Legal Resources Foundation 2008
[54] Chikwanha 2007a, 5

Block G

The respondents in the two men's focus groups concentrated primarily on physical fighting, usually in public spaces, between men who had been drinking, and conflicts related to livelihoods. These included disputes over unpaid debt and land ownership; theft, particularly of crops; and the destruction of crops and fields by another person's livestock. Domestic violence, rape and antagonism between different ethnic and national groups were mentioned but not discussed in any detail. In the feedback session held one month later, they stated that land disputes and conflict between different ethnic and national groups are not common.

Female respondents also cited fighting and livelihoods-related conflicts, but spent most of the discussion emphasizing their distress over threats to social harmony and the community's image. Rumours, gossip and false allegations about community members, as well as public quarrels and arguments between women, were raised. Several women insisted that any individuals who spoke negatively about the community in focus groups were lying in order to attain resettlement.

In the first focus group, after I offered to speak individually with women if they would feel more comfortable doing so, I was vehemently told by one respondent that this would provide certain women with an opportunity to tell lies about the community.

In the second group, a few women strongly demanded to know if I had written anything negative about the community, asked to see my notebook and instructed me to cross out anything disparaging, as it was all untrue and an attempt to paint the community in a poor light.[55]

The first group of women repeatedly stated that rape never happens in Block G. The second women's focus group would not acknowledge that rapes happen in Block G, but were willing to speak in the abstract about what they felt would be appropriate punishment for rape.

The two youth focus groups had a notably more open tenor. The youth seemed genuinely excited to share their thoughts and experiences. They too mentioned fighting, theft and unpaid debts, but focused most on forced marriage and rape.[56]

According to several of the youth respondents, families meet over drinks to negotiate the marriage of a girl and the amount of compensation to be paid to her family. "Girls are treated like a business, like gold they are selling," one young Rwandan man, a primary school teacher, stated. He believes that parents who push their daughters into marriage, typically to older men, do not value education as the girls are often made to quit school.

Most respondents identified forced marriage as an injustice against young women, primarily because they must discontinue their education. The youth felt that parents are arranging marriages for their young daughters because of the acute poverty in Meheba, from which their culture "has become spoiled and has declined." No-one suggested that the parties arranging the marriages be held criminally responsible – as one female respondent stated, "we have become adapted to the situation," but all felt that the practice was a serious problem that should stop.

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[55] I explained that I could not show them my notebook for reasons of confidentiality but that I would summarize the trends at the feedback session. The request was also impractical as the women did not speak or read English and so was more emotive than a literal request.

[56] As defined in the SGBV Standard Operating Procedures, forced marriage "occurs when parents or others (can include perpetrator) force someone to marry another against her/his will. This includes by exerting pressure, by ordering a minor to get married, for dowry-related purposes, or in other circumstances." It is distinct from early marriage, which "occurs when a girl under…years [sic – no age actually provided in text] gets married without parents'/guardians' consent" (UNHCR 2007b, 5-6).

When forced marriage was discussed in the feedback session, the Block Chairman's representative sought to deny that young girls were being married in exchange for money or livestock. He argued that because of the harsh conditions of flight from Rwanda, some girls appear very small when they are actually no longer minors. Several adult respondents then added that consent is ultimately with the parents; if they are content for their child to be married, it is not to be challenged. In an interview, a FORGE refugee staff member working in Block G agreed with the youth, stating that forced marriage of underage girls is a serious issue, but that if outsiders try to intervene, the families will lie about the age of the bride.

Youth found it difficult to estimate the frequency of rape, given the "tradition in the community of keeping quiet" and their inability to identify a "clear or present cause", unlike their identification of drinking beer as a catalyst for fighting. Despite not being able to say whether there are "two rapes per week, or a year that passes without hearing about one," the youth participants agreed that rape is the crime they are most worried about in the community.

Block H

In contrast to the clear differences between the men's, women's, and youth focus groups in Block G, the discussions in groups across Block H were quite consistent. Men, women, and youth all cited witchcraft as the most common crime and that of greatest concern. As one man stated: "We ran from Angola, we came to Zambia for peace, but now in our community we are suffering with witchcraft."

While witchcraft is largely conceptualized and described as a violent act, it is also deeply connected to livelihoods and social tensions. Each group said that witchcraft often results in death, but can also cause serious injury, particularly one that disrupts an individual's livelihood. Examples of witchcraft cases given include the death of a 15-year-old girl in childbirth, the death of a young boy struck by lightning, and a girl killed in a bike accident.

Individuals are said to commit acts of witchcraft because of jealousy over the victim's wealth or success: "For example, if someone buys a hammer mill, people will see that he is improving above others and the head of the house will be killed." Some feel that this is depressing economic development in the community, as people hesitate to grow their businesses because of fear.

The adult respondents argued that while witchcraft is not a problem unique to Meheba, the character of the crime has changed. In the past, individuals suspected of witchcraft tended to be older community members, but now anyone except for very young children may be suspected. The men's and women's groups attributed this to a growing desire among youth to be wealthy. The frequency of witchcraft accusations relative to the number of deaths, injuries, and illnesses in the community was also said to be much greater now than in the past, before thousands of Angolans were repatriated.

Although witchcraft dominated the discussion in each focus group, men, women, and youth also mentioned theft and described it as particularly common after poor harvests. Youth estimated that a case of theft – of crops, bicycles, or household supplies – occurs once per week.

Teenage pregnancy was the other issue raised in all focus groups. It is seen as especially problematic when young women leave school as a result and young fathers fail to admit paternity or contribute financially.

Other livelihoods-related issues raised by one or more of the men's focus groups were disputes over unpaid debt and high interest rates demanded by a lender ex post facto; divorces stemming from a man's inability to support his family; conflict with nearby Zambians over land ownership; crop destruction by another person's domestic animals; and prostitution.

The men attributed prostitution to insufficient employment and educational opportunities, which are particularly scant in Block H, and felt that women who engage in prostitution do so only in order to feed their families. Many sex workers go to the mining areas nearby, and the men were also concerned that this is fuelling the spread of HIV/AIDS within the community.

The women's and youth groups brought up just a few of these livelihood issues: the women made reference to crop destruction and youth discussed the problem of young women turning to prostitution in order to earn money to buy "nice things."

In the category of violent and sexual crimes, all mentioned fighting fuelled by alcohol. Men's and youth focus groups mentioned rape, but felt that it does not happen often in the community, an assessment that the women agreed with when asked.[57] Some individuals in the feedback session stated that while they were not aware of rape cases happening in the community, this may be because people settle them privately.

