



Building Peace through land access and food security in the Nakivale Refugee Settlement, Uganda

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DECLARATION

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DEDICATION

To all my children

LIST OF ABBREVIATIONS AND ACRONYMS

AHCR	African High Commissioner for Refugees
ALC	African Leadership Centre
ALCs	Area Land Committees
ANC	African National Congress
AU	African Union
CAO	Chief Administrative Officer
CBO	Community Based Organization
CCO	Certificate of Customary Ownership
CODESRIA	Council for Development of Social Research in Africa
DLB	District Land Board
DLO	District Land Office
EVI	Extremely Vulnerable Individuals
FAO	Food Agricultural Organization
FDC	Forum for Democratic Change
FGD	Focus Group Discussion
FIDA	Uganda Association of Women Lawyers
IDPs	Internally Displaced Persons
IGF	Income Generating Activities
IMF	International Monetary Fund
IOM	International Organization for Migration
Ips	Implementing Partners
KCCA	Kampala Capital City Authority
LCV	Local Council Five
MZO	Ministry Zonal Offices
NAADs	National Agricultural Advisory Board
NEMA	National Environmental Management Authority

NFA	National Forestry Authority
NGOs	Non-Governmental Organizations
NRC	Norwegian Refugee Council
OPM	Office of Prime Minister
Ops	Operational Partners
PRA	Participatory Rural Appraisal
PWSNs	Persons with Special Needs
RDC	Residential District Commissioner
RDO	Refugee Desk Officer
ReHopE	Refugee Host Population Empowerment
RLP	Refugee Law Project
RTP	Right To Play
RWC	Refugee Welfare Council
SAPs	Structural Adjustment Programmes
SRS	Self Reliance Strategy
SSA	Sub-Saharan Africa
UAMS	Un-accompanied Minors
UDHR	Universal Declaration of Human Rights
ULC	Uganda Land Commission
UNCST	Uganda National Council of Science and Technology
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNRWA	United Nations Relief and Works Agency for Palestine Refugees
USAID	United States Agency for International Development
UWA	Uganda Wild Life Authority
WB	World Bank
WFP	World Food Programme

ABSTRACT

This study was conducted between November 2015 and March 2016 in Nakivale Refugee Settlement, one of the oldest and largest refugee settlements in Africa. The objectives of the study were to determine the forms and causes of land conflicts in the refugee settlement; to establish the relationship between land conflicts and food security in the Settlement; to identify the strategies refugees adopt to cope with land shortage and food insecurity problems in the Settlement; to establish the residents' perceptions of the effectiveness of interventions aimed at mitigating land conflicts and enhancing food security in the Settlement and its host communities. Interest in the study arose out of the reported persistence of food insecurity and land conflicts despite efforts to ensure food security and restore peace and security in the refugee settlement and the host communities. The study used exploratory, analytical and descriptive research designs to obtain qualitative primary data. Secondary data was obtained through documentary review. Primary data was collected using interviews, focus group discussion and observation. The study found that land conflicts involve the destruction of crops, livestock and even human lives and they sometimes culminate in costly legal battles in courts of law. They pit the Settlement Commandant against Ugandans in the Settlement, pastoralists against cultivators, pastoralists against pastoralists, cultivators against cultivators, refugees against Ugandans and refugees against refugees. The conflicts also oppose host communities against refugees, conservationists against encroachers on protected land and Ugandans in the Settlement against the government. The study also found the causes to be land-grabbing and fraudulent acquisition of, or claims on, land by unscrupulous people, encroachment on others' land and protected land, high population growth, the presence of vacant land in the Settlement, competition over increasingly scarce land by cultivators and pastoralists, ambiguous settlement boundaries, contested land ownership, jealousy and antipathy. The study further established that there is a strong positive relationship between land conflicts and food insecurity. Violent land conflicts lead to the maiming and death of farmers, destruction of crops and livestock and deterrence of potential agricultural investors from investing in agriculture, thus lowering food production and increasing food insecurity. Land conflicts also render disputed land idle and therefore unproductive, leading to reduced food production;

and, within families, land conflicts lead to land fragmentation which leads to reduced food production and increased food scarcity. Regarding refugee coping mechanisms, the study found that refugees in Nakivale resorted to both positive and negative coping mechanisms. Positive coping mechanisms include establishing small businesses, rural-urban migration, farming, education and resettlement, intermarriage, paid employment, and psychosocial support. Others were: borrowing money, casual labour, networking, remittances, spirituality and religion. Negative mechanisms include: cheating the system and self-integration, prostitution, early marriage, drug abuse, theft and robbery. The study also found that interventions in land conflicts in the Settlement were unsuccessful due to corruption and limited involvement of the beneficiaries. The challenges of implementing refugee policy in the Settlement were identified as limited funding, inadequate coordination and consultation between the district and settlement authorities, xenophobia and an increasing refugee population with insatiable demands. The study recommends the following: demarcation of the boundaries of the Settlement; relocation of some refugees to other settlements in the country; housing scheme for both refugees and nationals in the Settlement to enable everyone to live decently; affordable loans for both refugees and Nationals in the Settlement; introduction of plot numbers to resolve land conflicts among refugees; a structural plan for the Settlement; mechanization of agriculture in the Settlement and increased provision of farming inputs, such as fertilisers to all farmers in the Settlement; coordinated and participatory planning between settlement and district authorities, involving refugees and Nationals.

Key Words: Refugee, Settlement, Nakivale, Food Security, Land Conflicts

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CHAPTER ONE: INTRODUCTION

1 Overview

This chapter presents the background to the study, beginning with an account of food security and land conflict in a global perspective. This is followed by sub-Sections on food security and land access challenges in refugee settlements; Uganda's post-1986 refugee policy, the 2006 Refugee Act, Uganda's refugee settlement policy, Uganda's urban refugee policy, land access and food security in Uganda's refugee settlement: the Self Reliance Strategy (SRS), Interventions in land conflicts in Nakivale Settlement, statement of the problem; objectives and research questions, the motivation and rationale of the study, Nakivale: a portrait of refugee settlement, the guiding theoretical framework and analytical models, note on research design and methodology; conceptualization and contextualization of key concepts and an overview of the study.

1.1 Background

1.1.1 Food security and land conflict: a global perspective

Food insecurity and land conflicts are twin evils that currently hinder the implementation of the refugee policy in many countries, including Uganda, and threaten peace, security and human existence worldwide (Ahimbisibwe and Pauline 2013; Ariong and FAO 2014). Between 2011 and 2013, 842 million of the global populace were estimated to be experiencing chronic food shortages. In the same period, Africa was the worst affected despite \$35billion having been spent on food imports annually. The Continent had 226 million undernourished people of whom 223 million were in Sub-Saharan Africa (FAO et al. 2013; Ssali 2014). In most cases, food insecurity is experienced at the regional, national, community, household and individual levels. There are several causes and drivers of food insecurity, which vary from region to region, country to country, community to community, household to household and individual to individual. Generally, the causes of food insecurity include poor economic policies that lower production in the agricultural sector, poverty which makes communities, families and individuals incapable of buying food, and natural disasters, such as floods and prolonged drought. In South Africa, for example,

HIV/AIDS, environmental degradation and conflict contribute 50% to food insecurity in the country (Misselhorn 2005).

In Uganda, the causes and drivers of food insecurity include the prolonged war in northern Uganda, prolonged drought in some parts, such as Isingiro District and the Karamoja and Teso sub-regions of the country, poor economic policies and inadequate government investment in agriculture, contrary to the Maputo Declaration that advocates the allocation of over 10% of the national budget to the agricultural sector (Michael 2014). Uganda faces rampant and regular hunger-related deaths and close to ten million Ugandans experience food shortages in any one year (WFP 2009; FAO and Ariong 2014).

Paradoxically, while Uganda suffers from food insecurity, it is abundantly endowed with a sub-tropical-bimodal climate, with moderate rainfall, abundant surface water in the form of lakes, rivers and swamps, precious minerals and among the most fertile soils on the Continent (Ministry of Health 2009 and Ahimbisibwe 2013). UNICEF (2014) estimates that Uganda will have about 104 million people to feed by 2050, and yet, as Madoi (2012) notes, there is no indication that the current rate of food production matches the rate of population growth. It is this mismatch that Alao (2007) calls the tragedy of endowment. At the same time, food insecurity is a multifaceted problem that breeds anger, violence, and popular uprisings against the state while at the same time impacts heavily on children's future, and causes staggering economic losses. Studies indicate that Uganda loses 6% of gross domestic product annually due to hunger and other food insecurity-related problems (Brainard and Chollet 2007; Allan, et al. 2013; Cousin 2014).

Previous studies (Bagenda et al. 2003; Rugadya 2009; Ahimbisibwe 2013) suggest that land conflicts exacerbate food insecurity, especially among Uganda's refugee settlements and their host communities. As Homer and Percival (1996) aptly observe, land is like a double-edged sword: whereas peaceful access to, and utilization of land promotes food security, violent attempts to access it and the ensuing land conflicts needlessly obstruct land development and productivity, often leading to loss of lives as was the case before and during the Rwandan Genocide. In Rwanda, land access challenges and associated conflicts were a contributory factor to, though not the prime cause of the genocide. Violent land conflicts directly cause and perpetuate food

insecurity because land is a crucial element in food production, and lack of it or any attempt to negate people's land rights, implies denying them the right to life. This is evident among the 80% of Ugandans who depend on small-scale farming for survival (Ruzindana 2014).

Land conflicts in many countries around the world arise out of the unwavering desire to access, acquire and utilize land and its resources in order to increase food production, boost household income levels and ultimately raise the propensity to buy more food. Secure access to, and uninterrupted utilization of land resources is a crucial element in job creation and famine and poverty reduction, especially in conflict-prone areas, post-conflict societies and refugee settlements (FAO 2005; Bwambare 2014). Like food insecurity, land conflicts have the potential to transform into a civil war and threaten the viability of the state. Because Uganda is largely a subsistence economy, the manner in which land is distributed, accessed and governed influences peace and government legitimacy in the country. However, there is a wide gap between land policy and implementation. Statistics indicate that land conflicts account for over 90% of all domestic disputes reported (Owaraga 2012). However, although land conflicts are a global phenomenon, they are also context-specific. In fact, in some countries with strong legal regimes, such as Germany, access to land no longer causes conflicts. However, in many developing countries including Uganda, land access causes conflicts directly and sometimes leads to bloodshed (Bassime and Mutegeki 2012). Therefore, although land access causes conflict in many developing countries, it does not necessarily cause conflict in countries with strong and competent land management institutions.

1.1.2 Food security and land access challenges in refugee settlements

In Sub-Saharan Africa, past and present conflicts, especially in the Great Lakes Region have climaxed into displacement of thousands who find themselves in refugee camps and settlements under the protection of the United Nations High Commissioner for Refugees (UNHCR). Currently, UNHCR's mandate covers 3.3 million refugees in Africa, excluding those that are not living in the Continent's 293 gazetted refugee camps and settlements. About 2.4 million refugees in twenty-two African countries directly depend on food rations from UNHCR and WFP (UNHCR and WFP 2014).

These two UN sister-agencies contend that close to one million African refugees are chronically food-insecure. Vulnerable groups, such as women and unaccompanied minors, normally suffer the brunt of food insecurity; refugee children often miss school to look for food and other essentials (Bagenda et al. 2003). Due to the increasing lack of economic opportunities for refugees in the host countries, many refugee households cannot avoid food shortages

The situation is exacerbated by food ration cuts, resulting in a 40% reduction per capita in food aid in many African countries, including Uganda, due to the failure of donor countries to respond sufficiently to UNHCR and WFP appeals for donations. Many developing countries, including Uganda, are already incapable of feeding their nationals satisfactorily, and the inflow of refugees worsens their situations. Although Uganda is ranked among the ten-top refugee-hosting countries worldwide, the country's capacity to provide security and other essential needs to refugees is questionable (Karyango 2006). And while UNHCR, WFP and other humanitarian agencies normally provide essential aid, such as food, the government of Uganda also provides refugees with land for small-scale farming to boost household food security. Indeed, a survey done by the Ministry of Health (2009) found that while new arrivals wholly depend on food aid, which, moreover, is infrequent, the majority of refugees depend on food produced from their small gardens. But the ever-increasing number of refugees has resulted in the reduction of the size of land given to them. Moreover, the prolonged stay of refugees in refugee settlements causes resentment among receptor communities due to skyrocketing food prices and land shortages: the grace period seems to be ending. During the anti-colonial struggles, African refugees enjoyed a cordial welcome and were treated in a sisterly and brotherly manner by their fellow African hosts. This was based on the assumption that they would go back as soon as their home countries stabilize (Mabiso et al. 2014). However, refugee numbers in countries like Uganda are increasing.

1.1.3 Uganda's post-1986 refugee policy

Museveni's seizure of power in Uganda in 1986 was greeted with feelings of relief by the war victims and refugees, especially Rwandese-Tutsis who had been terrorized by the Obote regime. The immediate challenge for Museveni's government was to defeat the remnants of previous regimes, restore constitutional order and guarantee security

for all, including refugees and their property. Deliberate attacks on refugees by government agents was stopped save for refugees in northern Uganda who fell prey to LRA rebel attacks. The government, together with UNHCR, later relocated refugees from war-torn northern Uganda to relatively safer areas of western Uganda.

In 1995, the Republic of Uganda promulgated a new Constitution, with clauses favouring refugees and other voluntary immigrants. Chapter 3, Article 13(2) of the Constitution of the Republic of Uganda 1995 stipulates that “every person” who lawfully and willingly entered and lived in Uganda twenty years before the promulgation of the Constitution has a right to acquire citizenship. The same applies to those voluntary immigrants who have lived in Uganda for more than twenty years after the Constitution entered into force. However, a critical analysis reveals that since refugees are involuntary immigrants, the above Article may not apply to them. Even the use of the words “every person” is confusing since refugees are technically not considered eligible. Moreover, the Refugee Law Project (2002) found that the red-tape involved in the process of acquiring citizenship is so cumbersome that even some eligible immigrants finally give up.

Another positive step is the inclusion of the Bill of Rights in Chapter Four of the Constitution of Uganda. This guarantees fundamental rights as per the 1948 Universal Declaration of Human Rights (UDHR). Article 21 of the 1995 Constitution guarantees equality and freedom from discrimination.

Clause (1) of Article 21 stresses:

“All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.”

Under clause (2), the above Article emphasises:

“Without prejudice to clause (1) above of this Article, a person shall not be discriminated against on the grounds of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.”

While the inclusion of the above Article is a positive gesture, the Refugee Law Project (2002), Mulumba and Mlahagwa (2009) found that refugees miss out on many economic opportunities because of their ethnic origin.

1.1.4 The 2006 Refugee Act

From the restoration of constitutional order in 1986 to 2006, Uganda did not have a specific or detailed refugee legal instrument that streamlined the country's refugee policy. Therefore, the enactment of the 2006 Refugee Act was long overdue. The Control of Aliens Act of 1960 was becoming irrelevant, outdated and was not reflecting the reality in Uganda, especially in refugee settlements. For instance, Article 14 of the Control of Aliens Act of 1960 stated:

“It shall be an offence for any person other than a refugee residing in, or a person employed in, a refugee settlement to enter or be within the refugee settlement except with the general or special permission of the Director or the Settlement commandant.” (Uganda: Control of Alien Refugees Act, Cap. 64 of 1960 Article 14)

As clearly indicated above, the 1960 Act barred non-refugees from visiting refugee settlements without permission from authorities. This had three main implications. First, it limited freedom of movement and interaction which are a fundamental constitutional right. Secondly, the Act limited business and other economic opportunities that would arise from the interaction of Nationals and refugees and thirdly, the host community missed exposure to some of the positive cultural norms and practices associated with the refugees.

Therefore, in line with Uganda's international obligations, including the UN Convention Relating to the Status of Refugees and the Organization of African Unity Convention governing the Specific Aspects of Refugee Problems in Africa, the country enacted the more specific and detailed Refugee Act in 2006, which is one of the friendliest refugee instruments in the region. In fact, in 2014, the Irish ambassador to Uganda described it as the best refugee legal instrument in the world (Okanya 2014). One of the striking features of the 2006 refugee Act is that it specifies the rights of refugee children and women (Articles 32 and 33 Refugee Act 2006). This grants the UNHCR the opportunity to attend the proceedings of the appeals board in case the eligibility

committee declines the application for a refugee status (Uganda Refugee Act 2006 Article 8A). (Note that when the 1960 Aliens and Refugee Control Act was promulgated and until 1964, the UNHCR had no office in Uganda.) However, although the law states that all immigrants are eligible for citizenship after living in the country for twenty years, refugees are often denied citizenship based on what Cole (2014:1) calls “dubious legal grounds”.

1.1.5 Uganda’s refugee settlement policy

As indicated before, Uganda practices a settlement policy instead of an encampment policy. An encampment policy restricts and confines the refugees in demarcated and gazetted areas, with limited freedom of movement and interaction with the local communities. Kaiser (2006) argues that many countries prefer this policy for three main reasons. First, camps allow easy monitoring of refugees and reduce security threats. Secondly, camps allow the authorities to easily repatriate refugees *en masse* when it becomes necessary or desirable to do so. Thirdly and finally, camps reduce the risk of refugees melting into the local communities and associated dangers. However, evidence from Kenya (Kaiser (2006); Kirui and Mwaruvie (2012) indicate that the encampment policy is not a panacea to insecurity. Despite attempts to confine refugees in camps, refugee-related insecurity has persisted in the country, recently prompting the Kenyan government to order the repatriation of all Somali refugees. Kirui and Mwaruvie (2012) assert that camps continue to act as recruitment centres for Al-Shabab terrorists in Kenya. Moreover, from a legal perspective, the encampment policy violates the rights and freedoms of refugees, including the freedom of movement.

On the other hand, the Settlement policy is much more favourable in that the refugees are settled in identified expansive communities similar to local villages (Government of Uganda 1999; Kaiser 2006). While camps are normally crowded, short of social amenities and intended to host short-term refugees, settlements are designed to host protracted refugees. Refugees are normally considered “protracted” when they spend five or more years in exile (Crisp 2003).

Ginyera (1998) observes that in settlements, long-term or permanent structures such as schools, churches, water sources and health centres are built to enable refugees enjoy normal life. These social amenities are shared with nationals and when refugees go back, the nationals own them. Further, although refugees are required to ask for permission if they want to visit distant areas, like Kampala City, their movement and interaction with the local communities are generally not limited.

As Garimoi and De Brouwere (2005) aptly said, the Settlement policy is not common in many refugee-hosting countries, Uganda being one of the few exceptions. As mentioned above, the country has had a refugee settlement policy since 1942 when European refugees were hosted. Currently, Uganda has over ten active refugee settlements which include Kyaka II in Kyenjojo District, Nakivale in Isingiro District, Oruchinga near Mbarara City, Kyangwali in Hoima District and Kiryandongo in Masindi District. Others are: Paralonya and Rhino in Arua District, Imvepi and Madi Okollo in Arua District. Most of these settlements are found in northern and western Uganda. Mass arrivals of refugees are normally first granted refugee status on a prima-facie basis and confined in the transit camps before they are transferred to settlements. When there is mass influx of asylum seekers, the authorities grant them refugee status as a group. Due to logistical and time constraints, the authorities may not assess the eligibility of each of them individually. Therefore, asylum seekers/ 'refugees', presumptively, legally become refugees on arrival. This is popularly known as determination on a group or prima facie basis. On the other hand, when a 'refugee' arrives as an individual, he/she is given asylum pending the determination of his or her refugee status. His/her application is evaluated by the refugee eligibility committee and a decision is made in a specified period of time (Rutinwa Bonaventure 2002). "Prima facie status and refugee protection." (UNHCR 2002)

Once a refugee is registered and settled in a certain settlement, he or she needs permission from authorities to change to another settlement, a difficult process given the bureaucracy involved. Thus, refugees do not normally change settlements. Obviously, this violates the 1951 UN refugee convention which calls for free movement of refugees and freedom to settle in any part of the country of asylum. However, the good news for refugees, as Garimoi and De Brouwere (2005) note, is that they are encouraged to stay and embrace settlement life until their exile expires or until they

feel their home country is free and it is safe for them to return. Uganda has emerged over the years as the safe haven for refugees and mass expulsions from the country are rare. (Burnham et al. 2003; UNHCR 2003)

1.1.6 Uganda's urban refugee policy

Although the Government of Uganda encourages refugees to move into designated refugee settlements, some refugees often 'self-settle' or informally integrate into local communities, while others move to urban centers (Omata and Kaplan 2013). While the UNHCR and the government of Uganda fend for the refugees in settlements, urban refugees are left to fend for themselves (Jacobsen 2004-08; UNHCR 2003). The government policy is that refugees must go to designated refugee settlements. Those who self-settle or melt into the host community, do it on their own without any official assistance. Those who choose to reside in urban areas are required to prove that they have the means of survival to do so, such as employment or an adequate and reliable source of income (Meyer 2006). However, this condition is prone to manipulation as refugees can declare pseudo sources of income to be allowed to live in towns. On this basis, the UNHCR assumes that those who opt for urban settlement have the means which, unfortunately, is not always the case. Dryden (2006: p.1) asserts that the living conditions of urban refugees "are overcrowded and squalid; and while usually they are not poorer or better off than the citizens in whose midst they live, they persist without legal status, without support networks, and often as victims of xenophobia." Several other studies (Huff, Karyango and Parker 2002; Bernstein 2005) have demonstrated that refugees in Kampala City are not much better off than those in settlements. The Refugee Law Project (2005) adds that they face many problems, including those associated with limited access to social services such as medical care, education, shelter, and transport in the city.

Although refugees recognize that they can only access WFP and UNHCR's humanitarian food aid if they are registered refugees residing in the Settlements, nevertheless some of them shun settlements and opt for urban centers. This decision is attributable to four main reasons. First, refugees are motivated by the availability of health care and education opportunities for their children in urban areas. Secondly, refugees are attracted to the more readily available and efficient communication

services in urban centers. Thirdly, refugees opt for urban life because of the lure of employment opportunities perceived to be more readily accessible in towns. Fourthly and finally, refugees, especially those vulnerable to political persecution from their home regimes, believe that they would be safer and less exposed if they lived anonymously in town than if they lived as registered refugees in a settlement (Kibreab 1996; Macchiavello 2003; Dryden 2006). Consequently, Kampala, which is the main urban and commercial centre of Uganda, with many socio-economic opportunities, has attracted thousands of refugees. Omata and Kaplan (2013) found that as of 2012, about 50,000 refugees were residing in Kampala. This implies that Kampala City hosts more refugees than all refugee settlements, save for Nakivale Settlement which hosts over 70,000 refugees. The challenge, Refugee Law Project (RLP) (2005) notes, is that xenophobia is much more likely to be experienced in towns than in rural refugee settlements where almost everyone is a fellow refugee. Moreover, in towns, refugees become scapegoats for most social problems. Further, Macchiavello (2003) opines that urban employers become biased against refugees on grounds of their perceived or actual inability to communicate fluently with clients in Luganda or English and legal issues surrounding their refugee status and work permits. The Refugee Law Project (2005) observes that most refugees have the skills, but their employment chances and potential are limited by such biases or handicaps.