Youth respondents brought up domestic violence and generally agreed that a husband is justified in beating his wife if she has misbehaved or not followed instructions, but that it is unacceptable to do so simply because he has been drinking. Men and women in the feedback session agreed with this though did not introduce domestic violence as an issue in their focus groups. With regard to conflicts affecting social tensions and community cohesion, men and women spoke of individuals spreading rumours about others in the community and of adultery.

Block D

All focus groups in Block D oriented their discussions around the issue of discrimination and injustice because of their status as refugees. Most of the discussion in the men's focus groups was devoted to decrying injustices thought to be caused, perpetrated or permitted by UNHCR and the Zambian Government, such as the distribution of spoiled food rations; restrictions on freedom of movement; lack of legal representation; police corruption; poor clinic conditions; discrimination relative to Zambians when accessing social services like education and health care and when seeking NGO employment; and long detention without trial for immigration charges.

Specific experiences of crimes or conflicts were raised only in an effort to support the broader argument that the refugee experience is characterized by injustice.[58] The violent and sexual crimes cited were forced marriage; rape, particularly of women while in the fields, and of young girls; prostitution and 'sugar daddy' relationships; and house burnings. No crimes or conflicts related to livelihood were raised, a significant departure from the men's focus groups in other Blocks.

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[57] The English term 'rape case' was used in almost all mentions of rape during the focus groups. Several youth in the second focus group sought to clarify what they meant by 'rape', saying that a 'rape case' involved an older person with a young child. While they did say that rape can also happen between two people of the same age, they felt that more often this sex is consensual or happens because they are "pushing one another."

[58] Such statements included: "I saw a 13 year old girl forced into marriage. I wrote a report about it to the police and to FORGE. There has been no outcome yet." "I was a victim. Two of my children ate the bad food. I saw the police myself but I was intimidated and asked if I was telling the truth…You cannot speak out about this to the government."

"Tribalism," the term used by the refugees to express antagonism and conflict between national and ethnic groups, was also discussed. Relations between Kasai and Katangese Congolese and between Congolese and Rwandans were said to be the most problematic. Such antagonism fuels social tensions and manifests in rumours, insults, public fighting, and violence.[59]

Female respondents spoke at length about structural injustices, concentrating on perceived discrimination by Zambians against refugees seeking access to education, health care, police protection and employment. Violent and sexual crimes, particularly rape and defilement, generated the most discussion and were regarded as very serious and quite common. They felt that the majority of women in their community had been raped and said that it happened every day, especially when women are out cultivating and are most likely to be alone.

They also cited sexual exploitation by police, teachers, and Ministry staff, including the rape of a newly arrived female refugee by the police, the rape of a student by a teacher in Block D Basic School, and the numerous 'girlfriends' had by an implementing partner Project Manager and his promises of jobs in exchange for sex. Like the men, they mentioned frequent house burnings.

With regard to livelihoods, the women brought up theft as well as prostitution, attributing the latter to poverty and the need to feed one's children. "Men are celebrating this," one woman said.

Social tensions and threats to community cohesion were of great concern. While the men focused on violence stemming from "tribalism," the women suggested that rumours are a significant source of conflict, ostracism, and economic difficulty, and that some people try to undermine the resettlement cases of individuals from ethnic groups towards which they feel antagonism.

Like the adult groups, the two youth focus groups were concerned with the prevalence of rape, defilement and sexual exploitation.[60] They also brought up forced marriage, which they attributed to extreme poverty and parents' inability to finance their children's educations and purchase basic goods. One said: "The father of the girl will sell her so he can buy shoes. The desire of the child doesn't matter. Many parents are not pushing their kids to go to school, just pushing them into marriages. Refugees are selling their daughters to get money."

Like the adults, they brought up perceived discrimination against refugees by Zambian clinic workers and by the police. Only the youth groups mentioned domestic violence, adultery, and men abandoning their families. They rarely spoke of livelihood-related conflicts or issues around social tensions.

Justice systems in Meheba

In each focus group, I asked: When crimes and conflicts occur, what are the places and/or who are the people you can approach to address and resolve them?

All focus groups in each of the three Blocks discussed Road and Block Chairmen and the police, and all except for men in Block D mentioned families or elders. The majority of groups in each

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[59] Examples given include: "Let's say a Congolese goes to visit where there are only Rwandans. The community there will take it in a bad way. They will tell the Congolese, 'you are a spy for your country's government against us.' Suppose a Rwandan goes where there are Angolans. He will not be welcome. He will be seen as a spy and maybe his life will be in danger." "Now let's talk about food distribution. If a Congolese is in charge, he will give more food to Congolese than to Rwandans. It would be the same is an Angolan were in charge."
[60] They spoke of teachers promising female students a pass on their exams in exchange for sex, and of Ministry staff having sex with young refugee women.

Block brought up the Neighbourhood Watch, and the court was raised by at least one group in each Block.

The witchdoctor was important to all respondents in Block H but not mentioned by any other community. Notably, UNHCR was only mentioned in Block D. Almost no one mentioned MCDSS, the Refugee Officer or FORGE.

Block G

For "simple" cases, like minor theft, fighting, and conflicts between spouses, the families of the parties involved come together to mediate a resolution. Since, as one young man stated, "there is no naked forgiveness," the wrongdoer pays a small amount of compensation, usually in the form of drinks, "to bring back the dignity of the wronged person." Once the parties have reconciled, they drink together.

For cases regarded as more serious or complicated, individuals approach their Road or Block Chairman. The Chairman, along with a committee of community leaders, tries to facilitate a settlement so that the parties do not have to go to the police. The Chairman calls the parties together, along with any witnesses, to discuss the case. The wrongdoer is asked to pay compensation to the complainant, the amount of which depends on the nature of the crime or conflict. After the wrongdoer accepts responsibility and reconciliation is reached, the parties share a drink. Wrongdoers are often warned not to repeat the offence.

Individuals usually only bring a case to the police if they have failed to resolve it within the families or community. Youth respondents noted that if a "non-serious" case is taken to the police without a note from the Chairman outlining the parties' failure to reconcile, the police may refer it back to the community. Individuals may take serious crimes like assault and murder directly to the police.

The Neighbourhood Watch is regarded as an arm of the police. It is a group of individuals that generally help the police to do their work, breaking up fights, escorting offenders to higher authorities, and so forth. Members are volunteers and, once appointed, can serve indefinitely.

According to the youth, about once per year, members of the Watch, sometimes accompanied by the police, organize a public beating. This is done "to create a good spirit for the community," serve as a model for young people and deter crime. During the feedback session, the representative for the Block Chairman strongly denied that public beatings ever take place, but two FORGE Project Managers witnessed the preparations for the public beating of a man who had raped a mentally ill woman in March 2008.

Men, women and youth were generally very clear and consistent in their descriptions of the procedures for each of these actors and the types of cases that they handle. The only procedural ambiguity was about which system should handle rape cases. Initially the men stated that victims should go to the clinic for a medical examination and then to the police who are best equipped to handle such cases.

However, they then stated that it might be beneficial for the victim if the case were handled by the family or community and a marriage arranged between the victim and her rapist because she would be unable to get married otherwise. The consensus that emerged among the men was that it is acceptable for families to handle rape cases when the families are large and can prevent the man from raping again.

For the rape of a young child, the men advocated imprisonment until the victim reaches adulthood. If she is able to have children, then the man can be released. A rape that results in HIV transmission should also be punished with imprisonment, they argued, because it is the equivalent of murder. Yet the men were also quick to add that these were just their opinions and that the law always triumphed and their behaviour matched the law.

Though the women would not admit to any rapes happening in the community, they argued that a rape victim who was a virgin should quietly address the crime with her family and the family of the rapist so that she might be able to be married later. Young children and married women who are raped should go to the police, they said.

Youth felt that while the police should handle rape cases, girls often fear that if they report being raped they will not be able to marry. Like the men, youth respondents believed that a good punishment for rape of a young girl is imprisonment until it is determined that she can have children, and that life imprisonment is the proper punishment for rape that transmits HIV to the victim.

Block H

For simple cases and for crimes that the victim and their family wish to keep quiet, the families of the parties involved come together to discuss and negotiate an agreement and compensation. Families often handle teenage pregnancy, adultery, domestic violence, spousal conflict, and rape. If an agreement cannot be reached, the parties take the case to the community level or to the police.

Road and Block Chairmen and the community court handle simple cases like theft and unpaid debt, as well as teenage pregnancy, SGBV, and domestic violence. They charge a small fee to hear cases, typically around K15,000 (£1.80). The Chairman will call the parties together and mediate a solution while emphasizing reconciliation and forgiveness.

In domestic violence cases, the Chairman will usually advise the wife to return to her husband and settle the problem, rather than pursue a divorce. No punishment is given to men who beat their wives.

In rape cases, the accused rapist must ask the victim's family for forgiveness and pay significant compensation. The initial amount ranges between K1,000,000 and K2,000,000 (£120 and £240), but is negotiated to a lower amount that the assailant can realistically pay. The charge will be higher if the accused is known to have HIV/AIDS.

In cases of teenage pregnancy, the boy must pay the family of the girl as compensation for her having to drop out of school and "interrupt her life plans." They may marry if they so desire but the community does not demand it, as leaders "do not want to create unhappy relationships." In any of these cases, if the parties cannot reach a settlement, or if the Chairman feels the case is too serious or complicated for the community to handle, it is taken to the police.

The police are used for serious crimes like assault, major theft (e.g. of a bicycle), arson, and murder. If a simple case is brought to them, they may refer it back to the community. As the youth understand it, if a woman would like treatment at the clinic after being beaten, she must explain the source of her injuries and file a police report. Since many women do not want to report their husbands and risk losing them to prison, they do not go to the clinic.

The Neighbourhood Watch is "like the eye of the police," but also does some work for the Block and Road Chairmen. For K10,000 (£1.20) they will escort individuals to the community court and for K15,000 (£1.80) they will make arrests. They are volunteers and may be fired by the community if their performance is deemed unsatisfactory.

The Zambian courts are seen as functioning smoothly. The youth believe that UNHCR will provide legal assistance to refugees who have problems with immigration authorities because of expired gate passes, but not to refugees who are accused of committing murder or other capital offences.

In cases of suspected witchcraft, individuals consult a witchdoctor from outside the community to learn the identity of the witch. Armed with this information, the individuals either approach a Chairman and the community court or go to the police. At the community level, the suspected witch is charged with the expenses of the victim's funeral and the costs for food and transport incurred en route to and from the witchdoctor. This may amount to K1,000,000 to K2,000,000 (£120 to £240).

Compensation does not signal reconciliation; hatred and suspicion towards the witch remain. If the case is taken to the police or the Refugee Officer, the accused witch will be relocated to the LWF Vocational Centre at Road 36 in Block D, where he or she can be protected.

Respondents expressed that though they would prefer to physically harm or kill witches, they fear that this would cause them to be arrested and imprisoned, so they resort to compensatory justice instead. They were informed that murdering witches is against the law in Zambia upon arriving in Meheba.

Block D

Block D respondents did not go into great detail describing the mechanisms of justice administration. Simple cases like theft, quarrelling and unpaid debt are handled by the families of the parties involved or sometimes by the Road Chairman. The Road Chairman asks the offender to pay compensation to the complainant. There was no Block Chairman in D during my fieldwork.

When families handle rape cases, they typically arrange for compensation to be paid to the family of the victim. When a boy and a girl "of the same size" have consensual sex and their families find out, the families may try to arrange a marriage between them. If this is not possible, then they will negotiate an amount of compensation to be paid to the girl's family.

Police handle cases that are too serious to be addressed at the community level, either because the law dictates it or because the parties prefer to report to the police. If the parties do not reach an agreement, compensation is not paid, or the victim does not accept compensation, then the police will refer the case to the court. Male and female respondents believe that rape victims must first go to the police and file a report before they will be allowed to receive medical treatment at the clinic.

The Neighbourhood Watch, only mentioned in passing by the women, functions as a messenger of the police, can arrest individuals and bring them to the police.

Respondents knew that the Mobile Court is supposed to come to Meheba each month, but did not know what happens inside the courtroom or what types of decisions are reached. Women

speculated that the court handles cases like murder, rape, arson, and the killing of domestic animals.

Perceptions, preferences and objectives

Having provided an overview of how different justice institutions operate from the perspective of refugees, I now turn to an analysis of how respondents in Blocks G, H, and D regard them, specifically in terms of the costs and benefits associated with pursuing cases through them.

In focus groups, I asked refugees to speak about the disadvantages and advantages associated with each institution that they named, and anticipated that responses could be organized into three categories: structural features of the settlement and legal restrictions resulting from refugee status; performance; and desired type and objective of punishment.

Structural features and legal restrictions

After coding the data, I found that the refugee respondents did not raise practical, structural barriers.[61] No one mentioned the distance to the police station, the cost of transport and need for a gate pass to travel to Solwezi, or language barriers, for example, as obstacles to pursuing justice.

The only related issues were that groups in Blocks H and D expressed a desire for more legal knowledge or training, and access to legal assistance. Respondents in Block D were frustrated that they knew so little about the Mobile Court, its operations, and Zambian law. They felt that without this knowledge, any involvement with the court could not be considered a fair process.