Consequently, many urban refugees live a vulnerable life, surviving on charity from churches, kind families and individuals. Providentially, the government of Uganda and UNHCR recognize the increasing refugee urbanization and the need for flexibility. RLP (2005) further notes that, for a long time, urban planners in Kampala were not even cognizant of the existence of refugees in the city. However, the increasing strain on social services caused by refugees has called for greater recognition and flexibility in urban planning to cater for the ever increasing social and economic needs of refugees. The central government realized this in 2006 when it enacted the 2006 Refugee Act which does not bar refugees from residing and seeking employment opportunities in towns. Urban refugees are only encouraged to register with relevant authorities and to fend for themselves

1.1.7 Land and food security policy in Uganda's refugee settlements: the self-reliance strategy (SRS)

Although Uganda has persistent internal challenges, such as the increasing population, land scarcity and food shortages (UNICEF 2014), the UNHCR (2003) admits that the country's generosity for refugees is exemplary. In addition to humanitarian relief and psychosocial support, new refugee arrivals are allocated land in the demarcated vast rural refugee settlements. The amount of land given to them depends on the number of family members. NGOs and other humanitarian agencies give them tools such as hoes and pangas, to enable them to clear the land for cultivation (Government of Uganda 1999; Betts 2012). Despite the relatively small plots of land they get (on average a plot of 150 x 100 metres per family of not more than 6 people), refugees grow several crops, such as beans, cassava, millet, sorghum, vegetable, Irish potatoes, bananas, rice and coffee. These are grown basically for home consumption but also for sale in order to buy other household essentials, such as salt, paraffin and cooking oil. While the Hutu and Congolese mostly do crop cultivation, the Somali refugees normally rely on retail business, selling mostly household consumables. The Somalis also supplement humanitarian aid with remittances from their relatives overseas. They rarely practice crop cultivation (Betts 2012).

Regardless of criticisms by landless Nationals who accuse the government of favouring refugees, the government policy remains clear: refugees are free to access and utilize any vacant land that is formally allocated to them in designated settlements. They do not pay any rent to government for the use of the land (UNHCR 2003:05). With the declining humanitarian aid, surviving on handouts is becoming risky for refugees as food rations are declining (Kaiser 2005; Svedberg 2014). Therefore, the purpose of apportioning land to refugees is mainly to boost their food security status, household income and self-sustenance (Bagenda et al. 2003; Kaiser 2006). This is in line with the Self-Reliance Strategy (SRS) which is anchored in the overall Development Assistance for Refugees (DAR) (UNHCR 2003). Designed in 1999 by the government, in alliance with UNHCR, the SRS aims at ensuring refugees gain the skills and the means of securing their own survival amidst the waning food aid. According to the UNHCR (2005:1):

Self-reliance is the social and economic ability of an individual, a household or a community to meet essential needs (including protection, food, water, shelter, personal safety, health and education) in a sustainable manner and with dignity. Self-reliance, as a programme approach, refers to developing and strengthening livelihoods of persons of concern, and reducing their vulnerability and long-term reliance on humanitarian/external assistance.

Initially, SRS was conceived to enable Sudanese refugees in West Nile (Moyo and Adjumani districts) grow their own food (Dryden and Hovil 2004). This was mainly because Sudanese refugees were not expected to return home any time soon and the only provisional solution was to empower them to feed themselves. SRS was later rolled out to all other refugee settlements, including Nakivale Refugee Settlement, with the aim of incorporating the refugee services in the local district planning and structures for the benefit of both the refugees and the host communities.

Before the introduction of SRS, the host communities and refugees had separate systems of social services and independent structures, such as schools and health centres (Garimoi and De Brouwere, (2005). While the government funded the social services in host communities, non-governmental organisations (NGOs) and the UNHCR funded the social services in refugee settlements. The danger with this arrangement, Burnham et al. (2003) observe, was the widening disparity in the amount and quality of services given to the clients. Refugee education and health centers in the Settlements were much more facilitated with necessary equipment and trained personnel than those in the host communities. Moreover, the more highly trained medical employees in the refugee settlements were often lured from government health centres, rendering the latter almost dysfunctional. This had severe implications on coexistence, with the Nationals feeling envious of the services in the Settlements, which increased anti-refugee sentiments. In their study, Garimoi and De Brouwere (2005) found that Nationals complained of their own government favouring refugees at the expense of its own landless and hapless citizens. Therefore, the integration of services through the Self-Reliance Strategy was designed to reduce social tensions and promote interaction between refugees and the host communities. According to the Government of Uganda Strategy Paper (1999), the integration of refugee services into

national government structures aimed not only at improving relations between the two communities but also ensuring the food security and self-sustenance of refugee households.

The key features of the Self-Reliance Strategy are: land accessibility, skills development, self-sufficiency in terms of household income and food security, better and integrated social services, and improved relations between refugees and host communities. It was expected that the strategy would directly and indirectly reduce social tensions since economic vulnerability, redundancy and extreme poverty are thought to perpetuate conflicts within communities (Brainard and Chellet 2007; Svedberg 2014).

Although the government of Uganda promotes the integration of refugees through SRS, the repatriation of refugees remains at the top of the country's refugee policy agenda (Mayer 2006). Therefore, skills development and the empowerment of refugees in general are meant to turn them into an asset rather than a liability for the development of both their host and original communities when they return home. Thus, the Self-Reliance Strategy can be construed as a temporary measure with long-term aims since repatriation remains a priority and durable solution to the refugee problem in Uganda.

1.1.8 The ReHopE strategy

In response to the shortcomings and failures of SRS and DAR, the World Bank, humanitarian organizations and refugee-host governments designed the ReHopE Strategy (ReHopE is the short form for Refugee Host Population Empowerment) as a sustainable solution to both the economic and social needs of refugees and host communities. ReHoPE "is a strategic framework to drive a pragmatic programming design for the self-reliance and resilience of refugee and host communities in Uganda." (World Bank and Uganda 2016: 7). In the Ugandan context, the ReHopE strategy was a build-up onto the SRS. The ReHopE strategy aims at creating durable solutions to the refugee welfare problems in Uganda with its holistic approach that targets all key stakeholders, including relevant district departments.

The ReHopE strategy (Bridging the gap between Humanitarian and Development Programming) offers another basis for joint programming and most importantly, it is backed by the financial commitment of up to \$350 million over five years. This is just the first phase; the intervention has a 20-year timeframe within which to deliver sustainable solutions. The key stakeholders responsible for the implementation of this intervention are UN agencies, the World Bank, the Government of Uganda, and other development partners, such as banks, and generally the private sector. The goal of ReHoPE is to ensure sustainable livelihoods, self-reliance and resilience of not only refugees but also the host communities. Issues of protection, dialoguing and peaceful resolution of conflicts are at the core of this intervention (World Bank 2016). The ReHopE Strategy has nine major guiding principles which are summarized in Table 1 below.

Table 1: Guiding principles of the ReHopE Strategy

<ul style="list-style-type: none"> • Government in the lead • Harmonized area-based approach • Community engagement and empowerment • Building on existing programmatic blocks • Filling the evidence gap 	<ul style="list-style-type: none"> • Leveraging comparative advantage • Harmonizing program tools • Building on and strengthening existing coordination structures • Equity, gender responsiveness, and women's empowerment
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The ReHopE strategy (Bridging the gap between Humanitarian and Development Programming)

While the ReHopE strategy has been received with high expectations among both the benefactors and beneficiaries, there is still reason for cynicism, given the Ugandan environment and context in which the intervention is going to be implemented. To begin with, while the development partners have committed and even released the \$350 million for the first phase, this money is likely to pass through many channels, perhaps resulting in the target beneficiaries receiving less than 20% of the aid, as has been the norm with some other interventions. Experiences in South Sudan and other developing countries have shown that expatriates and local implementers, including government officials, pay themselves exorbitant salaries, spend on non-priority items of the intervention and, worst of all, directly embezzle part of the humanitarian aid

money. Such financial profligacy has in the past led to the failure of many interventions (Turyamureeba 2012).

1.1.9 Interventions in land conflicts in Nakivale Settlement

Since the early 2000s, individuals and groups of Ugandans from different parts of the country have migrated into the Settlement and lived side by side with refugees in the Settlement. Some Ugandans even claim to have descended from ancestors who were in the Settlement area before it was made a refugee settlement. However, the surging population of both refugees and Nationals has resulted in competing interests over land in the Settlement, culminating in violent conflicts among the refugees themselves, among Ugandans, and between Nationals and refugees (Bagenda, et al. 2003; Ahimbisbwe 2013). Following the land conflicts in early 2000, the government of Uganda created a Task Force, led by the former Mbarara District Resident District Commissioner (RDC), to study the causes of the conflict and clearly establish or ascertain the borders of Nakivale Refugee Settlement. The Task Force, according to Bagenda et al. (2003), found that ambiguous land boundaries between the Settlement and the host communities were the major cause of the conflict, and proposed demarcation of the Settlement land and eviction of Ugandans from the Settlement. However, refugees and Ugandans living in the Settlement were not represented on the task force which were comprised of only external local and central government officers. Moreover, the Terms of Reference of the Task Force were narrow, and lacked clear objectives. Furthermore, the findings of the Task Force were superficial and somewhat unrealistic. To begin with, the demarcation of 30 sq. miles as proposed by the Ngoma Ngime Task Force was too small to accommodate all the refugees in the Settlement. Secondly, the proposed eviction of Nationals living in the Settlement, without compensation or alternative land elsewhere, was politically naïve and legally uninformed. If implemented, it would trigger legal battles that evictors were likely to lose. Thirdly, the Ngoma Ngime Task Force did not explore the vexed issue of land grabbing in the Settlement. Therefore, by not being inclusive in its composition and by failing to be participatory and comprehensive in its work methods, the Ngoma Ngime Task Force was bound to fail before it even started its work.

1.1.10 Problem Statement

Following the increased average length of refugees in exile to about 26 years, activists have appealed to UN agencies, multilateral partners, NGOs and host governments to focus on sustainable solutions to the refugee crisis. Currently, a lot of humanitarian effort seems to focus on the emergence phase, advertently or inadvertently ignoring the post-emergency phase which needs equal attention as refugees continue to suffer in prolonged exile (World Bank 2016; Evan 2016). The international community has consistently praised Uganda as a “refugee oasis” because of the country’s 2006 Refugee Act and 2010 Refugee Regulations that allow refugees to live in settlements instead of camps, freedom of movement, the right to work and above all, access to farmland for food production. Camps differ from settlements in that, in camps, which are often congested, refugees have neither freedom of movement outside the camp nor access to farmland, but, in settlements, refugees are given small plots of land to live on and cultivate in addition to freedom of movement within and outside the Settlement and the right to work for pay. This has enabled humanitarian agencies and NGOs to focus on promoting self-reliance strategies, peaceful coexistence and resolution of conflicts and other essential prerequisites for peace and stability in the refugee settlements and host communities (UNHCR 2003).

However, following the 2013 political crisis in South Sudan and the 2015 political violence in Burundi, the total number of refugees in Uganda increased from 260,000 to 570,579 (as of 31 August 2016,) (UNHCR 2016) mainly from DRC, Burundi and South Sudan. This makes Uganda the ninth biggest refugee-hosting country in the world and the third in Africa, after Kenya and Ethiopia. Significantly, about half (56%) of refugees in Uganda are under the age of eighteen and the overall majority are females.

As stated before, Nakivale Refugee Settlement hosts about 120,415 refugees, (as of 31st November 2016,) of over eleven nationalities mostly from the Horn of Africa and the Great Lakes Region ((UNHCR 2016; Jones 2013; Omata 2012). In pursuit of the self-reliance strategy in refugee settlements, the Ugandan government allocates land to refugees in Nakivale Refugee Settlement to enhance their food security (Omata 2012). However, as refugee numbers increase, land per capita and land productivity in the Settlement declines. This, coupled with dwindling humanitarian food aid, leads

to hunger and conflicts over land in the refugee settlement and the host community (UNHCR 2014).

In response, the UNHCR, the Government of Uganda and humanitarian organizations, mainly NGOs, have undertaken interventions to promote food security and resolve land conflicts in the Settlement and the host community. However, in spite of these interventions, food insecurity and land conflicts continue to afflict the refugee settlement and the host communities (Ahimbisibwe 2013; Omata 2012). Notably however, most relevant studies so far have focused separately on land conflicts and food security (Reinikka and Collier 2001; Batungi 2008; Alao 2007; Pauline 2013). Little attention has been given to causal linkages between land conflicts and food security. Neither have scholars attempted to assess the effectiveness of the interventions meant to promote food security and resolve land conflicts in refugee settlements and their host communities. That is why this study seeks to identify the forms and underlying causes of land conflicts; to assess the impact of land conflicts on food security, identify refugee coping mechanisms and the effectiveness of interventions to resolve conflicts and mitigate food insecurity in Nakivale Refugee Settlement.

1.1.11 Objectives

1.1.11.1 Overarching objective

The overall objective of the study was to establish the relationship between land conflicts and food security among refugees and host communities in the Nakivale Settlement.

1.1.11.2 Specific objectives

- I. To determine the forms and causes of land conflicts in Nakivale Refugee Settlement;
- II. To establish the relationship between land conflicts and food security in Nakivale Refugee Settlement;
- III. To identify the coping strategies refugees, adopt to address land shortage and food insecurity problems in Nakivale Refugee Settlement;
- IV. To establish the residents' perceptions of the effectiveness of the interventions aimed at mitigating land conflicts and enhancing food security in Nakivale Refugee Settlement.

1.1.12 Research questions

1.1.12.1 Overarching research question

What is the relationship between land conflicts and food security in the Nakivale refugee Settlement?

1.1.12.2 Specific research questions

- I. What are the forms and causes of land conflicts in Nakivale Refugee Settlement?
- II. What relationship exists between land conflicts and food security in Nakivale Refugee Settlement?
- III. What coping mechanisms have refugees adopted to address land shortage and food insecurity problems in Nakivale Refugee Settlement?
- IV. To what extent have interventions been effective in addressing land conflicts and food insecurity in Nakivale Refugee Settlement's host communities?
- V. What are the challenges faced by interventionists in Nakivale Settlement?

1.1.13 Assumptions

The study relied on the following assumptions:

- I. The persistent influx of nationals in the settlement and the increasing refugee population solely account for the rampant land conflicts
- II. Land conflicts adversely affect food production and lead to food insecurity
- III. Refugees mainly cope by exploiting land and other available natural resources
- IV. Interventions are not effective in mitigating land conflicts and enhancing food security in the Settlement
- V. The Interventionists face numerous challenges in the Nakivale Settlement

1.1.14 Motivation and Rationale of the Study

I was motivated to undertake this study largely because I am a native of Isingiro District which is home to Nakivale Refugee Settlement and, as a teenager, I witnessed the influx of thousands of Rwandan refugees fleeing the 1994 genocide and their eventual domicile in the refugee settlement. My home community welcomed them and treated them generously. But over the years and as both refugee and host community population numbers grew, my community began perceiving the refugees as a burden and as competitors for scarce physical resources, especially as the refugees were

suspected of stealing food and known to occupy land that my community members also needed for their sustenance. It is against this background that I developed an interest in exploring the forms and causes of land conflicts in and around the Settlement, how such conflicts affect food security and what can be done to ensure harmonious co-existence, peace and tranquillity in the refugee settlement and its neighbourhood.

Beyond this purely personal interest, I was also motivated by the desire to contribute to the growing body of knowledge in refugee studies, especially in the areas of food security and conflict resolution in refugee settlements and their host communities. In this regard, I hope that the findings of my study will inform the processes of formulating and implementing refugee policy in Uganda and elsewhere in Africa. It is also my hope that the study will enrich the on-going discussions on the effectiveness of national and international policies regarding durable solutions to the problem of protracted refugee situations in Uganda and elsewhere in the world. In addition, I was motivated by the wish to contribute to an ever-evolving toolkit for mainstreaming community ownership of projects initiated by both the government and non-governmental organizations in the Settlement and its vicinity. Finally, I hope that this study will constitute a valuable source of reference for students and scholars of community development in general and of refugee studies in particular, and even inspiring other researchers to undertake similar studies in other refugee settlements.

1.1.15 Nakivale: Portrait of a Refugee Settlement

1.1.15.1 Historical background

Nakivale Refugee Settlement, the study site, was established by the then colonial Government of Uganda in 1958, before Uganda became independent, and gazetted in 1960 through the Uganda Gazette General Notice No. 19. Therefore, the Settlement is one of the oldest in Uganda and one of the oldest refugee settlements in Africa (Jones 2002; UNHCR 2014). In 1960, the British colonialists struck a deal with Omugabe (the King of Ankole) and gazetted Nakivale as a refugee settlement to host Rwandan Tutsi refugees (Bagenda et al. 2003). The Tutsi were fleeing from persecution by the Hutus who ousted the Tutsi King during the 1959 Rwandan revolution. The Tutsi lived in Nakivale until 1994 when they were replaced by the Hutus. After the Rwanda genocide of 1994, the Hutu-led government crumbled and

many Hutus fled to Nakivale in Uganda and other countries. Since then, the Tutsi have remained in power in Rwanda and the Hutus, fearing revenge attacks against them in Rwanda, have turned Nakivale Refugee Settlement into their second home. Until the 1990s, when conflicts in other neighbouring countries drove thousands of refugees to Uganda, the Settlement hosted Rwandan refugees exclusively (Mugabe 2014).

Initially, the host communities had a cordial relationship with refugees, especially during the anti-colonial struggles. African refugees were treated in a sisterly and brotherly manner by their fellow African hosts (Karyango 2006). This was based on the assumption that they would go back as soon as their home countries stabilised, and the hosts thought that they would benefit from refugee facilities such as schools and hospitals built and left behind by the UNHCR (Harrell-Bond 2002). However, as more countries got independence, sympathy for refugees waned, land conflicts arose, and xenophobia increased.

Currently, Nakivale Refugee Settlement is one of the over-ten refugee settlements in Uganda. The others are: Oruchinga, Kyangwali, Rwamwanja, Kiryandongo, Paralonya, Rhino Camp, Imvepi, Madi Okollo, Adjumani and Kyaaka I and II. Nakivale Refugee Settlement is home to 120,415 refugees (C.f UNHCR. Uganda Refugees and Asylum Seekers in the Country as of 31st November 2016,), although Uganda as a whole host over 898,082 refugees (C.f UNHCR. Uganda Refugees and Asylum Seekers in the Country as of 31st November 2016,). This is the largest number of refugees Uganda has ever hosted since colonial times, making the country the third largest refugee-hosting country in Africa after Ethiopia (736,000 refugees) and Kenya (594,000 refugees). The current surge of refugee numbers in Uganda's refugee settlements is attributable to the political conflicts in Burundi and South Sudan (Yaxley 2015).

1.1.15.2 Size and location of the Settlement

At the time of the study, Nakivale was the 8th largest refugee settlement on earth. Its geographical land size is equal to that of the former Indian city of Calcutta, now Kolkata (UNHCR 2014). Initially the size of the Settlement was 84 square miles, but it has been reduced to 71.3 square miles or 182.7 square kilometres (18,276.88 hectares). There are two basic reasons for the reduction. The first is that the government carved off land for Isingiro District headquarters; and the second is that Ugandans continuously

encroach on the Settlement land despite warnings (Interview with Isingiro District Lands Officer, 4th Jan 2016). The Settlement is located in Isingiro District, south western Uganda, near the border with Tanzania and Rwanda, and virtually in the middle of the conflict-ravaged Great Lakes Region (Ahimbisibwe 2013; Jones 2002).

1.1.15.3 Refugee population and nationalities in the Settlement

Nakivale Refugee Settlement hosts asylum seekers and refugees from thirteen countries: Burundi, DRC Congo, Kenya, Sudan, Tanzania, Senegal, Pakistan, South Sudan, Rwanda, Somalia, Liberia, Ethiopia and Eritrea, as shown in Table 2 below:

Table 2: Distribution of refugees in Nakivale Settlement by nationality, January 2016

Nationality	Total number
Burundian	21,964
Rwandan	10,928
DRC Congolese	43,946
Eritrean	814
Ethiopian	647
Kenyan	32
Liberian	3
Somali	17,142
Sudanese	92
Tanzanian	1
South Sudanese	62
Senegalese	1
Pakistani	1
Total	95,633

Source: OPM-Office of the Commandant, Nakivale Refugee Settlement

It must be noted that refugee numbers increase almost every day. The above figures were collected at the time when the Burundi political crisis had reached its zenith and Burundian refugees were flocking into Nakivale Settlement by the hundreds on a daily basis. This implies that by the end of 2016, the total number of refugees in the Settlement could be more than 100,000.

As shown in Table 2 above, Congolese make nearly half of the refugee population in the Settlement. Most Congolese live in Rubondo Division where they do farming as the major economic activity. However, some business-oriented Congolese live in Base Camp, the main trading centre in the Settlement. Refugees who were used to town life in their respective home countries tend to concentrate in Base Camp. This division is the most densely populated and hosts almost all refugee nationalities. The UNHCR, WFP, and several NGOs have their field offices in Base Camp. Social services, such as solar power, piped water, hair salons, and clubs are concentrated in Base Camp. Almost all Somalis, Ethiopians and Eritreans live in Base Camp, mainly for security reasons. In particular, Somalis who do not practice crop cultivation, and focus on small-scale businesses, live mostly in Base Camp. In addition to businesses, Rwandese, Burundians and Congolese also practise crop cultivation and livestock farming (Observation data 15.11.2015; Interview: Chairperson, Kashojwa, RWCI 20.12.2015). As noted in Chapter 7, Uganda has one of the most favourable refugee policies in the region. Refugees are not confined in camps, as in Kenya, but are given land for subsistence farming in settlements. This partly explains why refugees are attracted to Uganda. In particular, Nakivale Refugee Settlement has a steadily growing refugee population because of its proximity to Burundi, DRC and Rwanda which are some of the main source-countries of refugees (See Chapter 7 for a detailed account of the push and the pull factors).

1.1.15.4 Nationals living in the Settlement

It is estimated that there were about 40,000 Ugandans living in the Settlement. This number could even be higher as there are no official statistics for Nationals living in the Settlement. Under the ReHopE strategy, nationals are supposed to share most humanitarian services with the refugees, save for food aid. However, Nationals complained of being left out in the delivery of services such as water, farm inputs and electricity. Nationals reportedly continue moving into the Settlement as a result of various push and pull factors, mainly land shortage in their home areas and purported land availability in the Settlement respectively, that are discussed in Chapter 7.

1.1.15.5 Political administration of the Settlement

The Settlement is administered by the government of Uganda through the Office of Prime Minister (OPM). Under the OPM, there is the Ministry of Disaster Preparedness and Refugees, which is responsible for refugees and disaster management. The Ministry has regional desk offices in the country. Mbarara Refugee Desk Office (RDO) is in charge of refugee settlements in western Uganda, including Nakivale Refugee Settlement. The Settlement Commandant is the highest-ranking OPM officer who lives in the Settlement. He is the Chief Administrative Officer of the Settlement, and reports directly to the regional refugee desk office in Mbarara. Under the Commandant there is a Deputy Commandant who is in charge of security in the Settlement. In addition, the Commandant has two assistants in each zone.