That practical, structural barriers to accessing formal justice were not mentioned does not necessarily mean they are not relevant. Discussion of any part of the host state justice system outside of the police was rare. This could be because practical barriers to access are so great that refugees long ago stopped thinking of the court as an option for any but the most serious cases.

Performance and objectives

The advantages and disadvantages stemming from performance (i.e. how justice institutions *actually* operate, not how they are *supposed* to operate) garnered much discussion in all the focus groups, though the particular costs and benefits attributed to a specific institution varied across Blocks. Those that were mentioned can be grouped into six performance-related categories: community involvement; cost and corruptibility; efficiency; enforcement capacity; knowledge and training; and neutrality and fairness.

In terms of objectives for justice and preferences for a particular type of punishment, respondents spoke of reconciliation, deterrence, and retribution, and discussed the trade-offs of compensation and imprisonment. These varied somewhat by crime, but general trends in preference did emerge within the Blocks.

For ease and readability, the opinions raised about specific institutions with regard to their performance and the type of justice they offer are presented in the following table. This format succinctly presents content – specifically, the costs and benefits of turning to various institutions

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[61] Ibid, 27

to pursue justice – but also allows the reader to see trends across Blocks in terms of which performance-related factors were discussed with regard to which institutions.

Table: Perceptions of Justice Institutions

	Block G	**Block H**	**Block D**
Community Involvement	*Chairmen:* • Knowing the context, spirit, resources of the community allows them to make most appropriate decisions. *Neighbourhood Watch:* • Debated. Some men felt NW is accessible and close to the community.	*Neighbourhood Watch:* • Helpful, available, accessible to community. *Police:* • Not invested in the community. See refugees as foreigners. Should instead see them as partners. *Refugee Officer:* • Not respected, not involved with the community, inactive, out of touch.	*Police:* • Rd. 6 (regular) police more respected than Rd. 36 (paramilitary) police because have more permanent presence. *UNHCR:* • Protection Officer is unapproachable, out of touch with community, almost never in Meheba.
Cost and Corrupt-ibility	*Families:* • Cost comparatively low. *Police:* • Charge for police reports. • Highly corrupt. Can bribe to not investigate or to guarantee case goes to court. • Poor are intimidated, feel at a significant disadvantage. • Girls don't feel comfortable going to police on their own; rumours will spread they are the girlfriend of the police. *Neighbourhood Watch:* • Debated. Some say NW exploits community's fear of police for own profit. Often ask for money, food, or bicycle use in return for assistance.	*Chairmen:* • Costly, but less so than police. *Police:* • Not respected, dissatisfaction is high. • Very corrupt. Can bribe police not to investigate a case or to guarantee it is taken to court. • Has caused loss of faith in Zambian government's commitment to refugee protection.	*Police:* • Charge for police reports. • Highly corrupt, very easy to bribe. Party with more money will "win" the case. • Explain corruption as result of discrimination against refugees.
Efficiency			*Police:* • Rarely investigate or follow-up.
Enforcement Capacity	*Chairmen:* • Word travels quickly in the community. When Chairman punishes someone, community helps enforce decision.	*Chairmen:* • No coercive apparatus to enforce decisions. Only his word. • Women: sometimes Road Chairmen are too weak, afraid	

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		to confront noncompliant individuals.	
Knowledge and Training	*Chairmen:* • Victims may not always receive adequate help or social service referrals because Chairmen are not fully informed of these resources.	*Chairmen:* • Not trained in the law or dispute resolution. Would like training. *Police:* • "Not fit to judge and solve problems, only to fight and kill." *Court:* • Respected because judge, lawyers have been trained, educated.	*Police:* • Doubt that Road 36 police have been trained in the law or human rights. Called them "false police," and "army police in false uniforms." Should not have a role in justice.
Neutrality and Fairness	*Chairmen:* • Highly regarded, seen as fair. • Possible threat to neutrality if one of the parties to a conflict has personal ties to the Chairman.	*Chairmen:* • Well regarded, seen as fair • Possible threat to neutrality if one of the parties to a conflict has personal ties to the Chairman.	*Chairmen:* • Congolese: Cannot use Road 36 Chairman because is Angolan, settles cases "according to his culture," favours other Angolans. Uncertainty around rules, procedures, and decisions. *Police:* • Always decide in favour of Zambians against refugees. • View Congolese as troublemakers, not victims.
Objective of Justice, Type of Punishment	*Families:* • Preserve community relations, promote reconciliation. • Give lighter punishments than outsiders / host state. *Chairmen:* • Promote reconciliation, preservation of community cohesion. *Police:* • Good institution in abstract – deters crime, has clear set of rules, provides security. • Punishments are "too stiff." Are sometimes violent.	*Chairmen:* • Promote reconciliation. • Punishment through compensation; generally preferable to long prison sentences. *Police:* • Give long prison sentences that generally not desirable. *Refugee Officer and UNHCR:* • Do not respect them because do not punish suspected witches; give them good housing instead.	• Never mentioned ideas of reconciliation or forgiveness. • Focused on obtaining punishment for wrongdoers, fighting against injustices inherent in refugee system.

As the data makes clear, refugees across the three communities use generally the same set of criteria when evaluating the costs and benefits of turning to a particular institution to pursue justice. Yet the three communities differed in their respect for, satisfaction with, and willingness to use community-level actors or police; and the type of justice they felt was most important to achieve.

Blocks G and H were similar in their generally high regard for Chairmen. The only major difference was that, in H, there is a growing sense that Chairmen lack enforcement capacity beyond "their word". In Block D, most of the respondents lived at Road 36 and were Congolese. Almost none of them would turn to the Road 36 Chairman to settle a crime or conflict because of "tribalism." They contended that, as an Angolan, he resolves cases "according to his own culture" and favours other Angolans. The Congolese community in Block D is lobbying the Refugee Officer to have their own Chairman.[62]

All three communities felt that the police are expensive and highly corrupt. The police charge for writing reports and most refugees believe it necessary to bribe a police officer to have any chance of "winning" the case. Respondents in G and H found this frustrating and attributed it to general corruption in Zambia and the fact that the police at Road 36 do not always receive their salaries on time. The Congolese in Block D, however, blamed police corruption on discrimination against refugees.

Respondents in Block G would only resort to the police in the most serious of circumstances. Those in Block H were very willing to take their cases to the police if they failed to achieve a desirable resolution at the community level and said that they would not begrudge a fellow community member who preferred to use the police instead of the Chairman. The Congolese respondents in Block D almost always favoured the police or other settlement authorities.

In Blocks G and H, forgiveness and reconciliation were the dominant objectives of pursuing justice. Groups in both communities stated that using family or Chairman-led arbitration provided the best hope for reconciliation. Respondents also made some references to deterrence.

Men in Block G felt that families could address rape cases if they were large enough in membership that the rapist could be prevented from raping again, and others noted that word travels quickly in the community, so bringing a case before the Chairman would alert the community to monitor the wrongdoer for any future misconduct. Youth in Block H emphasized that compensation should always be of an amount as to deter recidivism.

In Block D, ideas of reconciliation and forgiveness were never discussed. The objectives that respondents articulated were obtaining punishment for wrongdoers, ending impunity, and fighting against the injustices inherent in the refugee system.

Given that refugees in the three Blocks reported using the same set of criteria to evaluate justice actors, what can explain their different preferences for recourse? One obvious explanation is that individual actors of the same institution perform differently in each Block. That is, each Block has a Neighbourhood Watch, but the quality of the members varies.

The members of the Neighbourhood Watch in Block H are thought to be good men thus the Neighbourhood Watch as an institution is respected. In Block F, the leader of the Neighbourhood Watch is thought to be violent and temperamental. Youth in Block D told a story of a man falsely accused of theft in Block F who was tied to a bike and dragged along the road and then

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[62] Stakeholder Interviews 5, 8

gravely beaten by the Neighbourhood Watch. This undermined their trust in their Neighbourhood Watch.

Yet variation in individual performance alone cannot explain why respondents in Block H feel more comfortable than those in Block G about going to the police when a settlement is not reached within the community. I argue that four variables help explain this and other trends in the data: the composition of the Block population; physical proximity to settlement authorities and availability of social services; socio-cultural characteristics; and durable solutions preferences.

Explaining variations in refugee decisions

As simply "juxtaposing descriptions of various aspects of criminal process in different cultures does little to advance the goal of explanation or understanding," I now move forward from the data presented and engage with the variations across Blocks in terms of the crimes and conflicts thought to be most common and of greatest concern and the perceptions of and preferences for using different justice institutions.[63]

To identify explanatory factors, I first looked to the past literature. Though these works compared across, rather than within, camps and settlements, I hypothesized that some of the factors used to explain macro-level patterns might apply to my micro-level analysis of Meheba.

I began with the list of factors that Da Costa used to substantiate her argument that there are particular "aspects and conditions" of refugee camps and settlements that make refugees "especially vulnerable to crime, human rights violations, and abuse and exploitation."

The list includes: poverty, uncertain legal status in the host country, restrictions on basic rights like freedom of movement, lack of capacity or willingness on the part of the host government to take an active role in law and order issues inside the camp, inadequate policing, remote location and lack of resources and infrastructure, limited monitoring by UNHCR, the presence of armed or military elements, cultural attitudes that are accepting of exploitative practices, the breakdown of traditional community and family support structures, and unrepresentative or intimidating refugee camp leadership.[64]

Griek uses similar factors, specifically the "logistical designs of the camps and the demographic and cultural make-up of their inhabitants," to compare Kakuma and Dadaab.[65] The IRC also compares three camps and highlights proximity to border areas and natural resources shared with the host community as explanatory factors for observed differences between them.[66]

In order to determine which of these factors would help explain variation within Meheba, I engaged in a careful examination of the focus group data, stakeholder interviews, UNHCR population statistics, visual representations of the structural layout of the settlement, and empirical observations gathered during fieldwork. On the basis of this analysis, I argue that four key factors help to explain the observed differences across the three Blocks. These are:

- population composition, particularly in terms of nationality, ethnicity, and gender, of the Block;

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[63] Nelken 2002, 180
[64] Da Costa 2006, 5-8
[65] Griek 2007, 28
[66] IRC 2006, Annexure B 14

- physical proximity to settlement authorities and police, and availability of social services within the Block;

- socio-cultural characteristics, such as belief in witchcraft, pre-flight employment, and attitude towards the rule of law;

- durable solutions preferences.

Population composition

The impact of population composition on frequency and seriousness of crimes and conflicts is most evident in regard to forced marriage and "tribalism." In Block H, forced marriage was not mentioned. In Block D, one man persistently argued that it was common and the girls in the youth focus groups thoughtfully discussed its widespread prevalence. Forced marriage was most thoroughly and explicitly discussed with the youth focus groups in Block G and in the subsequent feedback session with the wider community.

From this and interviews with a Refugee Advocacy Initiative manager and my translator, both young Rwandan men, the family-orchestrated marriage of teenage girls in exchange for compensation seems to be most systematic and common in Block G, followed by D, and not an issue in Block H.

The RAI manager attributed the prevalence of forced marriage and community efforts to keep it under the radar to what he called the "scarcity" of young women in Block G. An analysis of UNHCR population statistics for Meheba from July 2005 disaggregated by country of origin, sex, and age confirms this disparity and suggests a positive correlation between unequal gender composition and concern with forced marriage as a serious and common problem.[67]

Table: National Populations Disaggregated by Sex and Age

	Women age 18-59	Men age 18-59	% Difference	Total Women	Total Men	% Difference
Angolan	1,758 (51%)	1,673 (49%)	**+ 2%**	4,530 (50.5%)	4,412 (49.5%)	**+ 1%**
Congolese	558 (44%)	701 (56%)	**- 12%**	1,354 (47%)	1,513 (53%)	**- 6%**
Rwandan	490 (36.5%)	852 (63.5%)	**- 27%**	1,218 (44%)	1,536 (56%)	**- 12%**

As seen in the table, of the Rwandan population between ages 18 and 59, only 36.5% are female. The gender disparity between women and men (-27%) is much larger than among 18-59 year old Congolese (-12%). Of Angolans in this age bracket, there are slightly more (+2%) women than men.

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[67] Though this data is disaggregated by country of origin, because the composition of the focus groups was essentially divided along national groups (H – Angolan, G – Rwandan, D – Congolese), it can be extrapolated to the Blocks.

The data supports the hypothesis and trends observed in focus groups: the proportionally smaller pool of adult women positively correlates with, and may drive, the propensity for adult men to pay for younger, adolescent girls to become their wives.

Moving from gender to nationality, the heterogeneous population of Block D helps to explain why "tribalism" was most fervently discussed there, mentioned only in passing in one men's focus group in Block G, and not mentioned at all in Block H. Block D is the largest and most nationally heterogeneous community in Meheba: 48.7% Angolan, 38.6% Congolese, 9.8% Rwandan, 2.6% Burundian, and 0.3% other.[68] These groups live alongside one another, interact at the market, which is the largest in Meheba, and send their children to the same school. In contrast, all Block H residents are Angolan, with many coming from the same area of eastern Angola during the last years of the civil war and harbouring similar political opinions.