Broadly, Nakivale Refugee Settlement has three administrative divisions: Rubondo, Base Camp, and Juru. Each division has an average of six zones each of which has an average of six villages, the smallest administrative units. Each village is administered by a Refugee Welfare Council I (RWCI). Refugees hold elections at village level every two years to elect the RWCI members. Then the elected RWCI members select from amongst themselves representatives to the next higher level, Refugee Welfare Council II (RWC II). Again, members of Refugee Welfare Council II (RWC II) select from amongst themselves representatives to the highest level, Refugee Welfare Council III (RWC III). This council is composed of ten members: the Chairperson (commonly known as Président), the Vice Chairperson who is normally female, the Secretary General, the Secretary for Defence, the women's representative, the secretary for youth, the secretary for the environment, the Treasurer (female), the Secretary for Information and Secretary for people with disabilities. In principle, the Chairperson, RWCIII, is responsible for reporting refugee needs and problems to relevant NGOs and OPM. Besides these formal administrative structures, there are also two informal ones: Nyumba Kumi (ten-house cell) and the Elders' Committee. In many villages, groups of ten neighbouring houses constitute a unit headed by a chairperson, a defence secretary and a secretary for information. These ten-house cells were informally established by RWCIII to help gather information and report to RWCI. They also handle minor cases, especially those related to domestic violence. For its part, the Elders' Committee is composed of three men and two women who are usually the most respected and trusted in their

respective villages. These refer to land cases to RWC I (Interview: Chairperson RWCIII for Rubondo Division, at Basecamp 17.12.2015; Refugee Law Project 2006).

1.1.15.6 Land administration and allocation in the Settlement

Land in the Settlement is administered by the office of the Settlement Commandant. The Commandant is the topmost government official who resides in the Settlement. He represents the Office of the Prime Minister (OPM) and reports to the Regional Refugee Desk (RDO) in Mbarara town. The Commandant and his assistants, receive refugees, and proportionately allocate them land considering the family sizes and vulnerability levels. As noted before, refugees are allocated, on average a plot of 150 x 100 metres per family of not more than 6 people. The Commandant is also responsible for ensuring that the Settlement land is protected against encroachers and land-grabbers. However, the Commandant's work is complicated by Ugandans who claim ownership of some settlement land on account of them being autochthonous to the area.

1.1.15.7 Food distribution in the Settlement

The UN's World Food Programme (WFP) is the main agency that provides humanitarian food to all refugees in all Ugandan settlements, including Nakivale Refugee Settlement. Like other UN agencies, WFP does not provide food directly to refugees; the food is distributed by implementing partners. In the case of Nakivale, Samaritans' Purse is the NGO contracted to distribute monthly food aid on behalf of WFP. As detailed in Chapter Seven, beneficiaries reported not receiving food in time. For example, during the study at the end of November 2015, they were reportedly receiving food aid for the month of October 2015. Such delays were caused by increasing donor apathy towards refugees and associated reduction in funding, despite appeals by WFP and activists. Such delays complicated the lives of refugees, especially new arrivals who depended entirely on humanitarian aid.

1.1.15.8 NGOs and UN agencies in the Settlement

Three UN agencies operate in Nakivale Refugee Settlement: International Organization for Migration (IOM); UNHCR and WFP. The IOM is not part of the UN system, but operates closely with UN specialized agencies and is part of UN Country Teams around the world. The UNHCR does not implement its projects directly; it only

plays an overseeing role. It has implementing partners (IPs) who receive funding from UNHCR to execute humanitarian projects. These partners are local and they are included in the UNHCR's international NGO's listing as noted in Table 3 below:

Table 3: UNHCR'S implementing partners (IPs) and their respective sectors

IP/NGO	Sector
African Initiative for Relief Development (AIRD)	Shelter and logistics
American Refugee Committee (ARC)	Community services
American Refugee Committee (ARC)	Refugee protection
American Refugee Committee (ARC)	Refugee Reception Centre
American Refugee Committee (ARC)	Water and sanitation
Medical Teams International (MTI)	Health and nutrition
Nsamizi	Livelihoods & environment
Windle Trust Uganda (WTU)	Education

Source: Interview with UNHCR Official 04.02.2016

On the other hand, there are NGOs in the Settlement which do not receive funding from UNHCR but cooperate on a number of issues. These are referred to as Operational Partners (Ops). Their key areas of focus are summarized in Table 3 below.

Table 4: UNHCR'S operational partners (OPs) and their respective sectors

OPs	Area of focus
Finish Refugee Council (FRC)	Adult Education and Youth Leadership
WFP via Samaritans' Purse	Food
Right To Play (RTP)	Social Services/Sports
Tutapona	Counselling

IOM	Housing and Sanitation for most vulnerable refugees
Accord	Peace-building, Gender Equality and Livelihood
Uganda Red Cross	Health Services and Disaster Management

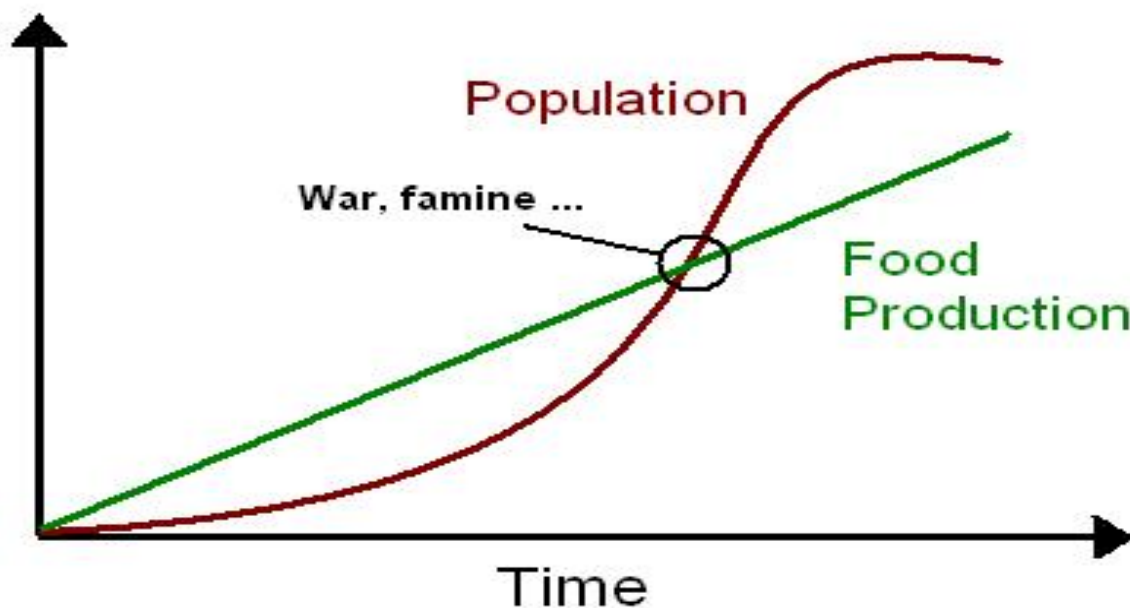
Source: Interview with UNHCR Official 04.02.2016

1.1.16 Guiding Theoretical and Analytical Models

1.1.16.1 Malthusian theory

Reverend Thomas Robert Malthus (Fay and Keynes 1935; William 1999), in his theory on population, states that population grows geometrically (1 2, 4, 8 16, 32, and so on) while food increases arithmetically (1 2, 3, 4, 5, 6, 7, etcetera). Malthus argues that, at a certain point, unchecked population growth outpaces food production, paving the way for positive checks such as diseases and conflicts. The best lands are taken up first, then the next best, then the inferior, and finally the worst. At each stage the law of diminishing returns applies. Figure 1 below illustrates this scenario. This scenario is actually being played out in Uganda's Nakivale Refugee Settlement where the inability to use modern farming methods, tools and inputs, including fertilisers, coupled with an increasing refugee population is a probable cause of land conflicts and food insecurity.

Figure 1: A Malthusian representation of food production vs. population



Based on Figure 1 above, it is evident that population grows faster than food production and, at a certain point in time, population growth surpasses food production. At this point, land resource competition sets in, paving the way for conflict, war and famine. According to Malthus, this is common in societies which still use traditional methods of food production. The theory suggests population control in order to avoid famine (Ewugi and Yakubu 2012). In abstract terms, Malthus links population growth, food production, resource conflicts and interventions. Malthus' solution is population control; however, birth control is currently not a priority on Uganda's development agenda (Population Secretariat 2012). At Independence in 1962, Uganda's population was estimated at six million (UBOS 2007). At the Fiftieth Independence Anniversary in 2012, it was estimated at 35 million and it is projected to hit the 104 million mark by 2050 (UNICEF 2014). This has three major implications. First, Uganda's population growth rate will remain one of the highest on the Continent, and obviously, land will remain fixed, lowering the per capita land acreage. Second, the increasing peasant population requires more land for small-scale farming to earn a living, lest they resort to what Crips (2003:23) calls "negative coping mechanisms", such as burglary and violence. Third, some fraudulent farmers and capitalists who cannot genuinely access land are likely to resort to aggressive means of land acquisition, thereby exacerbating land conflicts.

Although Lindblade, Carswell and Tumuhairwe (1998) observe that in the presence of good land management practices, population increase has no serious impact on land pressure, Elliott (2012) maintains that while in the nineteenth century Africa's very low population densities reinforced communal land rights, the current high population densities directly cause and exacerbate land conflicts due to increasing migration, land stress and the need to protect the customary land rights of indigenous peoples. Similarly, in his study titled "Rural-rural Migration and Land Conflicts: Implications on Agricultural Productivity in Uganda", Mwesigye (2014) found that population stress and the subsequent rise in land prices directly and indirectly lead to land conflicts, and that land conflicts are more prevalent in communities with many tribes or a diverse population. Mwesigye also found that communities with high population densities tend to have more land conflicts than sparsely populated ones. An earlier study by Elliot (2006) in Uganda's Kibale District in western Uganda supports the above findings: rapid population growth in the district is directly linked to the rampant violent land

conflicts; it is estimated that the population in Kibale grew by roughly six percent from 1991 to 2002, faster than the national average of 3.2 percent. However, population increase may not necessarily or directly lead to land conflicts, otherwise densely populated countries such as Bangladesh or Rwanda would be experiencing violent land clashes daily. A pronged approach to land management, involving a popular land reform program that guarantees land tenure security and a proper population policy, is essential in mitigating and preventing land conflicts.

1.1.16.2 Alao's Model

This study will be guided by the Natural Resources and the Causes of Conflict model developed by Abdoum Alao in 2007. In his book, *Natural Resources and Conflict in Africa*, Alao (2007:36) states that natural resources are crucial in “causing, prolongation and resolution” of conflicts and technological advancement shapes the nature of conflicts. Alao (2007:48) diagrammatically classifies the causes of natural resource conflict into three major categories. The first category is: “quality and quantity of availability of the resource”. The scarcity of a natural resource such as land increases competition and aggressiveness, leading to conflict. On the other hand, the abundance of a natural resource attracts many actors with the intention of eking out a living from the resource. The second category is: “management mechanisms” under which issues of ownership, control, allocation, distribution and management play a key role in causing conflict. The third category is “the process of extraction or exploitation of the resource to improve human life”. According to Alao, the exploitation process threatens the ecosystem and generally degrades the environment, which causes public anger and conflict. However, unlike Thomas Malthus who emphasized limited land resource and unchecked population growth as the underlying cause of conflict and death (Fay and Keynes 1935; William 1999), Alao (2007:36) singles out poor governance or mismanagement as the major factor underpinning conflicts over land and other natural resources. Alao (2007:85) argues that land conflicts in post-independence Africa are mainly due to failure by governments to address different competing interests and legacies arising out of various land tenure practices, some of which were in place even before colonialism.

Alao's model will help in analysing the underlying causes of land resource conflicts, their prolongation and most importantly, the deficiency in management mechanisms which are crucial in addressing land matters. As Alao (2007:36) aptly says, concerns over land distribution, access and ownership are all linked to governance or management. Resolving land conflicts and enabling equitable access is thought to directly promote food security. Further, proper management or governance implies that appropriate food production and promotion strategies are in place.

1.1.17 Note on Research Design and Methodology

The study used participatory, exploratory, and analytic designs basically for two reasons: 1) this study was probably the first of its kind to be conducted in Nakivale Settlement 2) I wanted to adopt a bottom-up approach which means that emphasis was put on solutions developed by affected people themselves through active participation in the study. Of course, this needed great depth of analysis to make meaning of participant contributions. Data was collected using FGDs, PRA workshops, PRA observatory transects walks, PRA seasonal calendars, PRA Venn diagramming and in-depth interviews. The target population included refugees, the host community (particularly those living in the Settlement), OPM officials, host district officials, UNHCR officials, WFP (Samaritan's Purse officials) and NGOs (Nsamizi staff). The sample size included 56 participants (both refugees and Nationals) living in the Settlement 13 participants (officials from the district, OPM, UNHCR and NGOs, 6FGDs and 2 PRA workshops). The data was analysed using content and thematic approaches and thereafter a validation workshop was held. From start to finish, myself and the team adhered to all the ethical considerations of research as prescribed by Silverman (2013): voluntary participation, confidentiality and anonymity and informed consent, among others. (For more details see Chapter Seven).

1.1.18 Conceptualisation and Contextualisation of Key Concepts

The underlying concepts in this thesis are: land, land tenure system, food security, refugees, refugee settlement, refugee host community and conflict. The rest of this Section discusses these concepts.

Land

Land can be defined in various ways depending on the context. Lawyers refer to land as the bulk of space from the earth's surface to the infinite sky, governed by several rights (Henssen 1997). Such land rights, *inter alia*, may include user rights, transfer rights and control rights. In Economics, land refers to the critical factor of production that is surface on which many productive activities take place. To a lay person, land refers to a part of the solid or water surface of the earth differentiable by either ownership or boundaries (Batungi 2008). Therefore, land may refer to any solid surface, sky or water surface in or on which any production takes place. Based on the above definition, Uganda's land mass has a total area of 241,551 square kilometres, (UBOS 2014), approximately the same size as England or the US State of Oregon. But, while Oregon has a population of approximately 4 million people, Uganda has a population of 35 million, with all the land availability or scarcity problems implied.

Land tenure

Land tenure refers to the informal or formal rules established to guide a society's institutionalized behaviour in relation to land ownership, access and transfer. These rules determine how land is controlled and distributed within the society and they grant and define one's rights over one's land and associated land resources such as trees, water, and minerals (FAO 2012; ECA 2004). Therefore, land tenure systems spell out who owns what land, where, under what conditions and for how long. In Uganda, Article 237 of the 1995 Constitution confirms five land tenure systems: Mailo, leasehold, freehold, customary and statutory land tenure systems (Uganda 1995).

The Mailo land tenure system derives from the 1900 agreement between the Kabaka (King) of Buganda in central Uganda and the British colonialists. Most of this land is found in the central region and the Buganda kingdom owns most of the land. Some of Mailo land belongs to descendants of the Buganda chiefs who were in place in 1900 and to individuals, including non-Buganda who have since bought land from the original beneficiaries of the 1900 agreement. However, the Land Act 1998 stipulates that registered or bona fide occupants can retain their registrable rights in perpetuity. The architects of the Land Act 1998 ensured that bona fide occupants maintain registrable rights because they anticipated that the King would in future evict millions of tenants on the kingdom land. This land tenure system is almost similar to freehold,

the only difference being that occupants of Mailo land do not hold full ownership rights. They also pay a small fee and the land holder may restrict them, depending on the type of business they want to create on the land. However, the state regulates the fee purportedly to restrain the landholder from exploiting the tenants, but possibly also to reduce the economic and political power landowners exercise over tenants (Uganda 2010).

For its part, leasehold is a form of land tenure where, through a contractual agreement, one party leases out his/her land to another party for a specified period of time, a maximum of 49 years in Uganda. Local and international companies are major beneficiaries of this kind of land tenure system as it enables them to access land for decades of large-scale use. Individual Ugandans also lease small pieces of land formally or informally to undertake small-scale agricultural projects.

The freehold land tenure system, on the other hand, is a kind of system where individuals or groups of individuals hold registered land in perpetuity, subject to the laws of that particular society. In other words, owners have full rights unlike in Mailo land tenure system described above. In fact, in Uganda, a freehold land title is more valued than Buganda land-board land titles. It should be noted that not all Mailo land is administered by the Buganda Land Board (BLB). The BLB only administers land held by the Kabaka on behalf of the kingdom of Buganda.

Finally, customary land tenure is a system where land is owned and regulated by customary norms and practices of certain tribes, clans or other groups of people in defined regions or geographical locations. In Uganda, this type of land tenure system is very common among clans and tribes in northern Uganda where land is largely communally owned (Uganda 1998). To avoid associated land conflicts, authorities continuously advise landholders under customary land tenure to apply for a certificate of customary ownership to deter land-grabbers who normally target unregistered, communally owned land in northern Uganda.

Food security

“Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life.” (FAO 2006:01; World Food Summit 1996).

Food security encompasses four major dimensions or pillars: access, availability, utilization and stability. If one of these elements of food security is missing, then a community or household is described as “food insecure”. In other words, a household is deemed to be “food secure” if it has uninterrupted access to sufficient varieties of safe food that the household requires throughout the year in order to live a healthy life (UNHCR 2008). When food insecurity persists for some time, the situation perhaps described as “chronic food insecurity”, generally caused by extreme poverty. Extreme levels of food insecurity threaten the viability of a state and expose a country to conflict. Food insecurity has a multiplicity of causes, including political violence, environmental degradation and economic deprivation of potential food producers and distributors (Mamadou and Tara 2006; Vogel and Smith 2002:316). However, Devereux and Maxwell (2001) argue that food insecurity should not to be construed as a consequence of agriculture’s failure but rather a result of unsustainable livelihood systems that do not guarantee access to adequate and nutritious food for households.

Conflict

A conflict refers to the pursuit of irreconcilable goals by two or more parties. The disagreement happens when one’s ideas or actions are partially or totally unacceptable by the other(s). A conflict can be within individuals, one party against another or one group against another or others (Miller and King 2005). Normally, a conflict passes through six stages: the covert or dormant stage, the occurrence stage, the escalation stage, the stalemate stage, the conflict settlement stage and the post-conflict peace-building stage. At the covert or dormant stage of a conflict, friction exists but there is no trigger to spark off actual conflict. At the occurrence stage, each party becomes aware of the ambitions or the interests of the other (rival), and makes efforts to take an upper hand so that the conflict gains momentum. Signals become apparent and the conflicting parties exchange unpleasant words or actions. During the escalation stage, neither party is willing to bow down, often leading to clashes. At the

stalemate stage, none of the parties wins outright and the need for negotiation arises. This normally leads to the last two stages: conflict settlement and post-conflict peace-building. (Webel and Galtung. 2007; Galtung 2004). Because conflicts are part and parcel of life, it is important to have the skills to manage them or squarely deal with their potential and actual causes. Further, conflicts have their specificities and, normally, there is no single explanation why certain conflicts exist: conflicts have different backgrounds. Thus, variations in contexts should inform the kind of interventions to be implemented, (Harris and Lewis 1999). The causes of conflict include, although they are not limited to, the colonial legacy, greed and grievance, inequality or different levels of development, poverty, poor leadership, foreign interests, ethnicity and religion, resource abundance, resource scarcity, the state and low levels of political development and militarism (Harris and Lewis 1999; Crammer 2005).

Asylum seeker

An “asylum seeker” is often confused with a “refugee” and some people use the two terms interchangeably. An asylum seeker is a person who has left his or her home country and is seeking or applying for refuge in another country, but whose claim or application is yet to be evaluated and granted. Once granted, he/she becomes a refugee. And once denied, she/he voluntarily returns home or is involuntarily deported either back to his home country or to a third country of asylum. Although some countries involuntarily deport asylum seekers, this is in total violation of UN’s non-refoulement principle which prohibits such deportations or rendering the victim back to his or her persecutor (UNHCR 2014: UN 1951).

Refugee

According to Article 1A (2) of the 1951 Convention Relating to the Status of Refugees, a refugee is a person who has fled his or her country

“as a result of events occurring before 1st January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion , nationality , membership of a particular social group or political opinion is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of

such events is unable or, owing to such fear is unwilling to return to it.." (UN 1951)

Accordingly, the African refugee instrument maintained the above definition but added that the term "refugee"

"shall also apply to every person who owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality is compelled to live his place of habitual residence in order to seek refuge in any other place outside his country of his origin or nationality." (Article 1 (2) of OAU Convention governing the Specific Aspects of Refugee Problems in Africa)

Accordingly, since Uganda is a party to the UN and AU conventions on refugees, the above two definitions have to be combined in our concept of a refugee.

Refugee settlement

In the Ugandan context, a refugee settlement is a demarcated chunk of land reserved to host refugees exclusively. The state owns and manages such land on behalf of the Ugandan public. A refugee settlement resembles a typical African village and an observer may not easily recognize the difference: after all, the living conditions are almost the similar.

Host community

For our purposes, a community is an organized group of people, sharing common values, living together in the same geographical location and whose identity is defined by their socio-economic relationship. In this context, a host community is a local group of people who welcome and give space to aliens, live alongside or with them in their village despite having different values, norms and practices. In the Nakivale Refugee Settlement, the host community is made up of Ugandans living with refugees in the Settlement and Ugandans living in surrounding sub-counties where refugees normally provide relatively cheap casual labour. These sub-counties are Rushasha, Rugaaga, Kashumba, Ngarama and Isingiro Town Council. The inhabitants of these sub-counties are mostly Banyankore, Bakiga, Bahima and a few other ethnic groups.

1.1.19 Thesis Overview

This thesis is composed of eight chapters. Chapter One includes the background to the study, beginning with an account of food security and land conflict in a global perspective. This is followed by sub-Sections on food security and land access challenges in refugee settlements; Uganda's post 1986 refugee policy, the 2006 Refugee Act, Uganda's Refugee settlement policy, Uganda's urban refugee policy, land access and food security in Uganda's refugee settlement: the Self Reliance Strategy (SRS), interventions in land conflicts in the Nakivale Settlement, statement of the problem; objectives and research questions, the motivation and rationale of the study, Nakivale: a portrait of a refugee settlement, the guiding theoretical framework and analytical models, note on research design and methodology, conceptualization and contextualization of key concepts and an overview of the study. Chapter Two reviews literature pertaining to forms and causes of the land conflicts in Africa in general and Uganda in particular. Chapter Three reviews literature on linkages between land conflicts and food security. Chapter Four discusses literature on refugee coping mechanisms. Chapter Five reviews literature on the appropriateness and effectiveness of the interventions in land conflicts and food security. Chapter Six describes and justifies the research design, methodology and field experience of the study. Chapter Seven presents the field findings, and it is divided into Sections according to objectives of the study, each Section attempting to answer the research question corresponding to a given objective. Finally, Chapter Eight, the last chapter, presents the conclusions and the recommendations of the study.

CHAPTER TWO: LITERATURE REVIEW

2 Introduction

This chapter reviews the literature in respect to the first objective of this thesis, examining the underlying causes of land conflicts, the parties involved and the forms of land conflicts prevalent in Uganda. The chapter begins by analysing the connection between land and human life and the genesis of land conflicts. This is followed by a historical perspective of the land conflicts in Africa, highlighting land access and ownership in the pre-colonial, colonial and post-colonial periods. Specific attention is given to the underlying causes of land conflicts in Uganda, drawing insights from other countries, especially in Africa. The causes of land conflicts in Uganda are thematically categorized and discussed in detail under the following themes: refugees versus Nationals; inter-individual and family land conflicts, migrants versus natives over indigenous land rights; multibillion mining companies versus local artisanal miners and communities; multibillion mining companies versus local artisanal miners and communities in Uganda; oil companies versus local communities; oil exploration, extraction, and conflicts over land; land-grabbers versus land owners; environmentalists versus polluters and encroachers; Uganda's unregulated population growth. The chapter concludes with a summary of the major forms of land conflicts.