While there was only a passing mention of conflict between national or ethnic groups in Block G, UNHCR, MCDSS, and FORGE staff all spoke of continuing hostility towards and possible persecution of Tutsis by Hutus. Rwandans constitute 90.7% of Block G and most are Hutu. Of those who are fully or part Tutsi, some work to conceal their identity as such or live on the outskirts of the Block to avoid problems.

The former UNHCR Protection Officer for Meheba suggested that some Tutsis might have falsely registered as Hutu upon entering Meheba, making it difficult for her to know the accurate ethnic breakdown of the Rwandan population. She has been told by Tutsis in the past that the Hutu "are watching them."[69] The MCDSS officer stated that he has received reports about conflicts and attacks between Hutus and Tutsis in the settlement, and the FORGE Project Manager conducted several resettlement referral interviews with Tutsis claiming that they had experienced persecution in Meheba.[70]

While focus group respondents in Blocks G and H expressed a general preference for pursuing reconciliation through their Road or Block Chairman and the community committee, respondents from Road 36 in Block D were adamant that they could not rely on a fair, predictable justice process with their Road Chairman because he is Angolan and they are Congolese.

One man from Block D captured the sentiment by stating: "In Block G, it is mostly Rwandans, so it is very easy for them to go see the Chairman because he is also Rwandan. But here in Block D there are many different nationalities. Here we do not use the Chairman because of tribalism. If the conflict is between different nationalities, the Chairman will help his own group first."

Though Congolese respondents attributed their unwillingness to turn to the Road 36 Chairman to "tribalism," implying that they would use the Chairman if he were also Congolese, the Road 34 Chairman, who is Congolese, observed: "The Angolans and Rwandans respect me sometimes more than my fellow Congolese… The Congolese, we came together, so they take advantage of me for that."[71] While the different nationality of the Road Chairman and the overall country of origin heterogeneity in Block D may be the reason given by respondents for preferring to use the police, it may not actually be the primary driver of their behaviour.

Conversely, in Block G, the men discussed how they feel a sense of shame when they cannot resolve a crime or conflict within the community and have to reach out to police or settlement

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[68] Block F is similarly diverse, with 36% Angolans, 54% Congolese, 9% Rwandans, and 1% Burundians, but its population is nearly five times smaller than the population of Block D (788 vs. 3,815 persons).
[69] Stakeholder Interview 3
[70] Stakeholder Interviews 8, 15
[71] Road 34 is also in Block D and is the second most populated Road in Meheba, after 36.

authorities. As the Block is nationally homogenous, leaders are said to embody the cultural values and historical memories of Rwanda..

Turning to the police or settlement authorities for assistance with pursuing justice is, to the male respondents, a signal that the community leadership, and by extension the values that govern the community, has failed. One man stated that turning to outsiders left him feeling "unprotected," like the community had "thrown out [their] dignity" and "let [their] culture down."

In Block H, the emphasis placed on promoting reconciliation appears to stem to some extent from a sense of solidarity in their common background and flight experience. This was made most clear when several men and women in different focus groups in Block H spoke about a man in their community who had raped a young girl. Instead of taking the case to the police or the court, the community allowed him to continue living with them, on the same road as the young girl and her family, after paying a K500,000 (£59.64) fine to the family.

The logic behind the decision was this: "We fled together, we are refugees together. We cannot allow him to suffer the stiff punishment of the court and the long time in prison." Certainly, some members of the focus groups disagreed with this decision, and several emphasized the importance of stronger punishments to deter crime and end impunity. Nonetheless, the narrative of, "We are all the same nationality. We ran from war to come here," characterized the overall tenor of discussions in H on pursuing justice.

In sum, though the population compositions of the Blocks, specifically the degree of country of origin homogeneity and gender disparities by age group, do not *cause* the trends detailed above, they *enable* them to emerge by contributing to a particular socio-cultural environment.

Block location and access to social services

The administrative centre of Meheba is at Road 36 in Block D. Offices or staff of UNHCR; the Ministries of Community Development and Social Services, Home Affairs, Health, Education, and Water Affairs; the International Committee of the Red Cross; World Food Program; the Zambia Mine Action Centre; and FORGE are all there, along with a clinic, police station, and Basic School. When the Mobile Court comes to Meheba, it holds its sessions at Road 36.

In contrast, Block G has none of these offices or social services except a FORGE-operated preschool and a primary school organized by an Italian couple living in the community who also run a beekeeping project. Block H has only a small clinic and community-run schools. It can take up to several hours to walk from distant areas of G or H to the administrative centre in D. All three Blocks are at least 20 km from the main police station at Road 6 in Block A.

Focus group respondents in Blocks G and H almost never mentioned UNHCR, the Zambian Ministries, or FORGE. Block D respondents, however, were fixated on the injustices of the refugee system, bringing up examples of sexual exploitation, corruption and poor service delivery. This is likely because they see and interact with the settlement authorities on a daily basis. Though Block D respondents were the most critical of the police and UNHCR, they were also the most likely to turn to them to help resolve a crime or conflict.

Blocks G and H are relatively removed from the administrative centre and do not interact as often with the police or authorities. Respondents in G and H did not speak of the distance as a barrier or disincentive to turning to the police or authorities, but their concern with and use of these actors was so low when compared to respondents from Block D that I believe proximity had some impact.

Additional fieldwork in Block F could shed light on the relative importance of proximity to police and authorities. Block F is just as nationally heterogeneous as Block D but much smaller in terms of total population and located far from the administrative centre. If the Congolese in Block F also prefer the police to community leaders, then factors other than accessibility are likely more important drivers of the use of police over community leaders.

With regard to varying access to social services, the lack of educational opportunities in Block H emerged as one factor behind the prevalence of and concern with adolescent pregnancy. The Ministry of Education does not operate a Basic School in H; there are only community-run schools. Young women may be more likely to become pregnant in H because they, as well as young men, are not in school as long as youth in the other communities. This leaves them with more free time and also less knowledge of reproductive health.

The Block H community has connected early pregnancy with education in the compensation asked of teenage fathers: when a girl becomes pregnant, the boy and his family must pay the girl's family compensation accounting for the years of education she received up to that point.[72]

Socio-cultural characteristics

While a thorough literature review of the historical, political, and socioeconomic backgrounds and experiences of the populations in Meheba would undoubtedly yield more nuanced explanations of some of the observed data trends and should be part of any future research, such an analysis is beyond the scope of this paper. Nevertheless, a basic review of such literature revealed several distinct socio-cultural characteristics that resonated with observed patterns. These are witchcraft beliefs, employment backgrounds, and attitudes towards the rule of law.

Though specific beliefs vary by culture, witchcraft is generally understood as "harmful actions carried out by persons presumed to have access to supernatural powers."[73] Those accused of witchcraft may face harassment, ostracism, violence, or death. Accusations are often made as a way to rationalize misfortune, such as economic hardship, disease, or sudden death, or in response to social conflict. Stewart and Strathern state:

> Claims and counterclaims about the activities of witches and sorcerers
> tend to exist in the background of community affairs in the societies
> where such ideas are held. They flourish in the shadows, fed by gossip
> and rumour, and emerge into public debate or accusations only in times
> of specific tension.[74]

They are often tied to "feelings of envy, hatred, jealousy, and fear," which may be related to wealth and power.[75] During Powles' time in Meheba, the Refugee Officer identified at least three cases in which young Road Chairmen resigned "because of their fears of certain old men" using witchcraft against them. Deaths of Road Chairmen or members of their families tended to be understood as caused by witchcraft. Young Road Chairmen were sometimes accused of using witchcraft or other improper means to secure and maintain their position in power.[76]

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[72] Powles (2000, 110) similarly observed that among Angolans in Meheba, if a girl was in school when she became pregnant, compensation to her family was higher than if she had finished or already dropped out.
[73] Ashforth 1998, 64
[74] Stewart and Strathern 2004, 7
[75] Schnoebelen 2009, 4
[76] Powles 2000, 89

In cultures and communities in which witchcraft beliefs exist, claims and accusations may arise during times of crisis or duress.[77] This is particularly so if traditional or social structures and networks have broken down.

Belief in witchcraft is very strong in Block H. Respondents expressed significant concern about witchcraft and devoted the majority of each focus group to its discussion. They reported that the proportion of deaths and injuries considered to be caused by witchcraft has risen since the early 2000s, when tens of thousands of Angolans repatriated, bringing a significant demographic shift to the settlement: "Since there are now fewer people, when we hear of bad things and death, it is very worrisome and we really want to figure it out. We may be more likely to go to the witch doctor." Another man said, "When I first came to Meheba, there were many in my family. With repatriation, I am now alone. I run my own business. Others see me succeeding and I fear being witched."

The way in which the police and settlement authorities respond to witchcraft accusations has affected Block H respondents' attitudes towards them. If a witchcraft case is brought to the police or the Refugee Officer, the accused person is usually relocated to the LWF Vocational Centre at Road 36 in Block D, where he or she can be protected from persecution and harm.

Respondents expressed great distress over this protection instead of prosecution and said that it has caused them to lose respect for the settlement authorities. This may explain, in part, why they prefer to first try to settle cases within the community.

Moving to livelihood-related issues, conflicts related to property, debt, and crops were raised as common and important in most of the focus groups in Blocks G and H, but were almost never mentioned in Block D. The proximity of G and H to land for cultivation may explain this in part, but the employment background of respondents is likely the more powerful explanatory factor.

The majority, if not all, of the men in the Block D focus groups were former or current NGO employees or skilled workers with trades like carpentry and baking. Cultivation is not their primary source of income, and livelihood issues around cultivation were therefore not raised. UNHCR's assessment of employment backgrounds supports this argument, noting that many of the Congolese refugees in Zambia are "able tradesmen," while Angolans generally tend to be from rural backgrounds and have farming skills.[78]

The intense focus of the Congolese on the injustices of the refugee system, their insistent and passionate tone in discussions, and their propensity to turn to the police and settlement authorities instead of Road Chairmen to resolve signature justice issues, all align with statements commonly made by practitioners and academics who have worked with and studied Congolese revealing that they tend to be strong advocates for their rights and the rule of law.

As one Congolese man noted during a focus group: "Most of the Congolese know their rights and when their rights are neglected, they are vocal about it." According to the FORGE Health Services manager and the Peace Education and Computer Training manager, both from the Democratic Republic of Congo, the Congolese community in Meheba has been actively writing letters to the settlement authorities about corruption and injustices, such as the sale of gate passes and the diversion of food rations intended for the elderly and disabled to relatively wealthy individuals.

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[77] Schnoebelen 2004, 16
[78] UNHCR 2007c, 12

Bakewell notes that when these Congolese arrived in Meheba in 1996-1997, they "rapidly gained a reputation as troublemakers as they made demands of the agencies."[79] Their proactive approach may be based in what Clark describes as the "activist" Congolese nature. Though their state has failed, he says, Congolese themselves maintain a strong conception of the rule of law.[80]

In contrast, according to the former UNHCR Protection Officer for Meheba, the Rwandan community in Block G is very hesitant and secretive about reporting crimes through official channels. Clark attributes this in part to Rwandan attitudes towards the rule of law.

His analysis is that, prior to the 1994 genocide, Rwanda was characterized by a social environment in which rumour, innuendo, and suspicion significantly shaped individuals' perceptions of themselves and others. There was a sense of surveillance and high visibility. This consequently fuelled a notion that the rule of law "was something to get away from."[81] Indeed, many respondents in Block G expressed that approaching the police or settlement authorities for help in resolving a crime or conflict caused them to feel apprehension, fear, and shame.

Durable solutions preferences

Of the four factors that help explain the observed variations between groups, the one with the greatest explanatory power, and also the one not mentioned in any of the past literature, is the general preference of each community for a particular durable solution.

The majority of Rwandans in Block G are opposed to repatriation, despite information campaigns about Rwanda's new constitution and peaceful presidential elections. Of the 5,669 Rwandan refugees in Zambia in 2005, only 16 chose to repatriate with UNHCR assistance.[82] From my conversations with Block G residents, resistance to repatriation is rooted in fear that their land in Rwanda is now owned by someone else and that, if they are Hutu, they will be tried before a gacaca court and imprisoned, even if they committed no crime during the genocide.

In general, they do not trust resettlement as an option. I was told by several people that they knew individuals who had been promised resettlement and boarded planes supposedly destined for the US or Europe, only for the flight to be diverted in mid-air to Kigali. There is also a belief that spies for the Rwandan government may be living in the community and are among the settlement authorities.

Indeed, about halfway through my fieldwork, after I had finished my focus groups in Block G, a refugee NGO staff member with intimate knowledge of the politics and happenings of Block G quietly explained to me that many G residents were sceptical of my affiliation and intentions. Some suspected that I had been sent by UNHCR or the Rwandan and American governments to spy on them.

The staff member speculated that the Block Chairman may have instructed certain individuals to attend my focus groups and deliver approved statements about the community, which could explain the fervour with which some women denounced those who had spoken negatively about the community. Yet the fact that G residents came to the focus groups at all signals that the Block Chairman was not opposed to my research outright. He could have prevented community members from attending if he had wanted to, the staff member said.