2.1 Land and Life: The Genesis of Land Conflicts

From an evolutionary viewpoint, during the primeval hunting and gathering period, land was regarded as a common good, and there was no private ownership of land. People derived almost everything from land, ranging from comestible wild fruits to tubers, fish, leaves, meat and medicine (Luis 2013). As population grew and people moved to urban centres, especially in the western world and during the enclosure system in the UK in the 17th Century (Bradley 2001), people gradually detached themselves from land as a few capitalists gained control of the land and produced on a commercial scale (Okot 2013). The public would buy food and other essentials from supermarkets and other public markets. However, in Uganda, people's attachment to land is still strong: about eighty-six percent of farmers essentially acquire land to produce for consumption (Muzoora 2014). The majority of Ugandans need land not for commercial production but for subsistence production. That is why, both in urban and rural areas,

landlessness is associated with hunger, homelessness, low household incomes and general deprivation. Moreover, land constitutes valuable collateral security for business loans. Proceeds from land, in the form of rentals, leases and sales, are a source of school fees for children and payment of utility bills: effectively, land means everything. Thus, land is equated to life and the right to land means the right to life, especially in the agriculture-based developing countries of sub-Saharan Africa. In Zimbabwe and South Africa, the majority poor still demand access to land in order to boost their livelihoods (Peter 2003; Ntsebeza and Hall 2007; Coomer and Gstraunthaler 2011; Diale and Mhofu 2012). This is also partly true in both rural and urban communities: rural communities depend almost entirely on subsistence farming and urban dwellers, especially in slum areas where poor people struggle to own small houses and plots of land because they cannot afford monthly rentals.

As a result, equitable access to land remains a critical element in ensuring sustainable food production, progressive social relations, a sense of belonging, and peace. Turyamureeba (2012) contends that, in Sub-Saharan Africa, land plays a central role in the position a person holds in society; and there is a strong correlation between one's land acreage and one's social status. That is why, culturally, landlessness in most parts of Sub-Saharan Africa also implies low self-esteem and inability to attract and marry a beautiful wife (Okot 2013). Therefore, any attempt to deny one his or her land rights not only infracts the land law but also translates into loss of heritage, identity, and economic rights, leading to countermeasures that normally result in violence and loss of life. The Mau Mau rebellion in Kenya remains a classic example of violence emanating from land alienation. The Mau Mau fighters believed that if a man takes your cow, you can forgive and forget; but if a man takes your land, you can neither forgive him nor forget (Turyamureeba 2012). This indicates that grabbing someone's land is equivalent to taking his or her life. During the anti-colonial struggles, Kenyans further told the British colonialists that land does not shrink (Mackenzie 1993), implying that land does not depreciate but it is a natural resource whose value keeps appreciating. However, land can also depreciate when it is degraded and when a particular kind of activity is introduced in its neighbourhood or when it is affected by constant flooding. This prevents farmers from buying such land. In many societies, ancestral land is linked to nationhood, citizenship and identity (Boone 2007). For

instance, as Janine (2008) observes, there is a popular view, that Tanzanians do not sell land because all the land must belong to Tanzanians.

2.2 Land Conflicts in Africa: A Historical Perspective

To understand the forms and underlying causes of land conflicts in post-colonial Uganda and many other African countries, it is essential that we know how land was accessed, controlled and owned during the pre-colonial and colonial periods. This is because the coming of Europeans, and subsequent colonisation, fundamentally changed the traditional land tenure system and introduced new land tenure arrangements such as freehold and leasehold which had not been part of the African system. Therefore, it is imperative that we examine the impact of colonial policies upon land control and ownership, and how that links to conflict over land in post-colonial Africa.

2.2.1 Land access, control and ownership during the pre-colonial era

Before the advent of foreigners and colonization, Africa had a sparse population and an abundance of vacant land. Access to land was not contestable as there was sufficient land for each community and homestead to produce enough food. Land was acquired by clearing the nearby bushes as long as the occupiers were socially and politically recognized as members of the community. In many communities, such as the Luvule in Zambia and the Amhara in Ethiopia, land was closely linked to and managed by lineages (White 1959; Gilks 1975). Land was trans-generational property, owned communally but managed by traditional chiefs or clan leaders in trust for the entire community. The clan leaders inherited such powers over land from the founding fathers and provided a link between the clan members and the ancestors.

For their part, traditional leaders had the power to allocate land, control and protect it, and expropriate it if deemed necessary. In this arrangement, the relationship between individuals, families, homesteads and clans was more important than individual interests and claims over land (Pleissis 2011). Moreover, only the land in use would be acknowledged as clan or family land; any land not in use would be regarded as community land such as hunting grounds in Acholiland, sacred grooves or Kaaya along the Kenyan coast, which were actually in use for economic or spiritual purposes. Any grievances or misunderstandings related to land inheritance were sorted out by

the elders and clan leaders. Following the customs and practices, clans and families would gather, discuss and peacefully allocate the land among themselves. Some of the factors that were considered during land allocation were age, number of family members, gender and position held in the clan (Hilhorst 2000; Pleissis 2011). In many communities, land was allocated only to adult males while the women had the right to use land belonging to their husbands or fathers.

That is why Hilhorst (2000) is right when he notes that the traditional customs and practices highly favoured males and turned females into secondary users. Females would lose user rights to their fathers' land if they got married. Similarly, they would lose user rights if they divorced or the husband died and the widow decided to leave the family. However, if a widow decided to remain in the family and be inherited (taken over by a brother of her deceased husband), she would retain access to her deceased husband's land. In other words, women accessed land through a male relative. Women could not complain because the then traditional courts were dominated by men who would automatically rule in favour of males. This practice continues to feature in land ownership and access norms even in post-colonial societies, such as some in South Sudan (Turyamureeba 2012) and northern Uganda (People's Parliament 2015).

In semi-feudal and feudal arrangements, such as those in the Mossi and Bunyoro empires in Burkina Faso and Uganda respectively, the land belonged to the king. The occupants (serfs, tenants and slaves) had usufruct rights from the king or his agents, such as ministers, chiefs, military officials and nobles. The land users were expected to pay a number of taxes to the king, such as land tax and cattle tax. In addition, they were supposed to pay land rent equivalent to about fifty percent of the total yields of the land; and defaulters would be evicted (Gluckman 1969; Gilks 1975). Crop cultivation and livestock farming were the predominant activities. There was no buying and selling of land; and trade in other commodities, especially cows, was through barter. Settlement patterns were influenced by such factors as topography, soil quality and water availability.

2.2.2 Land conflicts during the colonial era

Following the clash of territorial interests in Africa among the then European powers, Chancellor Bismarck of Germany organized the Berlin Conference in 1884 purposely

to resolve the territorial conflicts amicably. This marked the formal beginning of the geographical partitioning of Africa among the then major European powers, including Germany, Great Britain, France, Belgium and Portugal. Boundaries were drawn, separating the African territories of France, Britain, Germany, Belgium and Portugal. While the French took much of western and central Africa, the British took much of eastern and southern Africa (Hopkins 1992; Berry 2002; Adogame 2004). Much of Africa was formally conquered between 1890 and 1930. The colonial powers first appropriated regions with great economic potential and fertile lands, such as in Malawi, Zambia, Zimbabwe, Kenya, Ghana, Nigeria, and Senegal.

The eventual subjugation of Africans and appropriation of land by Europeans led to fundamental changes in the land ownership and political economy of colonial African states. Colonial law came to prevail over African customary land law and land owners turned into tenants with the courts largely interpreting the law in favour of White settlers (Ovonji-Odida et al. 2000; Hilhorst 2000). Africans were exposed to new land tenure systems such as leasehold and freehold or individual land ownership as opposed to communal land ownership that most African societies had previously practiced. In the new system, land access was no longer linked to one's tribe or ancestry, and land surveying, registration and titling were introduced and emphasised as means of ensuring individual security of tenure. Any land that the colonial agents regarded as not in use would be regarded as unexploited community land and sequestered by colonial authorities. However, as already indicated (see second paragraph of 2.2.1 above), much of such land was being used in ways that were not evident to the culturally uninformed colonial agents.

As Christian (2008) aptly notes, the British colonialists strategically promoted individual land rights for two reasons: first, to exert authority, as land control directly translated into political power, and secondly, to promote or attract local and foreign land buyers and investors, especially progressive White commercial farmers. For the Africans, the only advantage associated with the freehold land tenure system was the fact that women, who had limited access to land during the pre-colonial era, relocated to major towns where they bought and independently owned land. Arguably, Africans who bought or leased land must also have benefitted, and many still do benefit, from the financial value that the land acquired. By and large, land alienation became a major

rallying point that unified African communities against colonial rule, as exemplified in the Mau Mau rebellion in Kenya (Mackenzie 1993; Turyamureeba 2012).

The colonialists employed various strategies to achieve their interests, including “divide and rule” and the “carrot and stick” strategies. The “divide and rule” worked best in Uganda. While the Nationals from northern Uganda (mainly Acholi and Luo) were trained, and encouraged to join the army, Nationals from the South (Bantu) were encouraged to join administration. Consequently, the army literally became a preserve of the northerners, a factor that later divided Ugandan along ethnic lines. (C.f Angom 2012). This was true especially in Anglophone East and Southern Africa as well as in Francophone West Africa (Olanya, n.d; Herbst 2001; Englebert et al. 2002; Gennaioli and Ilia 2007; Dowden 2008; Besley et al. 2009; Michalopoulos 2010). Olanya (n.d) further recounts that in Uganda, the elites, mainly kings and chiefs, who paid allegiance to colonial rule were rewarded with many economic opportunities, including the privilege to collect taxes on behalf of colonial officials and grants of square miles of land. The kings, chiefs and subjects who opposed the land policies of the colonialists faced the wrath of the colonial agents and were often deported to isolated islands to reduce the risk of any grassroots mobilization against colonial rule. In the entire sub-Saharan Africa, from Dakar to Mogadishu and from Mogadishu to Cape Town, colonialists had varying land policies but the central message was the same: by virtue of conquest, all vacant community land belonged to the colonial masters. Therefore, the colonial state officials expropriated nearly all the perceived vacant community land and either sold it or leased it to local or international mining or agricultural corporations (Mamdani 1996; Herbst 2001; Olanya, n.d; Gennaioli and Ilia 2007; Michalopoulos 2010).

Besides, the colonialists wanted cheap labour and this could easily be achieved through displacement of Africans and the introduction of various taxes which forced Africans to seek paid employment in White-owned factories and farms in order to earn money to meet their tax obligations. The land question in South Africa is still a live example. During the colonial period, and later the Apartheid regime, the black South Africans, through the infamous Land Act of 1913 (now repealed), were pushed to the periphery and left to the mercy of the victorious colonial regime (Henningson 2010). The Whites, who made up only five percent of the population, celebrated their victory

by confiscating and owning eighty-seven percent of the total land, leaving the vanquished majority Blacks with a mere thirteen percent of the land. (Ntsebeza and Hall 2007; Diale, 2012). This, in addition to savagery and exploitative labour policies, planted the seeds of discontent that later germinated into a clamour for Black independence throughout Africa.

2.2.3 Conflicts over land in post-colonial Africa

The widespread conflicts over land in independent Sub-Saharan Africa (SSA) are closely linked to the liberalisation and privatisation policies imposed by the Bretton Woods institutions, the International Monetary Fund (IMF) and the World Bank (WB) (Pearson and Muchunguzi 2011; Adedjei 1999). By the late 1990s, all Sub-Saharan African countries had regained independence from their respective colonial masters, and they embarked on an ambitious long-awaited development agenda aimed at transforming the Continent from tatters and disunity to unity and prosperity. However, as Stiglitz (2002) argues, they lacked financial capabilities, their only source of capital being serviceable loans from IMF and WB. However, this is not entirely true: many African countries have the financial means to achieve the socio-economic and political transformation that they desire or need but mismanagement of their finances, corruption and lack of political will on the part of many African leaders have prevented them from achieving their development goals. For example, Kenya, Nigeria, Botswana, Mauritius, South Africa and even Uganda have vast natural resources that, if properly managed, could save them from getting expensive loans from the WB and IMF. Nonetheless, by the 1980s, most countries on the Continent, especially in sub-Saharan Africa, were still wallowing in abject poverty; and even those with access to land failed to exploit it productively so as to increase exports and associated revenues to repay the loans. Consequently, the most indebted countries failed to repay the loans, prompting the IMF to impose Structural Adjustment Programmes (SAPs) which included obligatory liberalisation and privatisation that had a debilitating effect, especially on land ownership (Mackenzie, 1993; Pauline 2013).

Liberalisation and privatisation meant that vacant or underexploited communal land was more likely to be sold or leased to private firms or individuals in the interest of efficiency and increased investments. This had far-reaching implications. For instance, because the only hopes left for the majority rural poor in sub-Saharan Africa were

vested in land as the sole source of income and livelihood, attempts to lease off their land have since caused acrimony and rancorous relationships between the lessors and the lessees. This has happened in many African countries, including Tanzania, South Sudan and Uganda. (Fisher 2007; Anseeuw and Alden 2010; Esuruku 2013). Therefore, it can be safely argued that there is a clash between subsistence farming and commercial farming. While the former is liked by the majority of peasants who possess little land, the latter is promoted by the governments because agricultural corporations pay huge taxes which increase state revenues. Arguably, as the case of Uganda clearly demonstrates, this so-called clash between two modes of farming is a red herring: African subsistence farmers are not averse to commercial farming. The main problem is state failure to devise creative, genuine and effective means of involving subsistence farmers in commercial farming, partly due to selfish and non-participatory leadership.

Even before the WB and IMF imposed their policies, some countries, such as Malawi, had already taken their own initiatives to liberalise the land market and formalise land ownership, a move that wittingly or unwittingly clipped the powers of customary authorities. As Pauline (2013) notes, in 1965 and 1967, Malawi passed Land Acts which granted the line Minister excessive powers over land. It was incumbent on the Minister to decide which land to give out to potential agricultural investors, ignoring the concerns of the clan members with customary land rights. Thus, many customary land owners were turned into tenants with the risk of being evicted in case they defaulted on their rental obligations. This aggravated an already tense situation. Similar situations have arisen across the entire Sub-Saharan Africa, from Ghana, Benin and Ivory Coast in West Africa to Uganda, Kenya and Mozambique in East Africa (Amanor and Diderutuah 2001; Honorat 2001).

Further, as Pauline (2013) vividly says, the current customary land tenure system is under threat, not only from gigantic foreign firms but also from local actors such as political authorities and agents who have been pursuing the same colonial policy of land appropriation in the post-colonial era. This form of land grabbing has occurred at all administrative levels, from the top political bigwigs such as presidential advisors and Cabinet Ministers to local village authorities. In South Sudan, for example, reported cases of land grabbing involve top military officials, governors, paramount

chiefs and village chiefs who normally connive and clandestinely sell community-owned land without the consent of the entire community. This sparks incessant land conflicts between the lessee (normally international agricultural corporations) and the community (USAID 2005; Turyamureeba, Allan et al. 2012).

In this regard, it is instructive to note that in post-colonial Africa and Uganda in particular, the social bonds that originally held families, clans and communities together seem to be steadily breaking; and instead, statutory influence, market forces and competition and sheer material greed have gained ground. As such, traditional authorities no longer have the authority and influence that they used to exercise to resolve land disputes and hold land-grabbers to account (Ariong and Ssekika 2014). Moreover, in Uganda, the Land Policy that was launched in February 2013 does not contain any traditional mechanisms or guidelines for managing or resolving conflicts over land held under customary tenure. Instead, the policy underscores recourse to courts of judicature (Uganda 2013). However, as Nyeko (2015) observes, in other countries with customary land tenure systems, such as Fiji, there is a separate mechanism to address customary land disputes. The increasing cases of land disputes involving close relatives and friends reflect the extent to which Ugandan customary authorities have been disempowered.

As noted before, factors responsible for the waning of the powers of customary establishments include market forces, growing individualism and state influence. All these factors are partly linked to the increasing global need for biofuels and a growing appetite for farmland by Chinese corporations and other international firms that are determined to acquire arable land wherever it perhaps found to produce food to export back home (Bruinsma 2009; Allan, et al. 2012; Aabø and Kring 2012). After all, as Pauline (2013) cogently argues, African countries are racing with advanced world countries to woo international investors and while investors seem to be attracted by conducive infrastructure in industrialised countries, the only attractive incentives available in Africa seem to be cheap labour, fertile arable land and valuable minerals. Moreover, the World Bank believes that much of the land in Africa is still virgin or underexploited, and that if it is maximally exploited, it could save the world from possible hunger and starvation (Allan, et al. 2012; Pauline 2013). Arguably, this is not entirely true either. Hunger and starvation in the world are not due to shortage of food,

they are due to poverty and inability to access available food. More people may starve even as more food is produced if more people become poorer than they are.

In many African countries, all the statutory instruments recognize the existence of customary laws which are mutually reinforcing with the statutory instruments. Land-grabbing and associated disputes are also arbitrated in accordance with the same legal instruments (SIHA 2012). However, the complexities of the modern legal system aggravate matters for the illiterate, poor and powerless who cannot understand the law or afford legal fees or bribes for legal or traditional authorities to rule in their favour (USAID 2010; SIHA 2012).

Although the causes of land conflicts in Sub-Saharan Africa tend to exhibit a similar pattern, the causes of land conflicts in some countries and communities are unique (Alao 2007). The impact of land conflicts in post-colonial Africa has also been far reaching. In Pauline's (2004) view, competition and associated conflicts have increasingly become pervasive, creating social tensions between various social groups with different competing interests. These include burgeoning crop-farmers against pastoralists, miners and environmentalists. Most notably, the land race has widened the income gap, pushed most citizens to the periphery and made land an epicentre for political contests. For instance, Kanyinga (2009) notes that grievances related to land were partly responsible for the 2008 post-election violence in Kenya. Similarly, in 2012 escalating land conflicts and food scarcity led to the ousting of the Malagasy president, Macrovaramanana, by the popular city mayor, Rajoelina, whose promises of lower food prices and equitable access to land galvanized popular appeal by portraying the president as "selling-off" the country to a Korean agricultural firm (Pauline 2013). This implies that land touches the hearts of many in sub-Saharan Africa and its mismanagement can have far-reaching effects, including loss of political support in the next elections on the part of the incumbent political authorities and their political parties.

2.3 Land Conflicts in Uganda: Forms and Causes

The following sub-sections outline the major forms and causes of land conflicts in Uganda. These forms of land conflict include those that pit refugees against nationals, inter-personal and intra-family land conflicts, those that oppose migrants, and those

that pit multibillion USD mining companies against local artisan miners and communities. Other forms of land conflicts include those that pit oil companies against local communities, those that oppose land-grabbers, those that pit environmentalists against polluters and encroachers, and those that involve Uganda and its neighbouring countries over ambiguous boundaries. Yet, other forms of land conflicts pit one Ugandan district against another over contested district boundaries. As each form of land conflict is described, its causes are explained; and, as will become apparent, some causes feature in more than one form of land conflict. While Uganda is the prime focus of the study, this chapter draws on the experiences of many other African and non-African countries.

2.3.1 Inter-personal

Inter-personal land conflicts are one of the commonest forms of land conflicts in Uganda. They vary depending on the causes, personalities, intensity and the impact caused on both conflicting parties. Normally both warring parties argue that they are the rightful owners of the disputed piece of land although the litigation process later proves that actually one party is the rightful owner of the land (Mabikke 2011). In areas, such as northern Uganda where customary authorities are active, traditional authorities or local councils handle such cases before they are referred to the police or courts of law (People's Parliament 2015). Quite often, the offender either grabs an entire field or annexes it piece by piece and ensures that there are visible marks such as a line of planted trees, especially when the bona fide owner is away cultivating other fields. When the owner realises it, and sounds an alarm, the offender responds by showing the plaintiff the "official" boundary (line of planted trees). It should be noted that greed and desire to accumulate more wealth is arguably part of the reason for land grabbing.

2.3.2 Inter-familial

Inter-familial land conflicts arise in a variety of situations. In some cases, a family member may borrow land from another for temporary use but after months, and possibly years, the borrower may refuse to vacate the land and claim that it was given or sold to him by the owner. In many such cases, the victim is usually a vulnerable member of the family, such as a widow (Mabikke 2011). The actual owner then gives up or pursues the case through local organizations, such as FIDA Uganda, that give

support to such women. (FIDA Uganda is the Uganda Association of Women Lawyers whose primary objective is to advance their professionalism through offering legal services to disadvantaged women among others.) Widows are usually targeted for a number of reasons, including their refusal to be inherited by a brother of the deceased husband and them not having grown-up sons - nor sons at all - to defend their rights or justify their retention of their matrimonial land. In other cases, a widow who cohabits with or marries another a man perhaps evicted from her matrimonial land by her in-laws on the pretext that she was just a paramour and not a legal wife of the deceased (People's Parliament 2015). Other forms of intra-familial conflicts occur between brothers accusing each other of 'dishonesty and conniving with other family members to sell family land. In other cases, it is sons who accuse their parents, especially fathers, of denying them use of family land. In yet other cases, it is nephews that who accuse their paternal uncles of grabbing the formers' deceased fathers' land. The common tools used by the offenders in many such cases are economic power, intimidation and violence against the complainant, bribery and compromising all the levels of the justice system and threats to stop any further support in the case the nephews who happen to be dependent on their uncles (Mabikke 2011).

2.3.3 Inter-communal

Inter-communal land conflicts in Uganda are similar to those in South Sudan where pastoral communities are regularly in conflict with fellow pastoralists and cultivators, although the South Sudanese conflicts are much more severe and devastating (Turyamureeba 2012). However, in Uganda this form of land conflict is still deemed as a security threat and a stumbling block to nation-building as it divides people along economic and ethnic lines. This type of conflict normally exists in communities where nomadic pastoralists co-exist with crop cultivators. For example, in 2014 the Alur cultivators in Hoima District, western Uganda, clashed ferociously with nomadic pastoralists, leading to the death of about five cows and the destruction of close to twenty houses (Mugerwa 2014). While the crop cultivators accused the cattle keepers of encroaching on zoned farmland, the cattle keepers also faulted the cultivators for straying into pastureland.

Again, in February 2015, residents of Kapaagi Parish, Hoima District, clashed after cattle were found destroying a cassava garden belonging to Alur cultivators. This time,

the pastoralists accused the crop farmers for having planted cassava on land demarcated for cattle grazing. According to the leader of the pastoralists, Mr. Baingana, the pastoralists "... respect the boundary the district security team set up separating land for cultivation from that for grazing but the cultivators have disrespected the boundary." (Quoted in Mugerwa and Lumumba 2015, p.14) In Kasese District, similar inter-communal conflicts exist between the Bakonjo cultivators and the Basongora pastoralists and they are attributed largely to land scarcity due to increasing population and competing land uses. The government owns close to 65% of the land in the district, including Queen Elizabeth National Park, rendering the natives landless and squeezed in the remaining 35% of the district land (Namubiru 2009). The government land is gazetted, though the Basongora cattle keepers encroach on it, attracting violent evictions. Left without choice, the Basongora pastoralists compete for the remaining land with the Bakonjo and Banyabindi cultivators, sparking violent communal land conflicts. This form of conflict exists in other districts, such as Bulisa, Kibaale and Isingiro.

2.3.4 Refugees versus Nationals

As indicated in Chapter One, Uganda has been a traditional host to refugees since the 1940s. Uganda is one of the countries that offered shelter to European refugees, especially from eastern Europe, during World War II (Lomo, Naggaga and Hovil 2001; New African Magazine 2011). Following the independence struggles in Africa, Uganda received another batch of refugees. However, the recent and current batches of refugees are largely linked to Africa's internal political violence, such as in the DRC, South Sudan and Burundi. While the host communities warmly welcomed refugees associated with Africa's independent struggles in the 1960s and 70s, the current wave of refugees is harassed by the host communities that feel marginalized or neglected by their own government and perceive refugees as a threat to their livelihoods. Refugees are accused of occupying land while some Nationals are landless. They are also accused of degrading the environment; encroaching on gazetted forests and swamps in search of firewood (Bagenda, et al. 2003; Ahimbisibwe 2013). This sub-topic is discussed more fully in Chapter Seven.

2.3.5 Migrants versus natives over indigenous land rights.

Worldwide, indigenous people normally claim special rights in their communities. These are the people who claim originality or ancestry or those who claim to be the first occupants of the land. From Australia to Africa, Brazil, United States of America and Canada, indigenous groups normally claim fair political representation; and sometimes they claim distinct land rights as opposed to the general land distribution and ownership policy pursued by government. The interpretation, meaning and the value attached to land by indigenous people contrasts with immigrants' perception of land, leading to misunderstandings and conflicts, which attracts government interventions. For example, in Australia, the continuous claims of land rights by the aboriginal groups resulted in recognition and titling of aboriginal land. In Canada, the Inuit people were granted some limited autonomy; in New Zealand, the Maori people's land claims and culture have been recognized; in the United States, the Senate passed a resolution in 2009, expressing apologies for having appropriated land belonging to Native Americans (Tidwell 2010). Normally, indigenous people fall prey to the globalising world, they are economically marginalised, their land is expropriated in the name of infrastructural development without timely or substantial compensation and most worryingly, indigenous people are "forced" to adopt the new culture imposed on their ancestral land by the so-called "dreamers" - hard working and progressive immigrants (Nicholls 2013).

Sub-Saharan Africa, Kenya, Zimbabwe, South Africa and other countries with White immigrants or settlers, fit into this narrative. Although these countries attained independence, land grievances, particularly in Zimbabwe and South Africa, continued to widen the rift between the purported ancestral land holders and the new occupants, especially White farmers. In 2000, Berry (2002, p.4) notes that "President Mugabe of Zimbabwe and his henchmen took a bold decision to repossess farms from the White farmers and redistribute them to indigenous owners, a move that boomeranged with political and diplomatic costs." In other words, Mugabe's intervention created more economic problems and conflicts than it solved, as food production stalled owing to the confiscation of land from experienced White farmers. Moreover, Berry (2002) further contends that very few indigenous land owners benefited from the scheme as the privileged, rich and politically and militarily connected individuals unscrupulously grabbed the farms. Therefore, the question of indigenous land rights in Zimbabwe may

persist for decades unless a well-planned, popular and comprehensive land redistribution strategy is devised and implemented. However, there is new evidence indicating that the Zimbabwean economy is slowly getting back to its feet and is being replenished. A detailed discussion on Zimbabwe and how the economy is replenishing is found in Chapter Three.

In South Africa, the search for a popular and durable solution to the question of indigenous land rights has stalled rather than progressed due to internal politics within the ruling party. The search for a solution has also generated conflicting views from the general public. While the government and the African National Congress (ANC) have been promoting the principle of “willing buyer, willing seller” (Ntsebeza and Hall 2007), some radicals believe that the government should adopt the “Zimbabwe approach”¹ and confiscate land from White farmers who, after all, violently seized the land from indigenous owners. In the aftermath of Apartheid, poverty and inequality accelerated social unrest and crime. In the early 1990s, 67,000 White farmers owned eighty-six percent (85.8 million hectares) of farmland. And yet, resident White South Africans were only 5.3 million as compared to 13.1 million Black Africans who still subsisted on only 17.1 million hectares of land (Opolot 2013). Only three percent of farmland was reallocated between 1994 and 2005 and the majority indigenous land holders remain landless (Ntsebeza and Hall: 2007). This situation, Dialle (2012) observes, has not fundamentally changed; poverty and economic inequality have exacerbated social tensions and crime all of which are connected to landlessness and associated unemployment. That is why the issue of indigenous land rights remains a thorn in the flesh of the ruling ANC and could be further used by opposition politicians and activists to rally the poor electorate to change the political landscape in the country.

2.3.6 Land-grabbers versus land owners

According to Friends of the Earth (FoE) – Uganda (2011), land grabbing refers to the activities that include major land acquisitions or the purchasing or renting of large chunks of land by local and international corporations, government, and persons in a

¹ See Berry. Sara. (2009), ‘Property, authority and citizenship: land claims, politics and the dynamics of social division in West Africa’, *Development and Change*, 40 23–45.

non-transparent way via deception and manipulation of the land law. It can also be referred to as the deliberate attempt to deny or usurp one's land rights. Land conflicts occur when the bona fide land owners attempt to regain their land rights. Museveni (2013) observes that land grabbing has grown to alarming proportions. He states that the actors that perpetuate land grabbing and associated conflicts are mainly domestic actors: self-proclaimed business persons, dishonest community leaders, unethical police officers, courts of judicature, and uninformed peasantry. This implies that land-grabbers exploit the ignorance of illiterate peasants, with little or no knowledge of the land law, to actualise their interests.

However, FoE (2011) notes that although unscrupulous middlemen are responsible for luring uninformed land owners into shoddy deals that lead to loss of land, the government of Uganda is also faulted for favouring and giving land to foreign firms. These firms are mostly profit-oriented and they evict bona fide occupants without adequate consultation or timely compensation, triggering incessant violent conflicts. While the government argues that the policy of leasing land mostly to agricultural investors is not aimed at threatening land tenure security but at ensuring food security and creating job opportunities, the National Association of Professional Environmentalists (NAPE) (2012) maintains that the government policy of leasing or selling community-owned land to local or foreign investors without proper consultation, appropriate compensation or relocation plans breeds land conflicts, landlessness and insecurity.

Further, Matsiko (2012) reaffirms that the situation is exacerbated by the direct involvement, with impunity, of senior government officials in the illegal eviction of bona fide occupants, leading to landlessness, misery and conflicts. Communally owned land is much more likely to fall prey to politically powerful land-grabbers. As Pauline (2013) emphasizes, this has been going on in Africa since colonial days. Indeed, in northern Uganda where land is generally communally owned, land grabbing is rampant. NAPE (2012) found that land grabbing has occurred in the districts of Gulu and Kitgum where government officials and military officers have directly participated in grabbing land belonging to former Internally Displaced Persons (IDPs) and local communities.

Other internal factors propelling land grabbing include lack of certified land titles, especially for customary land holdings. The process of acquiring land titles in Uganda is tedious and expensive, partly because there are no local land offices that process land titles: applicants must travel to the main regional or national land offices in Kampala. Besides, the process is marred by fraudsters who make it virtually impossible for many land owners to acquire genuine land titles. Therefore, untitled land becomes more vulnerable to land-grabbers owing to lack of evidence of ownership. This problem is compounded by the government's inability to enforce the land policy which seeks to protect tenants and land owners from illegal land evictions (NAPE 2012).

2.3.7 Environmentalists versus polluters and encroachers

As part of the global campaign against climate change, the government of Uganda, in keeping with Article 245 of the 1995 Constitution, established the Uganda Wildlife Authority (UWA), the National Forest Authority (NFA) and the National Environmental Management Authority (NEMA) primarily to conserve the environment and take punitive action against those who degrade or destroy the environment (Uganda 1995). NEMA's goal is to ensure sensible use of the environment and natural resources, including land.

The aforementioned environmental authorities are empowered to preserve the natural environment and its natural resources such as land. They are empowered to evict anybody who encroaches on forest land, national game parks or wetlands and swamps. However, landless Ugandans continue to encroach on such gazetted land, inviting the use of force, often leading to injuries and destruction of property (Kabumbuli and William 2008). Encroachment on restricted land is rampant. As Kayanja and Byarugaba (2001) observe, the practice has been going on since colonial times and has led to serious land degradation in Kabale and other parts of the country. As mentioned above, this normally leads to serious conflict between the evictees and the conservation authorities. Cases of violent land eviction by conservation authorities have been reported in many protected areas, including Queen Elizabeth National Park, Mabira Forest, Mount Elgon National Park and Kampala wetlands (Baranga 2007; Kabumbuli 2008; Namubiru and Rugadya 2009).

Interestingly, the government has been implicated in perpetrating this form of conflict. Mugerwa (2015) notes that in the past, government authorities issued about 17,450 land titles in wetland areas in the central region. However, the same government, in 2015, was pondering cancelling those titles, citing environmental degradation and potential disasters such as flooding. In the past, wetlands made up about 13% of Uganda's total land surface but because of illegal encroachment they currently account for about 11%. This is what the government is trying to reverse by reclaiming the lost land to promote tourism and avoid increasing global warming and its associated dangers. Therefore, the conflict is about issues of compensation and the legality of such actions since it is the same government that issued the same land titles.

Further, in 2012, the government wanted to lease part of Mabira Forest to the Mehta group of companies for sugarcane growing (Rugadya 2009; Owaraga 2012). (Mabira Forest is one of the biggest forests in Uganda situated in central region near Lake Victoria. It is a source of medicinal herbs and a major component of the ecosystem in the Lake Victoria Crescent.) Given the much-cherished importance of the forest, environmental activists mobilized the masses and street demonstrations paralysed Kampala, eventually forcing the government to back off. This was remarkable because the government looked like a land grabber and sounded as if it did not care about the environment which it is constitutionally supposed to protect. What complicates the problem further is the populist approach of most politicians who sympathize with illegal occupants well knowing that they are degrading the environment. For instance, while the President is supposed to support the conservationists in evicting encroachers on gazetted lands, he is also a politician who needs votes from everyone, including the landless evictees. Thus, in most cases, he suffocates the work of evictors by siding with the evictees to win their political support, especially in the run-up to presidential elections (Me'darda and Golaz 2013).

2.3.8 Unregulated population growth in Uganda

This study is also based on the Malthusian theory of population growth. Propounded in 1798 by the first British professor of political economy, Reverend Thomas Robert Malthus (Fay and Keynes 1935; William 1999), the theory states that while population grows geometrically (i.e. 1 2, 4, 8 16, 32 etc.), food production increases arithmetically

(i.e. 1 2, 3, 4, 5, 6, 7 etc.). The best lands for food production are taken up first, then the next best, then the inferior, and finally the worst; and at each stage the law of diminishing returns applies. Malthus argues that, at a certain point, unchecked population growth outpaces food production, paving the way for positive checks such as diseases and conflicts. This theory advocates for population control in order to avoid such undesirable eventualities as conflicts, diseases and wars (Ewugi and Yakubu 2012). Indeed, controlling population growth is a step forward although it does not entirely eliminate food insecurity and land conflicts. That is why popular land reforms and food security strategies remain essential even as population control proceeds. Partly because Uganda does not have a clear population policy, the country has the second highest population growth rate in the world, exposing it to the risk of a population explosion with its associated dangers, such as conflicts and food insecurity (Population Secretariat 2012).

2.4 Conclusion

Land conflicts in Uganda like the rest of Africa, remain a big thorn in the flesh of the country. Land conflicts pose a serious security threat not only to the local communities but also to general national security because minor land disputes can easily metamorphose into a deadly civil war. Reflecting on the causes of land conflicts, it is indisputable that the inability of post-colonial leaders to reverse decisively the colonial legacy in the realm of land management and access has had far-reaching implications for land access and ownership. As the above analysis clearly reveals, the various forms and causes of land conflicts include: refugees versus Nationals, inter-individual and family land conflicts, migrants versus natives over indigenous land rights, multibillion mining companies versus local artisanal miners and communities, multibillion mining companies versus local artisanal miners and communities in Uganda, oil companies versus local communities, oil exploration, extraction, and conflicts over land, land-grabbers versus land owners, environmentalists versus polluters and encroachers, Uganda's unregulated population growth. The solution to the aforementioned forms and causes of land conflicts, for now, seems implausible given the nature of political leadership that seems unwilling and unable to pass and implement land legislation that at least favours primary stakeholders, the stakes and the value attached to land.

CHAPTER THREE: LAND CONFLICT AND FOOD SECURITY

3 Introduction

Although land conflict and food insecurity have traditionally been largely treated as two separate research areas, they are inextricably intertwined. Other factors being equal, a stable community with fair distribution of land and minimal land conflict, is likely to produce ample food for the consumption and general welfare of the community. Sustained food availability and access also has a multiplying effect on general security and economic growth, which in turn facilitates further investments in agriculture. On the other hand, land conflicts in a community are likely to hamper food production, leading to food scarcity and insecurity. Prolonged food insecurity further deepens the need and competition for fertile land, triggering more land conflicts, especially in agrarian societies. In spite of this reciprocal relationship being a reality, little has been done to explore the reciprocal linkages between land conflicts and food insecurity. Therefore, in pursuit of the second objective of this thesis, this chapter reviews literature on the link between the two variables, land conflict and food security. It uses two case studies, Zimbabwe and Mubende District in Uganda, as vivid examples of the reciprocal relationship between land conflicts and food insecurity. At the end of this chapter, non-land-related causes of food insecurity are also discussed.

3.1 Food Security and Land Conflict

Technically, acute food insecurity is the zero form of food security and it is potentially one of the leading triggers of land conflicts. Acute food insecurity perhaps construed as an unexpected and normally short-term food shortage resulting from political anarchy, economic recession, skyrocketing food prices, or natural calamities, such as deadly floods, prolonged drought and devastating earthquakes. Individuals experiencing food insecurity tend to focus on how to raise enough food (Allan, et al. 2013; Komakech 2014), which may necessitate competition for the available fertile land. It is further argued that food insecure individuals do not normally get the time for civic participation, education and ideological orientation by either community leaders or government representatives (Flores 2004; Brück, Bozzoli, Bundervoet, et al. 2009). This implies that community interventions to resolve land conflicts may not attract all the targeted members as they perhaps busy looking for food. In addition, Hendrix and

Brinkman (2013) reiterate that severe food insecurity is a source of community tensions and may partly determine the conflict behaviour. Indeed, communal land conflicts tend to be pronounced in food insecure areas such as post-war northern Uganda (Komakech 2014). Furthermore, the sustained food protests resulting from extreme food scarcity exacerbate the situation as they disrupt marketing and transportation of food to hunger-stricken areas (Allan, et al. 2013).

3.1.1 Land conflict, land fragmentation and food insecurity

In this sub-section, I argue that land conflicts partly lead to land fragmentation, which in turn lowers food output, leading to food insecurity. Land fragmentation is defined as the division of the large farms previously owned by an individual or a few people into small farm units owned by many people (Sundqvist and Andersson 2006; Raghbendra and Subbarayan 2005). In Uganda and many other parts of Africa, land is heritable once the head of the family dies; land conflicts normally arise as all family members struggle to get a share of the deceased's economic fortunes, including land (Uganda Radio Network. 2015). Consequently, as a conflict mitigation measure, the deceased's land is subdivided into small segments and distributed among all conflicting family members. Flintan (2011:01) describes land fragmentation as "Broken Lands: Broken Lives". Flintan argues that after splitting the land, pastoralist farmers find it hard to overcome the effects of drought due to the fact that small farms are sometimes owned by independent individuals who may not allow pastoralists to encroach on their farms or water catchments in their land. Eventually, it becomes difficult for the poorest pastoralists, without adequate land, to feed their herds of cattle throughout protracted drought seasons. This evidently lowers the dairy output, which worsens household income and food insecurity. Therefore, the more the pastoralist families multiply, the more the likelihood of land conflicts and land fragmentation.

Evidence from Uganda (Luyombya 2015) suggests that land fragmentation severely affects commercial farming because when land is split into small plots, it becomes hard to use mechanized methods of farming, which drastically lowers the crop output potential of the land. For instance, reports from Uganda's Kyenjojo District indicate that each home possesses an average of 1.5 acres to grow food crops, vis-à-vis seven acres ten years ago, (Uganda Radio Network 2015). Subsequently, some farmers have resorted to either renting more land expensively or producing less quantities of food on their meagre plots. The factors contributing to low agricultural output include

time losses incurred while travelling to different scattered plots of land, wasted space during border demarcation, insufficient monitoring of scattering pieces of land, and the failure to use certain kinds of machinery like harvesters (Raghebendra, Hari and Subbarayan, 2005; Sundqvist and Andersson 2006). Therefore, land conflicts lead to land fragmentation and eventual lowering of food production, all of which translate into food insecurity.

3.1.2 Land conflict, food supply chain and food insecurity

Food supply chain, in this regard, refers to the channels through which food passes from the organic producer to the final consumer (Kottila, Maijala and Rönni, n.d.). Usually, there are many stakeholders involved before the food is finally consumed. These are the actual farmers, farmers' associations or farmers' cooperative unions, wholesalers, transporters, retailers and other individual middlemen or brokers who all buy food from wholesalers or producers and sell it to the final consumers. In situations of violent inter-communal or intra-communal land conflicts, this supply chain is broken. The situation is compounded by over reliance on small-scale farming without ready alternative sources of food and household pecuniary income to buy food from local food sellers. Verwimp (2012:03) describes five sources of farm and non-farm income that are severely affected by violent land conflicts, which lead to food insecurity: "(i) production for own consumption; (ii) crop sales; (ii) livestock products; (iv) off-farm income; and (v) transfers received from others". The extent to which the aforementioned income sources are adversely affected determines the magnitude of food insecurity to the farmer. As we shall see in the next paragraph, this is due to the fact that conflicts affect the key elements of food security, such as availability, accessibility and consumption.

At food production and consumption levels, when land conflicts occur, many active members of households do not go to farms for fear of being harmed by land-related violence. Instead, as it was observed during the Burundi civil war, they seek refuge in safer communities miles away, leaving their farms and houses to be destroyed (Flores 2004; Brück, Bozzoli, Bundervoet, et al. 2009). The situation is exacerbated by the fact that the selling of farm yields becomes difficult amidst land-related violent conflicts. This is because conflicts obstruct the marketing and transportation of crops from producers to consumers. Sometimes roads are blocked and transactions inhibited. In

cases where land grievances and conflict partly contribute to a larger civil war, warring parties force farmers to provide food to fighters, with little or no pay, which leads to losses and food insecurity. This was observed during the Mozambique civil war (Brück and Bozzoli 2009). However, it should not be construed that land conflicts were the sole cause of the Mozambican civil war; it was just a contributing factor.

Moreover, during violent land conflicts, the sale of livestock products becomes almost impossible, denying livestock farmers profits and income that would be used to buy food. Domestic animals have nutritious and profitable products like skins, milk, eggs, meat and wool. Goats' and cows' dung are used as manure that improves soil quality and food production (Verwimp 2012). Cow dung can also be sold to other farmers to generate household income that is used to buy food. Animals themselves can be sold or used as collateral security to secure bank loans (Dercon 2004). Nonetheless, during violent conflicts, animals are killed, stolen or sold cheaply as demand is low, due to turmoil and displacement of prospective buyers (Verpoorten 2009). For instance, in Rwanda, although land grievances were not the sole cause or trigger of the genocide, they were among the many deep-rooted or structural factors that caused civil war and subsequent genocide in 1994. During the war, little or no food production took place. Livestock farmers also made losses as they sold their cattle at giveaway prices both in Rwanda and neighbouring countries such as Uganda (Verpoorten 2009).

Besides, violent land conflicts may disrupt off-farm income which is normally used to buy food in between harvests. Verwimp (2012) makes three observations in this respect: 1) some family members may have side-income from other jobs, such as brick laying and carpentry or building and construction, which perhaps halted as buyers and investors run away; 2) conflicts lead to destruction of local sources of employment such as local food stores, factories and shops; 3) new employment opportunities may not arise as potential investors fear for their lives. All the above factors directly lead to unemployment and food insecurity. Moreover, warring parties may confiscate or frustrate the distribution of food-aid to the disadvantaged and displaced civilians.

3.1.3 Land conflict and destruction of farms, livelihoods and farmers' lives

As is the case with other forms of conflicts, such as violent political conflicts, land conflicts are equally disastrous in terms of destruction of property and livelihoods, and

human suffering and loss of lives. The extent of damage and the impact on food security depend on the type of land conflicts. For example, individual-versus-individual land conflicts may not be as detrimental as inter-communal land conflicts. Inter-communal land conflicts tend to be more destructive than other conflicts because they involve many people. Normally when a community or tribe fights another, both sides lose lives and property. For instance, in 2013, communal land conflicts between the Nko and Oyadama tribes were among the most devastating inter-communal conflicts in Nigeria: farms were demolished, houses smashed, livelihoods ruined, and people injured and killed (Abul, et al. 2013). The situation is even more precarious when inter-communal violence erupts due to an unclear land boundary as each side seeks to extend its boundary (Otite and Albert 2001; Dunmoye 2003). (Detailed discussion about land conflicts related to unclear boundaries is found in Chapter Two.) For instance, the boundary between the Kuku tribe of Kajo-Keji County in South Sudan and the Madi tribe of Moyo district in Uganda has been one of the most fatal land conflicts. In 2014, during the census exercise in Uganda, South Sudanese authorities of the Kuku tribe arrested Ugandan officials including the Chairman, LCV of Moyo District. This sparked violence that led to heavy losses: 14 people died, 49 people were injured, 545 houses were set ablaze and 486 cattle were stolen (Muhindo 2015). Further, communal land conflicts tend to concentrate in regions where cultivable land and water are scarce, like the arid and semi-arid areas of the Sahel, Uganda and Kenya (Hendrix and Brinkman 2013).

Furthermore, evidence from Uganda indicates that violence resulting from land boundary-related conflicts tends to be prolonged, thereby threatening potential agricultural investors (Rugadya 2009). In western Uganda, the Banyoro-versus-Bakiga inter-ethnic land conflict has lasted for a decade and could explode again. Recently, in northern Uganda, communities in Atiaka and Palaro sub-counties, in Amuru and Gulu districts respectively, prohibited each other from farming in Mede, a ten kilometre stretch of land at the border of two sub-counties (Komakech 2014). Similarly, in the neighbouring district of Pader, the Olet communal farming land is contested by the Awere and Puranga sub-counties. This conflict is exacerbated by the fact that individual land-grabbers have also started demanding or claiming certain parts of the same land. The contested land has been a communal grazing land for a long period of time. Therefore, individuals are also exploiting lack of clear ownership

to grab some pieces of land. What aggravates the situation is the fact that politicians capitalize on land conflicts to gain political mileage at the expense of peaceful resolution of the conflict. Consequently, as Komakech (2014) recounts, over a hundred heads of cattle were stolen from Kraals in the disputed land, which further heightened the stakes and endangered the livelihoods of farmers who depend on dairy products.

From the above scenarios, it can be deduced that land conflicts can have a deplorable impact on the livelihoods and food security of the warring parties and the general community or public. Technically, the reduction of food output in a single household translates into community food insecurity since extra output is normally sold to local markets. Also, the role of local leaders and politicians in mitigating a land conflict is paramount. However, the personal interests of local leaders and politicians sometimes tend to overshadow the greater good of the community. Otherwise, inter-communal land conflicts, if not checked, can lead to socio-economic losses, including unemployment and destruction of farms and property worth millions in a short period of time. This leads to food insecurity and a humanitarian catastrophe.