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[79] Bakewell 2002, 60
[80] Clark 2008
[81] Ibid
[82] Darwin 2005, 21-22

Fears of forced return to Rwanda have resulted in a high degree of image control in Block G. Residents do not want to give any impression that the community is dysfunctional or violent, so they deal with crimes and conflicts internally and downplay their prevalence and gravity. They do not want to attract the attention of settlement authorities and be viewed as a security threat, giving the Zambian government cause, as they understand it, to adopt a cessation policy, which would strip them of their legal status as refugees.

Though community members did not discuss using UNHCR, the Refugee Officer, MCDSS or FORGE to pursue justice does not mean that they are irrelevant in Block G. On the contrary, their omission and the fears about them, discussed only in hushed voices one-on-one, signal just how committed many individuals in G are to projecting a particular image of the community and maintaining internal control.

Conversely, refugees in Block H are not actively pursuing a particular durable solution, though some may return to Angola should socio-economic conditions improve and the MPLA fall out of power. These refugees chose to stay in Meheba even as tens of thousands of Angolans repatriated between 2003 and 2007. In focus groups, respondents did not express any fear of the settlement authorities or the Zambian government.

Their long-term goal is a peaceful, secure community in Meheba or in Angola, so they aim to resolve justice issues in ways that balance reconciliation and deterrence. As one woman stated: "We are all the same nationality. We ran from war to come here. It is better to foster reconciliation in the community because one day we will all go back together to Angola and we do not want to have any feelings of needing revenge." Individuals are also perfectly willing to go to the police if the seriousness of the crime demands it, or if prior resolution is unsatisfactory.

Many Congolese in Block D want resettlement. They live closest to the UNHCR offices and are constantly aware of interviews conducted, lists of names posted, and convoys organized to take those chosen to Lusaka for immigration interviews and eventual transport to a third country.

Those Congolese who seek resettlement have learned the system well from watching others go through it. They regularly approach the NGO staff with "applications" for resettlement. It is not uncommon for them to use key phrases from official resettlement criteria, such as "survivor of violence and torture," "facing insecurity," and "woman at risk."

There is a belief that resettlement is something that can be "actively achieved," rather than a solution "only employed in situations of special need or protection."[83] Justice thus becomes a tool for obtaining resettlement, and refugees see it as in their interest to emphasize or even fabricate threats to their security and to bring such concerns to the relevant authorities.

Jansen argues that the combination of a pervasive desire for resettlement and a cumbersome and arbitrary screening process in Kakuma made "vulnerability and insecurity subject to negotiation."[84] For refugees with little else, he says, "representing vulnerability and using identity to negotiate access to opportunities is *the* essential resource."[85]

The former UNHCR Protection Officer for Meheba commented that, in her experience, when a Congolese reported a crime to the police, at the end of the day they would ask for resettlement. She was not sure whether this was their primary motivation for reporting or whether they believed that resettlement was the next step for a victim of crime.

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[83] Jansen 2008, 569-571
[84] Ibid, 569-571
[85] Ibid, 576

Congolese respondents in Block D said that because they almost always bring their cases to the police, the police have come to view them as troublemakers. When they report that their houses have been burnt down, the police accuse them of burning their own houses to demonstrate insecurity for resettlement cases.

The ease with which one can buy documentation of a crime, specifically police and medical reports, fuels false reporting and exaggerations of insecurity. As one UNHCR official in Meheba admitted: "You can buy whatever documents you want in this settlement."

In many cases, more than one of these four factors helps to explain observed differences in the data across the three Blocks. Further research on justice administration in Meheba or elsewhere could strengthen this analysis by investigating the relative impact and interaction of these factors.

Conclusion

This paper has demonstrated that justice administration, particularly in the unique, complex environment of a protracted refugee settlement in which people are under high levels of duress and uncertainty and governed by a range of state and non-state actors, cannot be accurately and deeply understood with only a legal and functional analysis. Justice systems are comprised of dynamic social institutions that are continually constituted, legitimated, and challenged by the involvement and subjective views of participants.

To the refugees in Meheba, justice is often about more than simply seeking a resolution to a single crime or conflict. Personal reputation, community image, monetary costs, pride, fear, shame, manipulation, and the pursuit of a particular durable solution all affect refugees' strategic decision-making processes. Until now, there has been no academic literature on justice administration in camps and settlements that has combined a focus on the voices and agency of refugees with a micro-level, intra-settlement analysis.

By departing from the rules-based, legalistic assumptions of past works and adopting a socio-legal framework and methodology, I have generated new theories that can and should be tested and refined by future researchers. The most interesting is that the longer-term, durable solution preferences of distinct groups of refugees significantly affect how they approach and utilize justice institutions.

With such variation in the perceptions of and preferences for different justice institutions among refugees in the same settlement, it is clear that much has been overlooked by past macro-level research literature and that a one-size-fits-all approach to improve access to justice will be ineffective. Fortunately, it appears that trends may be shifting within UNHCR to elicit a more concrete and comprehensive understanding.

In late 2008, the Rule of Law Sub-Working Group in the Protection Cluster Working Group began developing an interagency participatory assessment tool to enable UNHCR and partner agencies to obtain more and better data on the ways in which justice is interpreted by displaced individuals and communities and whether the experience of displacement itself affects notions of justice.

The tool is based on the belief that "only an understanding of the experiences of individuals living in displaced situations will allow agencies to develop conclusions which approach accuracy."[86] If the tool moves from its current position as a concept paper to an implemented strategy, there may soon be valuable findings to compare with and complement my own.

The potential for more and better academic engagement with justice administration in refugee camps and settlements is also significant. A socio-legal, micro-level analysis could be done in a different camp or settlement, perhaps with the same national populations as those in Meheba, to discern whether the type and magnitude of variations documented there exist elsewhere.

In addition to or instead of focus groups, researchers could consider relying more on interviews with individuals who have been party to a crime or conflict, as Lubkemann and Isser (2008) are doing in post-conflict Liberia, to build detailed records of their views towards and experiences with justice institutions.

Striving to discern and make sense of the patterns around justice administration and to identify the situational and dispositional factors that affect how refugees perceive and engage with justice institutions has resulted in a body of rich, nuanced, and complicated data. The human rights implications that emerged from the focus groups, interviews, policy documents, and literature review were undeniable, and fuelled a dual imperative to produce rigorous scholarly work and make practical contributions.

The latter cannot be responsible or effective without the former, so it is my hope that the hypotheses and arguments put forth here will be part of an expanding domain of actor-centred, micro-level research on justice administration in refugee camps and settlements.

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[86] UNHCR 2008b, 5

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