3.1.4 Land conflict, the law and food insecurity

Legal matters related to land have a direct impact on food production and security. Rugadya (2009) asserts that land conflicts, especially in Uganda's oil-rich Bunyoro sub-region, hinder food production as neither of the claimants can legally exploit the disputed land until the case is resolved by courts of law. Indeed, when a court issues standing court injunctions in a land case, none of the litigants involved can legally use, lease or sell the disputed land. In a previous study (Deininger and Castagnini 2006; Milu and Gitau 2013) found that about five percent of households interviewed in Kenya had land cases pending and the legal battles protracted for eight years or more. This implies that the land was unproductive for eight years or more. It also indicates that the land loses market value as no food producers can lease, buy or develop it until the case is decided. Besides, time that would have been used to produce food is wasted in courts or community land tribunals.

Similarly, Khadiagala (2001) and MISR (2002) emphasize that the high costs involved in land legal battles make it virtually difficult for the poor to win legal cases. The rich normally elude the community or local land tribunals and present their cases in the

high court which is normally at the district headquarters far away from the community. In Uganda, when the rich land-grabbers lose the case at the district, they normally appeal to a higher court in Kampala. Given the transport costs and legal fees involved, the poor normally give up in favour of the rich. The situation is worse for the poor and vulnerable women-headed households because they cannot easily afford to pay lawyers or bribe the judicial functionaries.

Equally adverse for food security, is the tendency of rich land-grabbers to acquire land not to produce food but for speculation purposes (Lavigne Delville 2000; Rugadya 2009). Such rich people fence the land and speculatively leave it unproductive for about five years to gain value before selling it expensively. What is taking place in Uganda, Okot (2013) notes, is akin to what occurred during the enclosure system in Britain from the 14th to the 18th centuries, when the rich and privileged ruling class acquired huge tracts of land, displacing many people, some of whom became labourers on their former land. The difference is that while the land-grabbers in Britain used mechanized methods of farming to produce more food and filled the food stores and supermarkets, in Uganda the few who attempt to farm the grabbed or otherwise acquired land use rudimentary methods of farming, which result in low harvests. They lack modern farming methods, tools and other inputs like tractors, improved seeds and fertilizers. Moreover, many of the vulnerable Ugandans who are thus displaced from land become food insecure and relocate to urban centers such as Kampala. In towns, they may resort to negative coping mechanisms, such as theft, burglary and prostitution. Such rural-urban migration also deprives the rural areas of able-bodied young men and women who would otherwise contribute to food production.

3.1.5 Land conflict, agricultural investors and food insecurity

Land conflicts are not only a menace to social harmony but also an irritant to agricultural and general economic development. Violent conflicts obstruct the development or operation of roads and railways which are crucial in transportation of farm products from areas of plenty to areas of scarcity. Trucks of food perhaps blocked and burnt, which scares the traders, humanitarian personnel and businessmen. For instance, in 2014, over a hundred food suppliers and farmers of Adjumani District in northern Uganda were held captive for over five hours and their motorcycles seized by members of the neighbouring Amuru District (Komakech 2014). Such actions

inevitably undermine the mobility of food and scare away long-term agricultural investors. No investor would establish a commercial farm or food manufacturing factory on a contested piece of land. For instance, in 2007, President Museveni proposed to lease part of Mabira Forest to the Mehta group of companies for sugarcane growing. However, because environmental activists and public opinion in general were opposed to the idea, public protests rocked Kampala streets and the investor backed off (Keith 2009).

Besides, violent clashes over land lead to low food production and scarcity, which cause food prices to skyrocket, making food inaccessible to, or unaffordable by, the poor. It is precisely such a situation that, in 2007-2008, caused popular protests across the Sahel region and was partly responsible for the Arab-spring (Hendrix and Brinkman 2013). In addition, conflicts undermine the capacity of local institutions to develop agricultural research and extension work. Evidently, it is very difficult to conduct any form of research or to undertake community outreach work in conflict-torn areas (Cohen and Pinstруп-Andersen 1999)

3.1.6 Land conflict, vulnerable groups and food security

Land conflicts are rampant in Uganda, affecting close to 50% of the population in nearly all districts of the country (Deininger and Okidi 2004; Otsuka 2006; Rugadya 2009). Unfortunately, land conflicts are a liability in both the short and the long-term. They have the potential to destroy both the social fabric and the social capital of a community or a state, and to metamorphose into larger armed conflicts which threaten the viability of the state and its capacity to provide social services to the public (Renner 1997; Andre and Plateau 1998). In addition, land conflicts can also directly worsen the economic status of vulnerable groups, such as pregnant women and widows, the elderly, children and people living with disabilities and the Human Immune Virus (HIV). Ghebru and Holden (2013) define vulnerability as the incapability of individuals to guard themselves against external shocks. Unlike able-bodied individuals, vulnerable people cannot easily cope with worsening economic situations created by violent conflicts, which endangers their food security status. Their situation is compounded by the fact that, as low income earners, they spend about 60-80% of their earnings on food, which puts their general livelihoods in jeopardy (Ghebru and Holden 2013:07). The situation is not much better for females in Uganda.

A focus on women's access to land reveals a daunting experience. In Uganda, while there have been tremendous efforts to implement policies aimed at actualizing women's land rights, a lot remains to be done. As noted in Chapter II, although women constitute the majority of farmers in the country, most of the land belongs to, and is controlled by, men. Bikaako and Ssenkumba (2003:01) portray this situation succinctly when they state, "Women in Uganda provide 70-80% of all agricultural labour and over 90% of food crop production and processing, but only 7% of the land in Uganda is owned by women." This directly translates into food insecurity, especially in female-headed households. According to a study conducted by Deininger and Castagnini (2004), while 33% of agricultural producers in Uganda attested that they lost land because of conflict, the chances of female-headed households losing land through conflict were eleven percent (11%) higher than those of male-headed households. Even pending conflicts have a great impact on farm output: women and the elderly are easily psychologically and physically intimidated and prevented from returning to their gardens. Rivals may even uproot seasonal crops or cut some perennial ones. Such actions also scare farm labourers from returning to weed or prune the crops. Moreover, as mentioned before, such contested land cannot easily be sold, rented or leased to investors (Binswanger, et al. 1995; Kasanga and Kotey 2001). As a result, widows may lack labour, partly because potential labourers perhaps scared of offering their labour in such circumstances. Moreover, widows' household incomes decline as revenue from land-rent drops. All this directly leads to low productivity and food insecurity. But there is more to the story.

When HIV/AIDS is put into context, victims normally suffer more as most of them depend on selling farm products to raise money for transport to health centres to acquire government-subsidised antiretroviral drugs. In Tanzania, Tibaijuka (1997) observed that widows living with HIV/AIDS were facing hardships in utilising and preserving family land. The situation was worse for physically debilitated childless widows, with no one to help them assert or restore family land rights by either cultivating the land or pursuing the legal cases. In countries, such as Lesotho, South Africa and Kenya, Drimie, (2003) Yamano and Jayne, (2004) found that widows who lost their husbands to HIV/AIDS were more likely to experience land conflicts than their male counterparts. Similarly, Gilborn et al., (2000) found the same in western Uganda

where twenty-nine percent of the study participants reported that their land was confiscated after the demise of their husbands. Similarly, widows were found to be four times more likely to experience land grabbing than widowers. Moreover, according to the State of the World's Fathers Report (2015), forty-five percent of the Ugandan men just produce extramarital kids and leave the mums with the burden of caring for the "fatherless" children. And yet, women lack access to land which is the main economic asset, especially in rural areas where the majority of Ugandans live.

3.1.7 Land conflict, eviction of key farmers and food insecurity

A study conducted by Deininger and Castagnini (2004), Milu and Gitau (2013) in Kenya found that conflict-free land registered higher yields than disputed land which registered 5-11% lower output. A later study by Mwesigye and Matsumoto (2013) put the food productivity losses of disputed land at seventeen percent. Two possible reasons for the lower yields of disputed land were suggested. One is the lack of time for farmers to tend to gardens on disputed land because such farmers spend a lot of time in courts or local tribunals. Secondly, it could be that part of the garden is deliberately destroyed by the other contending party. Mwesigye and Matsumoto (2013) further categorize the forms of land conflicts and the impacts they have on food production. They found that eviction related to land conflicts poses a great danger to food security, and they concluded that land eviction lowers crop yields by 36% which is higher than the impact of other forms of conflict. The reason for the higher productivity losses could be that the evictees may harvest the crops before they are fully ready for harvesting to pave the way for new occupants or the evictors. Lower productivity translates into food insecurity since the evictees have no hope of returning to the land from which they are evicted.

After eviction, the evictees may migrate to conflict-free communities, with whatever little food they can carry. In their new settlements, they start from scratch, depend on handouts and, if they are not lucky, the recipient communities may view them as intruders seeking to share the scarce resources available, which may again result in land resource conflicts. Indeed, Mwesigye and Matsumoto (2013) found that areas that receive immigrants tend to have higher cases of land conflict than communities without immigrants.

Mwesigye and Matsumoto (2013) make four instructive conclusions: 1) once farmers are evicted from their land, there is a likelihood that the new occupants may lack farming skills, which leads to low productivity and food insecurity; 2) the evictors may decide to use the land for non-agricultural purposes, which reduces food output at the community level; 3) the evictors perhaps land dealers and may decide, for speculative purposes, to leave the land underutilized or not utilized at all, which also lowers the total food output, leading to scarcity and 4) the evictees may face more evictions in the new recipient communities if they illegally access the land, which further renders them landless and food insecure.

3.1.7.1 Land conflict, eviction and food insecurity in Zimbabwe

Following Ian Smith's Unilateral Declaration of Independence (UDI) and the formation of a White minority-led government in 1965, the 1969 Land Tenure Act was passed to the detriment of black citizens. Although the land was equally divided between the Whites and the Blacks, it was not equitably distributed. The Whites who constituted only 5% of the total population got as much land as the Blacks who made up 95% of the population - eighteen-million hectares of land. Moreover, the Whites were given the most fertile farms, state subsidies and agricultural implements (Masiwa 2005: Andre and Brian 2007). This caused land grievances that brewed overtime and exploded into violent land conflicts, mass evictions of White farmers and resultant hunger and economic hardships. However, during Smith's era, and the first two decades of Mugabe's rule, Zimbabwe witnessed impressive economic growth which saw agriculture emerge as the leading sector, employing most Zimbabweans and contributing up to seventeen percent of total Gross Domestic Product (Games 2002). In essence, as Peter (2003) and Clare (2004) put it, Zimbabwe was the breadbasket of the entire Southern African region, one of the fastest growing economies in Africa and a role model for other countries in post-colonial Africa. But this persisted only until the early 2000s when Zimbabwe became a centre of international attention due to hunger and human rights abuses. Following the hotly contested parliamentary elections in 2000 and the 2002 presidential elections which the incumbent President Robert Mugabe almost lost (Peter 2003), he quickly accused the White farmers of being behind the opposition. To win the trust of the majority Blacks, he fast-tracked a land redistribution programme which saw White farmers lose their farm land to Black Zimbabweans. His move triggered land conflicts and associated effects, including food insecurity and a general economic slump.

In support of the evicted White farmers, the western countries condemned the unfair land policies and later imposed economic sanctions on Zimbabwe. The West also influenced the World Food Program (WFP) to downsize its operations in Zimbabwe, which saw food beneficiaries reduced from over four million to less than a million - only HIV/AIDS victims. The sanctions led to hyperinflation of more than 400% and food and essential household commodities became scarce. Worse still, human rights violations peaked, and at 70%, unemployment was unbearable, forcing about two million Zimbabweans to seek refuge in South Africa (Cohen and Pinstруп-Andersen 1999; Clare 2004; Coomer and Gstraunthaler 2011). Despite the stinging economic sanctions and the ailing economy, the President insisted that the West must back off and he swore not to adopt the South African approach to land redistribution. His aim was to Africanise the Zimbabwean economy through State intervention and returning the land to the original owners (Thomas 2003; Andre and Brian 2007). His insistence was informed by the overwhelming support he enjoyed from the war veterans and the security forces who sought to benefit from the scheme.

Traditionally, land in Zimbabwe is viewed as the main economic resource that should be accessed by everyone. It has several meanings some of which differ according to social groups and from one community to another. Land ownership in Zimbabwe and Africa in general implies identity and has spiritual, social, class and economic value attached to it. It plays a crucial role in state formation and is linked to construction and the viability of state institutions (Alexander 2007; Scoones, et al. 2012). Hence, having realised that land touches the hearts of the majority, politicians normally seek to win the minds of the electorate by promising access to it even if they do not have a clear or fair strategy of land redistribution.

For example, White farmers in Zimbabwe were declared enemies of the State and ordered to voluntarily leave or face the full wrath of the State. When they hesitated to quit, Robert Mugabe and his close friends haphazardly grabbed over four thousand (4,000) commercial farms. However, the landless common people who should have benefited from the land scheme remained landless as only those connected to the top authorities benefited. Even the White farmers that were not affected eventually left, due to chaotic, nationwide, State-sponsored campaigns against them (Games 2002; Groves 2012). Therefore, Zimbabwe presents a recent case that vividly illustrates the

adage that "...The economy is land, land is the economy" (Games 2002:14), especially in agro-based countries such as Uganda and Zimbabwe. In such countries, land ownership symbolises, power, prestige and culture. And, due to the fact that land is a source of livelihood, emotions and attitudes towards the land are high; that is why some people are willing to fight to death in order to gain land rights.

3.1.7.1.1 Implications of the eviction of White Zimbabwean farmers for food security in the country

To begin with, it is instructive to recall that before the evictions, White farmers were optimally exploiting their farms and there was no food scarcity. But, when inexperienced Black farmers took over former White-owned farms, dairy output and commercial production of cereals, such as wheat, dropped by over 50%, which exposed twelve million (12m) Zimbabweans to starvation (Peter 2003). The new occupants (Black farmers) evidently lacked the skills and financial capital necessary to sustain or surpass the pace of agricultural productivity and production of their White predecessors. Matters were aggravated by government's failure to deliver the farm inputs, such as fertilizers and improved seeds, which it had promised the new farmers. Consequently, many Black farmers failed to produce even enough food to feed themselves, their communities and the nation; and food insecurity and famine set in. Moreover, rather than prioritise the agricultural sector, the government put military defence first. For example, in the 2002 national budget, while the Ministry of Defence was allocated Z\$76.4 billion, lands, agriculture and rural resettlement received only Z\$40.5 billion (Games 2002). The situation was compounded by the fact that many evicted White farmers had bank loans which they did not repay because they were not compensated for their land. This led to the collapse of two of the banks that had given farm loans to White farmers. Additionally, food importers could hardly borrow from the banks because the interest on loans was over 500%, which farmers and other entrepreneurs could not afford. This further escalated food scarcity. By 2007, the cost of a bag of maize meal rose from US\$0.12 to US\$0.87, an upsurge of 583% (Andre and Brian 2007).

According to Peter (2003), Coomer and Gstraunthaler (2011), sympathizers argue that White farmers should at least have been ousted civilly and compensated for the farm

tools and irrigation schemes they had developed. Instead, many White farmers were injured or killed during the eviction process. Remarkably, while the White farmers were the prime targets of the regime, Blacks were not spared. Black Zimbabweans who opposed the manner in which land was redistributed were linked to the political opposition and shunned as puppets of the Queen of England. It is alleged that during the ensuing famine, the government selectively only distributed food to Mugabe supporters and left opposition strongholds to starve (Peter 2003).

Besides, thousands of Black farm workers who were employed on White farms lost their jobs and could no longer afford to buy food for their families. Further, some of the Blacks that benefited from the land redistribution programme later fought one another. For example, Peter, (2003) found that Brendon, a White farmer, lost his farm to the Government. It was later subdivided and distributed among fourteen Black farmers. However, a conflict soon broke out amongst the beneficiaries because one of them, a powerful governor, later grabbed a portion larger than he had been allocated. Such conflicts directly obstructed land exploitation and food production. However, new evidence indicates that Black farmers are slowly gaining modern agricultural skills and food production is slowly increasing. Generally, the Zimbabwean economy is getting back on its feet (Mhofu 2012).

3.1.7.2 Land conflict, eviction and food insecurity in Mubende District, Uganda

Mubende District is found in central Uganda, about 107 miles from Kampala, the Capital of Uganda. The district borders the districts of Kyankwazi to the north, Kiboga to the northeast, Sembabule to the south, Mityana to the east and Kibaale to the northwest. According to the 2014 population and housing census, the district had a population estimated at 650,000 people. The district has many minerals, the most important one being gold. Valuable minerals and fertile soils have attracted many investors to the district, including international mining, forestry and commercial agricultural firms. This is in-line with the Government's Plan for Modernization of Agriculture (PMA), hatched in 2000. In this plan, the Government aimed at commercializing agriculture through turning smallholder and subsistence farmers into commercial farmers and also attracting foreign skilled farmers. This necessitated the amalgamation of small farms and the acquisition of more land from peasants to pave the way for large-scale commercial farmers (FIAN 2012).

However, this came at a very big cost to the ordinary local communities whose ancestral lands have been leased to foreign firms without following the due diligence procedures stipulated in the statutory laws. Available evidence (Grainger and Geary 2011) indicates that inhabitants persistently lose their lands to local elites who either fraudulently acquire the land for speculative purposes or connive with top military, politicians and international investors to violate the land rights of the hapless communities through brutal evictions. It is thought that the poor are easy to evict because they do not have the economic power to defend their land rights legally (Pieper, n.d). The impacts of evictions without fair compensation have been far-reaching. General vulnerability, characterized by destitution, apathy, fear, and food insecurity, has persisted due to lack of economic interventions to rescue the evictees from the state of economic destitution in which they find themselves. The operations of two international companies from Germany and the UK are of particular interest.

In 2001, the government leased 2,510 hectares of Mubende District to Kaweri Coffee Plantation Limited, a subordinate of the Neumann Kaffee Gruppe (NKG), headquartered in Hamburg, Germany. As a result, people were displaced from five Villages: Kiryamakobe, Kitemba, Kijunga and Luwunga. Overall, 400 families or up to 2,000 residents were forcefully evicted to pave the way for a coffee plantation that is arguably the largest in East Africa. Residents described the process of eviction as unfair, brutal and heart-breaking. During the eviction, the security forces used live gun bullets which left at least five people dead. Buildings, including six churches and a private health facility, were destroyed and set ablaze. Residents were chased away, their valuable property looted and farms wiped out. Kitemba Primary School that had about 400 pupils was turned into the headquarters of the coffee-growing company (FIAN 2012).

With little or no property or money, the displaced could not afford to buy food or pay for the education of their children or health services for family members. Consequently, most of them ate one meal a day, lacked access to safe drinking water, lived in shanty houses, and some of them died of treatable illnesses. Left with no choice, the displaced erected makeshift houses near the coffee plantation and sought employment from their tormentors to work on their ancestral land. The pay was roughly \$1.2 per day, which is too little to sustain a family of any size (Observer and FIAN

2012). It should be recalled that prior to the eviction, the evictees used to grow their own food, including beans, sweet potatoes, cassava, avocado and fruits. In addition, they had their own water sources, but, following their eviction, NKG denied them access to those sources, now located within the coffee plantation (Vidal 2011).

Another foreign company accused of propagating food insecurity through land grabbing in Mubende District is the New Forest Company (NFC), registered in Uganda and the UK. The entire area of Mubende region is 464,611.4 hectares. However, between them, the two companies acquired 22,510 hectares, totalling five percent of the district land. While Kaweri Coffee Plantation Limited (KCPL) owns 2,510 hectares, NFC owns 20,000 hectares. Whereas KCPL replaced 2,000 residents in 2001 with coffee plantation, ten years later NFC replaced 20,000 residents with commercial pine trees (Grainger and Geary 2011; Matsiko 2012). As noted before, the Government never cared for the evictees, very few of whom were compensated. Longoli, one of the evictees, laments, "I no longer own any land. It's impossible to feed my children – they have suffered so much. Some days all they eat is porridge from maize flour. When people can't eat well their bodies become weak – there have been lots of cases of malaria and diarrhoea. Some days we don't eat anything at all," (quoted in Vidal 2011:02). It is therefore clear that peasant livelihoods are anchored on access to, and utilization of, land. That is why soil contamination, land grabbing, eviction and land conflicts not only deprive the evictees of food but also threaten national cohesion and stability as the displaced can easily join criminal gangs. In the Mubende case, attempts to seek legal redress yielded nothing as the Government was determined, through aiding companies, to promote large-scale pine tree plantations to acquire large chunks of land at the expense of the majority poor.

Likewise, in the districts neighbouring Mubende - where the masses have been evicted to pave way for oil exploration and extraction - food insecurity is likely to escalate unless the central government intervenes to economically empower the displaced farmers to acquire farmland elsewhere or to undertake alternative economic activities. Moreover, as land speculation and grabbing increase, so too does the abuse of human rights (Musisi 2014). In addition, Musisi (2014) claims, as oil exploration and exploitation continue in western Uganda, there is the likely to be additional threat of water and soil contamination through oil spills and dumping of waste, which are likely

to have an adverse impact on an area far larger than the area of operation, as the environment has no boundaries. The extraction of vast amounts of water to facilitate oil exploitation will further reduce water in the lake system and the surrounding ecosystem, thus reducing the amount of water available for food production and other uses. Likewise, the Gaia Foundation (2014) emphasizes that oil mining is likely to destabilize the economic fabric of the society by creating quick but short-lived sources of income which fuel economic inequality and lead to irreparable ecosystems damage. This undermines agricultural production and endangers peoples' livelihoods for generations to come.

3.2 Other Factors Linked to Food Security in Uganda

The prevalent food insecurity in Uganda is not exclusively due to the rampant land conflicts in the country. The persistent food insecurity should be understood in the wider context of ravaging poverty across the country. Since 1991, Uganda has witnessed an average economic growth rate of 6.5%, but this has not translated into improved household incomes (IMF 2005). At \$800, Uganda's per capita income is one of the lowest in the world. This poverty exposes close to ten million Ugandans to hunger-related deaths due to acute food shortages because they do not have enough money to buy food (WFP 2009; FAO and Ariong 2014). As mentioned in Chapter II, the poverty is exacerbated by the fast-growing population that has outpaced the level of food production. At an average of 3%, Uganda's population growth rate is the second highest worldwide after that of Niger in West Africa (Leliveld, Dietz, Foeken and Klaver 2013). It is important to note that this thesis is premised on the Malthusian theory, according to which once the population growth rate exceeds the rate of food production, crises such as conflict, food insecurity and deaths are bound to ensue (Fay and Keynes 1935; William 1999; Ewugi and Yakubu 2012). Therefore, unless the Government introduces restrictive population policies, while encouraging food production, the status quo is likely to remain.

Equally, the Government's inability to prioritise agriculture as the leading sector not only leads to food insecurity but also unemployment since the sector has the potential to employ the majority redundant youths in the rural villages and the cities of the country. For instance, in contrast to the Maputo Declaration to which Uganda is a signatory, the national planning authority has constantly apportioned less than 5% of

the national budget to the agricultural sector (Michael 2014). In Maputo, Mozambique, about eleven years ago, all countries in Sub-Saharan Africa promised to allot ten percent or more of national budgets to agriculture. However, very few countries have kept the promise, rendering the agricultural sector incapable of meeting its many challenges, including crop pests, droughts and floods which often result from irresponsible use of the environment (Luyombya 2015). If the agricultural sector was allocated enough funds, such funds would be used to subsidise pesticides and train farmers on sustainable agricultural methods. Unfortunately, as Emorut (2014) observes, rather than empower the farmers, the government of Uganda has maintained high taxes on agricultural inputs such as fertilizers, tractors, and improved seeds, which makes them unaffordable for the poorest small-scale farmers.

.3 Conclusion

In countries that rely on agriculture especially in sub-Saharan Africa, land ownership is strongly linked to power, prestige and culture. And in such societies, there is a strong linkage between land ownership and livelihoods. As such, emotions and attitudes towards the land are high, which also raises demand and competition for land. Such competition normally leads to land conflicts, as discussed in Chapter Two. It is also important to restate that the relationship between land conflict and food security is indisputable. Food negatively influences individual behaviour towards illegal acquisition of land, which generates conflicts. On the other hand, land conflict leads to food insecurity when:

- Land conflicts lead to land fragmentation which directly reduces food output
- Violent land conflicts disrupt the food supply chain, making it hard for food suppliers to access sources of food and hunger stricken areas
- Violent land conflicts lead to destruction of crops and livestock, human injuries and loss of human life, all of which lead to a general breakdown of the social fabric, a reduction in food production and food insecurity
- The legal processes involved in settling land conflicts deprive the poor and vulnerable groups of the money that would be used to buy food or further develop the farms
- Land conflicts scare away potential investors in agriculture

- Land conflicts lead to eviction and displacement of farmers, which drastically reduces the quality and quantity of food output

However, although land conflicts contribute to food insecurity to a large extent, they are not the only causes of food insecurity. Other factors that cause food insecurity include: high population growth rates, underproductive and unsustainable agricultural methods and tools, poverty and, most importantly, poor government agricultural policies. Like the Zimbabwean Government not so long ago, the Government of Uganda has consistently prioritised defence and security at the expense of agriculture, the backbone of the economy.

CHAPTER FOUR: REFUGEE COPING STRATEGIES

4 Introduction

As noted in Chapter One, there is a drastic worldwide reduction in the amount of humanitarian aid for refugees. In some refugee camps around the world, the amount of food given to refugees has been reduced by about 50% (Crabtree 2010). Coincidentally, in countries such as Uganda, where refugees are allocated land for subsistence farming, the portion of land given to them has also been reduced due to increasing refugee numbers. The resultant shortage of land and food has left many refugees in a precarious situation. Moreover, some refugees remember the traumatic conditions they went through en-route to their present countries of asylum. As Neuner, et al., (2004) note, such conditions include torture or physical abuse, shelling and rape. Therefore, this chapter focuses on the coping strategies that refugees normally adopt in order to maintain basic standards of living while in the host country.

Coping strategies are defined as short-term mechanisms aimed at meeting the essential needs and minimum standards of living rather than at amassing livelihood assets. In most cases, this is all that stressed refugees and other vulnerable people need in the short run. Accumulation of wealth is not their immediate target; they focus on mere survival. Therefore, coping strategies are special survival mechanisms, adopted especially during hard times (De Vries 2006). Similarly, ECA (2004:14) defines coping strategies as short-term actions adopted in situations when an individual or a group of individuals does or do not have adequate income or food to cater for their daily basic needs. However, Pahud, et al., (2009) do not directly refer to coping as actions or measures; instead, they view coping as a person's capacity and skills applied to prevent or reduce one's challenges that may increase one's stress or illness. Further, Cockerhan and Ritchey (1997) define coping as the gradual process that allows a person with difficulties to assess his or her environs and his or her strength in order to respond to stressors accordingly. Likewise, Lazarus and Folkman (1984) also recognize that coping is a process. They define coping strategies as a person's continually changing cognitive response to his/her internal and external challenges that are deemed to be greater than the available income. The latter definition offers a deeper understanding of coping strategies because it emphasises

two key elements: process and individuals' cognitive responses. Indeed, healing is a process that requires time, especially for persons or refugees suffering from Post-Traumatic Stress Disorder (PTSD). This process involves or presupposes persistence and a reasonable amount of resources. In addition, it presupposes that the cognitive behaviour of refugees also needs to change constantly in order to fit in the new environment away from home. This is due to the fact that some developed countries allow refugees to integrate within the host communities as long as they are granted refugee status. Of course, successful integration requires change of attitude and skills development and ability to confront challenges, including learning a new language, getting used to a new physical environment and new types of food.

It has also been argued that rich refugees do not cope, they manage (Khawaja, et al. 2008; Golooba-Mutebi 2004). In this context, coping means that one is trying to survive in an environment over which one has little control. While the rich mostly use resources to manage the situation, the poor normally adopt other means. The means of the poor include stopping children from attending school in order to save money for food and saving food by reducing the number of times a family eats per day. Similarly, coping strategies can also be classified based on whether they are for mere survival, adaptive or accumulative. Survival strategies are those that are not sustainable, partly because they can irreversibly deplete the available limited resources. On the contrary, adaptive strategies are those that aim at lessening vulnerability and protecting assets whilst accumulative strategies aim at enhancing and consolidating assets (Devereaux 1993; Davies 1996). These strategies can also be classified as economic or psychosocial strategies. While psychosocial strategies aim at stabilizing the mind of the affected refugees, economic strategies are intended to support the vulnerable people in terms of meeting their material needs, such as safe water, medical care, education and a liveable shelter (Khawaja, et al. 2008).

All in all, this chapter groups coping strategies into two broad categories: negative and positive. Negative strategies are those that reflect extreme vulnerability. They are usually unsafe, illegal and against society's norms and practices; thus, they may dent the image of an individual in the society. They include, without being limited to, theft, prostitution and self-hurt. On the other hand, positive strategies are those mechanisms that are safe, legal and have little or no adverse effects on the status of the individual.

Examples of such mechanisms include vending and casual labour. For their part, WHO and EHA (1999) refer to negative and positive strategies as “erosive” and “non-erosive” respectively. In other words, negative coping mechanisms perhaps detrimental to one’s health or social status while positive coping mechanisms may enhance one’s health and social status.

4.1 Positive Coping Strategies

According to existing literature, positive coping strategies rely on seven main alternatives: social support and solidarity, religion and spirituality, resilience and patience, hope and emotional control, education, agricultural or non-agricultural enterprise and migration, especially in urban centres. It is to these alternatives that the rest of this Section is devoted.

4.1.1 Social support and solidarity

Most literature (Bates, Jeppsson, Hjern, et al. 2005; Crabtree 2010) on refugee coping strategies emphasises social support and solidarity mechanisms as one way in which refugees shape their lives. In difficult situations, refugees and other vulnerable persons enhance solidarity amongst themselves and the host community in order to cope with their challenges. In addition, they resort to social support from all sorts of people, including neighbours, community members and friends in the host country and abroad. Jacobsen (2002) found that continuous correspondence with colleagues and close relatives living in foreign countries tremendously helps refugees to solve many of their economic problems. Such assistance normally includes money in the form of remittances and valuable information relating to business and resettlement opportunities. In Gambia and in Kenya’s Dadaab Refugee Camp, close to 40% and 15% respectively of the refugees depend on money sent from abroad, mainly from western countries (Conway 2004; Horst, Jeppsson and Hjern 2005; Tipping, et al. 2007) Such money is not meant to buy food only; it is also used to pay school fees, build shelter, meet medical expenses and start small businesses.

Strong social networks and solidarity are significant for refugee survival. Refugees try by all means to trace their colleagues, family members or distant relatives in the host country. Golooba-Mutebi (2004) found that Mozambican refugees who arrived in South Africa long ago played an important role in welcoming and helping new refugees

from Mozambique, with both necessary information and direct economic opportunities. In addition, it is well documented that in such hard-economic situations, refugees strengthen their intra- and inter-household ties. This involves lending money to each other, eating together and sharing the limited accommodation available: as many as fifteen refugees can sleep in one apartment in times of crisis. This is noticeable in many urban areas of developing countries with little capacity to fend for refugees (Farwell 2001; Lo 2005). In extreme circumstances, refugees resort to consoling or comforting each other (Goodman 2004). Some of those with psychosocial problems take drugs to calm down (Robertson, et al. 2006) while others resort to working hard and using most of their abilities to earn a living and recognition..... (Bolea, et al. 2003).

Besides, while in the host country, refugees struggle to be recognized as one way of achieving social support from their host community. They normally participate in all sorts of activities, including doing business with their hosts and moving from one place to another, looking for opportunities. This was observed among Somali refugees in Egypt (Al-Sharmani 2004). In Kampala and Tanzania, (Muhwezi and Sam 2004 and Willems 2005) note, refugees also engage in many business activities as one way of getting integrated. However, although full integration is always difficult to achieve, socializing with natives at least earns them recognition.

4.1.2 Religion and spiritual strategies

Apart from relying on social networks, refugees have for long fallen back on religion and spiritual mechanisms as one way of being close to God and developing strength to overcome traumatising experiences (Bolea, et al. 2003; Halcón, et al. 2004; Pavlish 2005; Jorden, et al. 2009). In their separate studies, Mayer, (2007); Khawaja, et al., (2008) found that refugees ask God to guide them in such trying times. They pray to him to give them strength, give them back the property they lost during the war or crisis at home, and above all, give them continued life. Refugees tend to accept that they have no control over such situations, and they place their destiny in the hands of God. They believe that it is only God that can ultimately get them out of their predicament. Similarly, clinicians have reiterated the fact that after traumatic times, spiritual beliefs can help the affected persons to recover very fast (Vanista-Kosuta and Kosuta 1998; Pargament, et al. 2000; Tarakeshwar, et al. 2003). Likewise, a study on the impact of psychotherapy on victims of war living in Germany and Sweden concluded that

refugees with a strong attachment to religion and positive political beliefs did better than those without these attributes (Brune, et al. 2002). The same was noted in Canada among Vietnamese refugees (Dorais 2007). Dorais observed that religion reinforced refugee identity and increased the hope and power to fight existing problems. In the US, Shoeb, et al., (2007) reiterate that spiritual beliefs enabled Iraqi refugees to remain focused on the problems at hand. Indeed, religion and spirituality are unifying factors among both refugees and other groups of people. Faced with many challenges, many people fall back on God to help them out.

4.1.3 Resilience and patience

The two terms: patience and resilience are intertwined and might be used interchangeably. Resilient people are normally patient. Being patient literally means that one exhibits signs of endurance and self-control. Refugees wait patiently for food-aid from humanitarian agencies. They lose loved ones they left at home but they are unable to bury them. In some countries, refugees are confined in rural camps – with no freedom of movement. In situations where they interact with the host community they face discrimination and xenophobia, but resiliently move on. Being resilient means that one is using one's capabilities to match or outmatch the shock and stress and other socio-economic and environmental challenges (Farwell 2001 and 2004). Likewise, Zimmerman and Arunkumar (1994) refer to resilience as a person's ability to be in control of a situation or to bounce back to his/her normal life. Therefore, the concept of resilience has no single widely accepted definition and the factors contributing to a person's resilience are also as varied as the definition of resilience itself. While Rich (2002) asserts that a person's ability to diversify his or her assets is important for his or her resilience, Cone (2007) highlights risk-taking, self-confidence, observing and respecting laws of the host community, keeping strong ties with cultural roots and one's desire to succeed, as factors that determine one's resilience. In addition, Agaibi and Wilson (2005) note that resilience is a function of far-sightedness, positive thinking and attitude, learning new skills and ability to intermingle with others.

4.1.4 Hope and emotional control

Being hopeful in times of scarcity, trauma and pain is undeniably an asset. Positive beliefs about the future divert the victim from being bogged down by the current problems so that he or she focuses on what the future holds. Being hopeful also

enables one to believe that the existing crisis can be managed for a better future (Lazarus and Folkman 1984; Khawaja, et al. 2008). Refugees hope for a better life (Bates, et al. 2005), they hope to meet their loved ones whom they left at home and, most importantly, refugees dream of resettlement (Goodman 2004). Normally, this happens when refugees are in a poor country with few opportunities. In most cases, refugees hope to be resettled in western countries, such as the USA, Canada, Germany, the Nordic countries and Australia, where they hope to regain the lost opportunities and send remittances to the family members back at home (Horst 2001; Tipping, et al. 2007; Luster, et al. 2009). However, on the contrary, Sindan (2006) surprisingly found some refugee women who had given up on life and were not optimistic about the future. These were particularly Sudanese women in Kenya who did not believe that peace would ever return to the Sudan.

Owing to pessimism about the future, refugees tend to exercise emotional control to cope with life. Controlling emotions is difficult but refugees who fail to control their emotions may risk becoming suicidal. To avoid reminiscing and becoming emotional, some refugees resort to reading and sleeping, if possible. Others try to interact with fellow refugees in order to avoid thinking about the past (Halcón, et al. 2004). Likewise, in their study of Sudanese refugee children in Uganda, Paardekooper de Jong and Hermanns (1999) noted that silence, playing and utopia (day-dreaming) were major coping strategies employed by children. Further, Luster, et al., (2009) state that to avoid getting emotional, refugees tend to accept the situation as it is; some enter into relationships while others stay focused to avoid anything that might remind them of the past.

4.1.5 Recourse to education

Bates, et al., (2005) stress that refugee children and particularly youth hope for better education in host countries. Whilst at school, they also hope to expand their social networks, which help them to cope with life in many ways. In addition, Bolea, et al., (2003) found that refugee children dream of world class education while in western countries, because in future they hope to go back home with useful skills. Given what they go through, refugee children do not perceive education in exile as a luxury; they strive to get the maximum out of school because they understand that development of their home country partly depends on their return and contribution. After all, the

prosperity of any country mainly depends on the education and skills children acquire. In his study of Liberian refugees in Ivory-Coast, Kuhlman (2002) found that it is in the interest of almost every refugee to send the children to school. They are only limited by their economic power. Moreover, as Kaiser (2001) aptly remarks, it is becoming increasingly evident that education is one of the anti-poverty and anti-conflict mechanisms. This implies that countries which do not invest in the education of the youth are more susceptible to conflict than those which do invest in education. This is partly because uneducated youth can easily radicalise and become terrorists or civil criminals. Therefore, the education and training they get should be tailored to suit the demands of the labour market at home.

4.1.6 Recourse to agriculture

Following the reduction of food aid from humanitarian agencies, some refugees resort to subsistence farming as a coping strategy. However, the success of this coping strategy largely depends on whether the host country has sufficient land or not, the quality of that land and the methods used to exploit the available land. However, very few countries, including Uganda, avail land to refugees. The majority of refugee-hosting countries either practice an encampment policy where refugees are confined in camps far from the city or allow refugees to live in cities as long as they are registered (De Vriese 2006). However, the impact of refugees on the environment is making host governments rethink their courtesy towards refugees. Due to inadequate land, refugees purportedly encroach on restricted land, such as forest reserves and wetlands. Refugees are also accused of cutting trees indiscriminately, burning grass, polluting water sources and overgrazing, all of which destroys the environment. For example, in Guinea, the unsustainable extraction of palm oil by refugees culminated in a conflict with the host community (De Vriese 2002). This explains why, aware of the environmental impact of hosting refugees, many countries grant limited rights to refugees (Kibreab 1996).

4.1.7 Non-farm activities

Refugees without land, with very little land, with infertile land, without farming knowledge or skills or uninterested in farming, normally engage non-agrarian survival strategies. In his study of livelihood and conflict in Afghanistan, Pain (2002) observes that although some returnees live in rural areas where they would presumably gain

from farming, the reality is that agriculture is not a priority. Therefore, it is indisputable that farming is not the only source of livelihood for refugees. That is why many NGOs, some of them with funding from UNHCR, promote non-farm coping strategies. With or without support from NGOs, refugees normally participate in many small-scale businesses either within or outside the camp to earn a living. As De Vriese (2006) points out, refugees generally deal in businesses, such as selling firewood and charcoal and vending cigarettes, fruits, vegetables and clothes. Other businesses common among refugees include building and construction, language translation, restaurants and retail shops selling household items.

Given their circumstances, many unemployed refugees accept work for a pay below market rates (Al-Sharmani 2004), a form of exploitation that is difficult to combat, especially in host countries where the informal sector is the biggest employer. This is because it is difficult to track unregistered businesses employing and underpaying refugees. Moreover, in such circumstances, refugees do not bother applying for work permits. After all, the employers in the informal sector of most underdeveloped countries pay their employees in cash rather than through banks. In addition, refugee women and girls are more predisposed to forms of exploitation, such as sexual abuse, unpaid labour, burglary and operating in life-threatening environments. Therefore, while refugees are eager to earn a living from non-farm activities, those activities are fraught with challenges and risks. For this reason, continued engagement with host authorities is essential to allow refugees to enjoy all the social and economic rights and freedoms prescribed by the African Charter on Human and People's Rights and the 1951 International Convention Relating to the Status of Refugees and its 1967 protocol.

4.1.8 Rural or camp-to-urban migration

The migration of refugees in search of opportunities from camps and rural areas to cities and towns is a phenomenon that is gradually attracting attention by the authorities. In underdeveloped countries, refugee camps are mostly located in remote areas, partly for security reasons. However, this trend is steadily reversing although host governments are not actually encouraging refugees to flock to urban centres. In fact, in East Africa, there are restrictions on refugee movements (Bagenda, et al.

2003). For example, as noted in Chapter Six, a refugee must seek permission from camp authorities before leaving a camp to visit friends, either in other camps or in other towns. Despite these restrictions, though, refugees escape to towns. As De Vriese (2006) indicates, refugees from urban areas tend to settle in urban areas of the host country. And while those from rural areas (at home) tend to accept the remote camp conditions in the host country, this trend is also rapidly changing due to town-pull factors. These include businesses opportunities, specialized medical care, habitable shelter, safe drinking water and good schools among others. Interestingly, research has shown that female refugees normally find work faster than their male counterparts. Females work as receptionists, tellers in supermarkets and waitresses in hotels and restaurants and as domestic workers or housemaids in private homes (Macchiavello 2003; De Vriese 2006; Crabtree 2010). Other pull-factors linked to refugee coping in cities are money transfer services and communication services such as the use of Skype and the Internet to chat with friends and relatives at home and in other countries. Studies by Lo (2005), De Vriese (2006) and Al Sharmani (2004) show that many refugees in towns and cities, especially those involved in advocacy for political change in their home countries, are part of international social, financial and political networks.

As noted above, while in cities, refugees adopt a variety of coping strategies. They build wide networks which they rely on to get useful information pertaining to job opportunities. They also provide cheap labour to factories, companies and private individuals. Some innovative refugees establish retail businesses dealing in all sorts of goods and services, such as language interpretation (Sperl 2001; Lo 2005; De Vriese 2006). According to De Vriese (2006), In Kampala, refugee youth strive hard to acquire vocational skills and later establish their own businesses. Learning English is both a short-term and a long-term coping strategy for many refugees who wish to succeed in business and social integration, especially in Commonwealth countries. In East Africa, it is assumed that urban refugees can survive on their own without food-aid from UNHCR. Only refugees in camps receive food aid. The UNHCR gives urban refugees limited services, such as legal and security protection services.

4.1.9 Change in gender roles

Refugees undergo both frustrating and enriching experiences. During displacement and flight, some refugees lose their wives, husbands, siblings, children and relatives, sometimes leading to a total family breakdown. Consequently, the remaining family members in exile play all the family roles. In rural Sub-Saharan Africa, men are perceived as bread winners; they are supposed to work hard and provide for their families (SIHA 2012). In other words, men are dubbed as family managers. On the other hand, women are viewed as family administrators; they are supposed to do house chores, such as cleaning, taking care of children and cooking among others. However, in exile, it does not matter who does what - what matters is survival. After all, there are limited choices. Widows become breadwinners, send children to school and do all the housework. They join women groups where they share information and knowledge, pool capital and lend members (Sebba 2005). On the other hand, refugee widowers assume the roles previously played by their wives. Single men in camps tend to accept the new environment and change their way of life to suit the situation. They cook, clean houses and take care of children. Similarly, children play roles of older people such as constructing temporary houses and bricklaying. Unlike before, the nature of life in a refugee camp is such that parents no longer exercise full control over their children. Children learn the cultures of other ethnic groups in the often-crowded refugee camps, and sometimes become rebellious. For their part, male refugees lose their former authority as protectors, fathers or providers because women and children perceive UNHCR and other humanitarian agencies as the new providers and protectors (De Vriese 2006).

.2 Negative Coping Strategies

Most studies have noted negative coping strategies among refugees (WHO, EHA, Paardekooper, et al. 1999; Kaiser and Horst 2001). Refugees normally opt for negative options when other opportunities are absent and the situation is unbearable. In such circumstances refugees are capable of selling anything in their possession that is sellable including body organs. Common items they normally sell are chairs, clothes, tables, mirrors, etcetera, in order to raise money to buy food. They also sell part of the food rations obtained from WFP to raise money to buy salt, paraffin and other essential items. They eat one meal a day in order to save food, and sometimes they borrow money from friends, which they are incapable of paying back. They withdraw children

from school and let some of them beg and others work notwithstanding the international labour laws against child labour (De Vriese 2006). In most refugee camps, there is lack of cooking energy, so refugees resort to collecting firewood from nature reserves, which attracts heavy penalties. Faced with limited options, they sometimes resort to violence, thieving and burglary. In rural areas, refugees steal bananas, fruits, tubers, cereals and other foods from gardens. They also steal goats, pigs, chicken and cows, mostly at night.

Another common negative refugee coping strategy is the dependence on sexual relationships. This is twofold: some refugee women and girls deliberately fall in love with relatively rich men who can afford to meet the former's material needs and other refugee women and girls practice commercial prostitution to raise money to cater for their families (Dick 2002; Conway 2004). Most commercial prostitution is a function of poverty and lack of better livelihood strategies. For example, in Guinea, Kaiser (2001) found that some refugees join commercial prostitution as a last resort when they are convinced that no chances exist for them to start a decent income-generating business.

As noted in the introduction to this chapter, many negative coping strategies have associated adverse effects. These effects vary depending on one's sex. For example, while men may contract sexually transmitted infections (STIs), in addition to STIs women may get unwanted pregnancies which result in unplanned extra children, thereby increasing the family burden. However, both sexes attract similar penalties if they indulge in crimes such as theft. It is noteworthy that whereas penalties may act as deterrents to crime, they are not a sustainable solution to refugee-related crime. Durable interventions should target the underlying causes rather than the symptoms. For example, in partnership with humanitarian agencies, the host government may empathetically design and fund income-generating activities in refugee settlements.

.3 Conclusion

Refugee coping strategies can be classified into many categories. For instance, they can be either psychosocial or economic. Whereas psychosocial coping strategies are intended to rehabilitate the refugee psychologically and socially, economic coping strategies aim at availing refugees with basic economic needs, such as shelter, food

and safe drinking water. However, this chapter has classified coping strategies into two broader categories: positive and negative. Positive strategies are those mechanisms that are safe, legal and have little or no adverse effects on the health and status of an individual. They are non-erosive mechanisms and they include social support networks, resilience and patience, religion, hope and emotional control, recourse to education, agriculture and non-agricultural activities and migration to urban centres, among others. On the other hand, negative coping strategies are those that largely reflect absence of economic opportunities and extreme vulnerability. They are usually unsafe, illegal and against society's norms and practices. They are erosive in that they may hurt one's health or dent one's social image. They include, among others, begging, prostitution, selling body organs, theft and burglary, child labour, eating one meal a day to save food, withdrawing children from school to save money, borrowing money which the borrower is unable to pay back, and crime and violence. These negative coping strategies are often undertaken as a last resort when decent options are perceived to be absent, and when a refugee's very survival is at stake.

One way of understanding the refugee coping mechanisms is through empathy. It is necessary that all stakeholders imagine a household of six people confined in a refugee camp, without adequate food, safe drinking water or a job. The household only relies on social networks and food aid which moreover is delayed by weeks or months. In a bid to survive, members of such households are bound to be desperate and to engage in criminality. Should such refugees be given cruel punishments, deported, discriminated against or cursed? Most of the literature reviewed opines that such refugees should be treated with the sympathy they deserve.

CHAPTER FIVE: INTERVENTIONS IN LAND CONFLICTS IN UGANDA

5 Introduction

This chapter begins by discussing the rationale for interventions in land administration. The discussion cogently points out the ill effects of no intervention or poor interventions in the land and food security sectors. This Section is followed by the analysis of colonial interventions in land administration from 1900 to 1962. This is followed by post-independence interventions in land administration from 1962 to 1986. The interventions include: the plebiscite on the lost conflicts; the Public Land Act 1969; and the Land Decree of 1975. This is also followed by the review of the post 1986 interventions 1986-2017. These interventions include: The promulgation of the 1995 Constitution; the Land Act. 1998 which streamlined women's land rights; the Land (Amendment) Act 2000; the Land (Amendment) Act 2004; the Land (Amendment) Act 2010; the Land Policy 2013. After this there is the assessment of the effectiveness of the State institutions in land management and administration. These institutions include: The Ministry of Lands, Housing and Urban Development; The District Land Office; The District Land Board; the Area Land Committees; The Land Division of the High Court and District Land Tribunals; the Residential District Commissioners; the Nantaba Land Commission. Finally, there is the general analysis and conclusion. It should be noted that despite the existence of all the aforementioned institutions, land conflicts and food security have persisted, which calls into question the appropriateness and effectiveness of such institutions. Therefore, in relation to the third objective of this thesis, this chapter makes a holistic appraisal of past and present interventions aimed at preventing and resolving land conflicts, which is a sine qua non for improved food production and security in Uganda.

.1 The Rationale for Interventions in Land Administration

As noted in Chapter Two, land is a very important factor of production to the extent that, if left unregulated, crucial sectors like agriculture cannot be optimally productive. Yet most governments rely on agriculture as an important contributor to the national Gross Domestic Product (GDP) and a source of employment for the majority. This and many other factors call for regulation of land. Therefore, this sub-section examines the

major factors that compel governments and civil society organizations (CSO)s to intervene in land issues.

To begin with, activists normally advocate for regulation of land to correct pre-colonial, colonial and post-colonial injustices in land distribution. In much of pre-colonial Sub-Saharan Africa, traditional kings and chiefs were the custodians of land and, in some regions, this has persisted to date. Similarly, in White-settler colonies, such as Kenya, South Africa and Zimbabwe, interventions in land issues normally focus on perceived colonial injustices that favoured the White minority. In fact, land redistribution has become a political issue in Zimbabwe and South Africa (Rutherford and Waeterloos 2003; Ntsebeza and Hall 2007).

Secondly, governments intervene to close lacunae in the laws and policies. For example, before 1995, many tenants in Uganda were being evicted unfairly by landlords without due diligence. Therefore, the government of Uganda promulgated the 1995 Constitution and passed the Land Act 1998 in order to close the void in the existing land laws (Uganda 1995 and 1998). Similarly, interventions aim at harmonizing various scattered laws and policies regulating different sectors such as mining, agriculture, roads, real estate expansion, natural resources exploitation and industrial parks (Uganda 2003 and 2013). Ordinarily, the purpose is to create coherent laws and policies that complement and reinforce one another to avoid ambiguities, overlaps and resultant land conflicts such as those between miners and farmers. The harmonisation of laws at a regional level is also necessary to enable citizens of each country in the region to transact land and optimise food production. However, the East African Community is yet to harmonise its land laws (EAFF, n.d.)

Thirdly, many African countries, including Uganda, are signatories to international conventions and charters such as the African Charter on Human and Peoples' Rights (ACHPR). This compels member states to observe human rights such as women's right to own land and other properties (ACHPR 1986). Therefore, interventions are necessary to domesticate such international legal obligations regarding property ownership. In particular, these interventions target the most disadvantaged members of the community, such as women, children, widows and the elderly, whose loss of access to land literally implies destitution and death. In addition, countries that have had a turbulent past, such as Angola, Uganda, Sri Lanka, Mozambique (Eldard, n.d;

Turyamureeba 2012), where land records were either destroyed or lost during war, intervene to establish a new land registry and to ensure safe return of refugees and restitution of their former land.

Fourthly and finally, regulation of land is also aimed at ensuring and protecting the environment from degradation by human activities such as deforestation and encroachment on protected land, including national game parks, forest reserves and city or public gardens. It is expected that once land degradation is stopped, food production will increase. Good land policies attract international investors in agriculture and other sectors that need land. Therefore, governments normally cite the need to reserve land for industrial parks to attract industrialists. Factories and industries need land to set up warehouses, offices, staff quarters, showrooms and reserve areas for expansion (Uganda 2013). This also compels governments and other stakeholders to intervene to protect local communities from being displaced by large-scale investors without appropriate alternatives for sustainable livelihoods.

Remarkably, some of the successful interventions in many sub-Saharan countries are those that cherish and support the transformation of customary land tenure systems. Keeping the customary interests of the electorate is vital because governments might face political resistance if the new land laws are not pro-poor. Therefore, although governments are interested in promoting the land interests of the few big commercial farmers, it is vital to strike a balance between the majority poor and the few actual and potential land owners or users. The framers of the 1995 Ugandan Constitution and the subsequent Land Act 1998 foresaw this and had to include three basic principles: agrarian support, land rights for the common citizens and uniformity in the land tenure system (Rugadya 1999: 05). Being an agro-based economy where over 80 percent of the population depends directly or indirectly on farming, it was indeed prudent to consider the land interests of farmers in the reform process. Their right to land means their right to life; and it would be imprudent and inauspicious to ignore the poor landholders during the land reform process. However, although the policy makers envisaged uniformity in the land tenure system in the 1990s, this has remained an illusion given the fact that all the four types of land tenure are still in place and popular in particular regions. For example, Mailo land is still popular in Buganda. The same is true for customary land in the northern region and freehold in the western region.

.2 Colonial Interventions in Land Administration (1900-1962)

As intimated in Chapter Two, before the coming of colonialists, there was no country called Uganda; instead, the area known as Uganda today was occupied by fragmented and more or less independent tribal societies with the kings, chiefs or clan heads serving as both political and cultural leaders. Land was owned communally and conflicts were resolved based on traditional norms and practices of the respective communities. However, rather than developing or reforming the traditional systems, the British colonialists introduced new land tenure arrangements, such as freehold, mailo (quasi-freehold in Buganda Kingdom) and leasehold tenures, which were alien to Ugandans. They did this through the Buganda Agreement of 1900 (dubbed the Uganda Agreement) and a series of other agreements between the British and the traditional leaders of Ankole, Kigezi and Bugisu. These agreements cemented British control over land and its resources in Uganda. While the Buganda Agreement gave almost half of the Kingdom's land to the King and his chiefs, another half, and the rest of the land in Uganda, belonged to the Queen of England (Foley 2007). Therefore, save for customary land tenure, other current land tenure systems in Uganda have their genesis in the British colonial land and political agreements with traditional leaders.

Rather than empower the subjects of the local kings to have unfettered access to, and utilization of, land, the colonialists upheld their status as tenants and placed the land into the hands of the few kings and some members of their families, and chiefs. This arrangement has persisted to-date, particularly in the central region (Buganda) where control over land was removed from the clan leaders and given to individual chiefs who supported British colonialism. However, some of the British changes in land ownership were pro-development. For instance, leasehold land tenure systems attract foreign investors since they can easily be given a 49-year land lease (Nakirunda 2011; Uganda 2013). This increases the national tax base and employment opportunities. However, in northern Uganda where land is still predominantly held communally, this arrangement is instead a source of land conflicts. Leasing community-owned land in Uganda requires consultations, consent, timely and adequate compensation of the displaced community members. Nevertheless, the lessors more often than not consult a few local elites, pay insufficient or delayed compensation, unfairly evict the

occupants without due diligence (Veit 2010). This normally provokes a fierce reaction from bona fide occupants, prompting prolonged and expensive legal battles and occasional physical violence.

The British colonialists had anticipated these forms of land conflicts. Therefore, to foil them, they introduced the system of land title registration – popularly known as the “Torrens System”. This system was named after Robert Torrens, who first introduced it in Australia before it was adopted by most Commonwealth countries, including Uganda. In 1924, the colonial government in Uganda passed the Registration of Titles Act 1924, which cemented the Torrens System, and succeeded the 1908 and 1912 Registration of Titles Ordinances (Foley 2007). The Registration of Titles Act 1924 required all land titles to be registered in the book containing all land records, and a registration certificate would be issued to the landowner. Although the Torrens System recognized Mailo land (semi-freehold), leasehold and freehold, it did not recognize customary land (MLHUD 2013). Communally owned land first needed to be changed to freehold or leasehold before it could be registered. This was a lengthy and irritating process. It should be noted that currently, land registration in Uganda is arguably still a tiresome and challenging process, a reason why less than 20% of Uganda’s land is titled (NTV January 27 2015). Most communities in northern Uganda have failed to title their land due the intricacies involved. In essence, land titling would be an appropriate step though its effectiveness is still arguable because of the increasing cases of fraud and forgery of land titles.

.3 Post-Independence Interventions in Land Issues (1962-1986)

5.3.1 The 1964 plebiscite on the “lost counties”

The first major attempt on land reform by the first Ugandan independent government was in 1964 when a referendum was held to correct the injustices created by colonialists in the counties of Buyaga and Bugangaizi which constitute the current Kibaale District (Wilson and Nolan 2001; Kwesiga 2009). These two counties were historically part of Bunyoro Kingdom (in western Uganda) but were forcefully annexed to Buganda Kingdom (Central Uganda) by the colonialist as a reward for warmly welcoming and supporting the British imperialists against their archrival and rebellious Bunyoro Kingdom. Since then, Buyaga and Bugangaizi counties have been popularly referred to as lost-counties (Roberts 1962). (Lost counties in the history of Uganda

refers to the two counties of Buyaga and Bugangaizi – currently Kibaale district – which the British colonialists forcefully carved off from the then rebellious Bunyoro Kingdom and annexed to the co-operative Buganda Kingdom.) The Banyoro (people of Bunyoro) became tenants and the Baganda (people of Buganda) became landlords in counties that historically belonged to Bunyoro and the Banyoro. This further heightened the tensions between Buganda and Bunyoro Kingdoms. To resolve the tensions, the first Prime Minister of independent Uganda, Milton Obote, organized a referendum for the residents of Buyaga and Bugangaizi to allow them to determine peacefully where they wanted to belong. The vast majority of the voters chose to return to the Bunyoro Kingdom and the Buganda Kingdom lost the counties (Kwesiga 2009; MLHUD and Uganda 2013). However, that did not end the conflict.

The conflict is still alive because the referendum only returned administrative and political powers to the Bunyoro authorities. The land in the lost counties remained in the hands of Baganda landlords. When Buganda took over the lost counties, the Mailo land tenure system which is unique to the Buganda Kingdom was introduced in the lost counties, officially putting over 60% of the land into the hands of the few Baganda landlords (Wilson and Nolan 2001). While the Baganda landlords left the land, and fled back to Buganda following the referendum, they remained in possession of Mailo land titles. To-date, they are referred to as absentee landlords (Wilson and Nolan 2001; Kwesiga 2009). Legally, they remain the official owners of the land, implying that the referendum did not resolve the colonial injustice meted out against the Bunyoro Kingdom. The issue was complicated even further when, in 1972 and 1992, the government resettled Bakiga immigrants from the overpopulated Kigezi sub-region into the Kibaale District. Since then, immigrants continued to flock to Kibaale turning it into a district of immigrants, which further complicated the political relations between the native Banyoro and the Bakiga immigrants (MLHUD 2013). Although the current government plans to pay-off the absentee landlords and hand the titles back to the original owners, the scheme is likely to face bureaucratic and funding hurdles and to be compromised by bribery.

5.3.2 The Public Lands Act 1969 and the Land Reform Decree of 1975

Following the attainment of independence in 1962, and apart from the 1964 referendum on Bunyoro's lost counties, there were no major interventions in the land

sector until 1969 when the Public Lands Act 1969 was passed. The Act gave more powers to the tenants on customary land whose consent had now to be sought and obtain before customary land they occupied could be expropriated (Uganda 1969). Under this Act, tenants on customary land were further given the liberty to apply for a lease for land they lived on (Tukahirwa and Foley 2007). However, these changes were just the tip of the iceberg, given the much-anticipated land reforms. It was in the 1970s when Idi Amin took over the Government that radical and sweeping reforms were introduced. In the Land Reform Decree of 1975 all the land in the country, including Mailo land, was turned into public land under the control and administration of the Uganda Land Commission (ULC) on behalf of the Government. (A decree is a one-man law which is not discussed at all. Authoritarian leaders do not normally consult and discuss before they issue an order. Such unilateral orders are called decrees.) The decree declared all the previous land laws null and void. Such laws included the Ankore and Tooro Landlord-Tenant Laws and the Busuulu and Envujjo Law of 1927. Section five of the decree prohibited any customary tenure transactions on public land without the approval of relevant authorities (Rugadya. 1999).

Nevertheless, the decree did not comprehensively resolve the historical injustices, especially in the central region. The decree lacked public support; and landlords continued mistreating the tenants while local authorities remained silent due to the prevailing political anarchy. The main objective of the decree, which was to ease access to land and turn land into a driver of socio-economic development, was never achieved. Rather, as Okuku (2005) rightly says, the decree paved the way for land speculation and illegal land acquisitions by unscrupulous people such as military officers and political agents of the regime. This situation persisted until the 1979 overthrow of the Amin regime (Rugadya 1999). Therefore, while President Amin's decree of 1975 was an appropriate step towards the harmonisation of the various land tenure systems in the country at the time, it was ineffective since it failed to gain public support and spur the much-needed food security and general socio-economic development.

5.4 The Post -1986 Interventions (1986-2016)

Following the overthrow of President Amin in 1979, political turmoil continued to bedevil the country from 1979 until 1986 when President Museveni seized power. The

Museveni-led military government restored relative sanity and won back the trust of the population. It also attempted to introduce pro-poor policies aimed at increasing household food security and resolving land conflicts. The interventions of the Museveni regime constitute the subject of the following sub-Sections: -

5.4.1 The 1995 Constitution

The making of the 1995 Constitution was a difficult and lengthy process, characterized by prolonged and heated debates on a range of issues, including cultural institutions and national security. Batungi (2008) recalls that another contentious issue which sharply divided legislators was land access, ownership and management. The Constitution became a useful reference document for subsequent land interventions. It reinstated the pre-independence land tenure systems that had been inherited at independence in 1962 before being nullified by Amin's Land Decree of 1975 which turned all land in the country into public land. Therefore, the 1995 Constitution was a milestone in a sense that it nullified Amin's land decree and transferred land ownership from the State back to the people.

Uganda became the first independent country on the Continent to allow citizens to own land. Article 26 of the 1995 Constitution guarantees all citizens, irrespective of gender or sex, religion or tribe, of their rights to own property, including land and also guarantees all property owners against any deprivation (Uganda 1995). The same Article 26 (1 and 2) states that citizens have the right to own any property as individuals or as a group, and no one should deprive them of the interests accrued from such property. Article 31(2) calls for the enactment of suitable laws to ensure widows' and widowers' rights to own the deceased spouse's property. In a nutshell, Articles 26 and 31 were designed to avoid intra-family property conflicts and discrimination of women with respect to property ownership. The inclusion of the two articles was a major breakthrough given that, traditionally, land access in Uganda was largely determined by one's sex. However, as the following sub-Section will hopefully demonstrate, the persistence of traditional norms and practices in land access, control, use and ownership is such that the gap between the ideal sought by the law and the reality on the ground is still wide.

5.4.2 The Land Act 1998, gender equity and minority land rights

Following the promulgation of the 1995 Constitution and series of consultations and debates, the parliament of Uganda finally enacted the Land Act 1998. The Act had two aims: regulating the relationship between the landowners and bona fide tenants and guaranteeing the tenants' registrable interests on the occupied land (Uganda 1995). According to the same Act, a lawful or bona fide tenant may sublet the land or any property after consulting the owner. In other words, he/she may create third party rights which may also be inherited as long as the bona fide tenant has a certificate of occupancy. In addition, the land owner is obliged to first consider the tenant as the first buyer in case the land is put on sale. On the other hand, the tenant is obligated to first consider the registered land owner in case the former wants to sell or transfer his or her interests or create third party rights (Land Act 1998, Sections 31, 32, 34, 35, 36, 38)

5.4.2.1 Gender equity and minority land rights

In terms of gender equity and minority rights, the Land Act 1998 has indispensable Sections. In particular, although Section 27 upholds customary norms and practices it criminalizes any attempt to deny women or any vulnerable groups their land-inheritable-rights:

“Any decision taken in respect of land held under customary tenure, whether in respect of land held individually or communally, shall be in accordance with the custom, traditions, and practices of the community concerned; except that a decision which denies women or children or persons with disability access to ownership, occupation or use of any land or imposes conditions which violate Articles 33, 34 and 35 of the Constitution on any ownership, occupation or use of any land shall be null and void.”

Section 39 (sub-section 1, 3, 7 and 8) of the 1998 Land Act bars a male head of a family from selling, leasing or making any land transactions on which his wife and children reside or from which they derive daily sustenance without written consent from them or the local land committee. The framers of this Section arguably targeted men who go to bars, get drunk and invoke their customary powers to sell their family land

to get more money to drink without consulting their wives and children. Before the Land Act 1998 came into force, women's land rights were at the mercy of their husbands because of three major reasons: women hardly owned land titles in their names; most women were living in informal marriages (cohabiting) and even those in formal marriages had little say after their husbands' death because the deceased's male relatives would normally take over the deceased's presumed wealth, including land. In the worst-case scenarios, the widow would either be instructed to hand over her children to their paternal uncles and quit or be inherited by one of the brothers of her deceased husband if she wished to continue utilising the family land.

However, while the Land Act 1998 protects formal widows, it does not protect widows outside wedlock. Under the Act, spouses in cohabitation have no legal claim to any of the properties, including land, of a deceased spouse, which is an injustice because during cohabitation they also contribute economically to the development of the partner's family. Such legal loopholes, combined with the persistence of unfair customary norms and practices, continue to disadvantage women in the land sector. That is why, as Bikaako and Ssenkumba (2003:1) reveal, "Women in Uganda provide 70-80% of all agricultural labour and over 90% of food crop production and processing, but only 7% of the land in Uganda is owned by women." However, with the new trends where more women are increasingly graduating from universities and other tertiary institutions, it is hoped that the elite women will continue pushing for their land rights unlike the past generation of women who were generally not as educated as the current generation of women. Women pressure groups and organisations are also on the rise and their constant engagement of the policy makers on matters of land laws will, in the long term, probably lead to fruitful results in terms of enactment and implementation of even more favourable land laws and policies. Therefore, from the optimistic point of view, although in the near future the status quo may change slightly, in the long term, the next generation of women will most likely be better-off in terms of property ownership than the current or past generations of women.

While the government has occasionally reiterated its commitment to protecting women's land rights, there is a lacuna in the implementation of relevant policies and laws. In fact, when the 1998 Land Act is subjected to scrutiny, many questions can be raised regarding its effectiveness in protecting women's land rights. The effectiveness

of the Act is certainly limited or compromised by a variety of factors. First, many of the law enforcers, including the Police, lack empathy for women and are reportedly dishonest and corrupt. Secondly, women are not equitably or fairly represented on land committees and in law enforcement agencies. Thirdly, unfair traditional land access norms and practices are still widespread in the country. Fourthly and finally, the Land Act is couched in English of which most Ugandan women and some law enforcement officers lack mastery. As a result, the impact of the Land Act 1998 is yet to be felt by many women, especially the illiterate or unenlightened ones in the countryside who happen to constitute the majority of Ugandan women (Hannay 2014). Being illiterate and ill-informed about their land rights, they have hitherto failed to coordinate and organise massive street demonstrations to portray their land grievances. Therefore, as stated in the above paragraph, it can be summed up that in a short run, the status quo is not likely to change much.

5.4.2.2 Women's consent to the sale of matrimonial land

As intimated above, while the Land Act 1998 urges men to consult their wives and children before selling family land, Verma (2007) argues that authorities do not normally even dare to ascertain whether the consent is obtained through violent means or not. She asserts that consent should be viewed through the lenses of Gender-Based Violence (GBV) because men can intimidate their spouses into signing consent forms in order to sell the matrimonial land. Studies have consistently shown that GBV is widespread in Uganda. For example, HRW (2003) and Nakirunda (2011) reveal that about 68% of ever-married Ugandan women aged between 15 and 49 years had faced some form of violence perpetuated by intimate partners.

The issue of consent to the sale of family land is further complicated by polygamy. In polygamous marriages, authorities face difficulties in verifying the consent letters from spouses outside wedlock, spouses that are in any case not catered for by the 1998 Land Act. In a case of a polygamous husband dying, his unofficial widows often find it difficult to get a share of the deceased's property, including land. Moreover, while customary law recognises wives outside of wedlock, such wives need to be introduced by the man to the family and clan before he dies or else they will have no legitimate claim to the deceased's property. On the other hand, dishonest husbands may hire women from the street to write consent letters, allowing them to sell matrimonial land in violation of the Land Act 1998. After all, unless they are challenged in courts of law,

local authorities are more interested in verifying ownership of the land rather than in establishing spousal consent. Similarly, commercial banks are more keen to verify the authenticity of certificates of titles of land ownership than to ensure that there is spousal consent to the sale of family land (FoEI 2012; Musoke 2015).

Besides, the designers of the certificate of land title and related documents did not provide space for the spouse to co-sign land transfer forms. Neither did they provide space for the wife or next of kin on the certificate of title. They only provided space for the landowner's name. This indicates that it becomes a legal challenge for the spouse to transfer land in case the real owner (husband) dies before signing transfer forms. This suggests that the wife must first obtain letters of administration of the estate of her deceased husband before she can sign transfer forms for a prospective buyer of all or part of her matrimonial land. It also implies that since men hold the overwhelming majority of land titles in the country, they can easily hand them over to money lenders and get loans, which may lead to their spouses being evicted from their family land.

However, Section 39 (5) of Land Act 1998 also prevents a spouse from callously withholding consent in case the partner has genuine and plausible reasons for wanting to sell part or all of their family land. In such cases, the Land Act 1998 empowers the District Land Tribunals (DLT) to listen to both parties and decide whether or not a land sale should proceed. In a situation where the DLT takes a biased decision due to political or other factors, the aggrieved party may appeal and the court may or may not rescind such DLT decision (Kamusiime, Obaikol and Rugadya 2004). However, because women are normally economically disadvantaged and incapable of raising the money necessary for such appeals, they may end up not appealing unfair DLT decisions. Moreover, some rural women may not be aware that the decision of District Land Tribunal is also subject to appeal, which undermines their land rights. This is partly because the Land Act is not translated in all the native languages of Uganda, many rural women are illiterate and the vast majority of Ugandans have not been sensitized on the provisions of the Land Act of 1998.

5.4.2.3 The Land (Amendment) Act 2000

The Land Act 1998 has been amended three times ever since it was passed. Following Parliamentary deliberations, it was first amended in 2000 to introduce a special land

fund. The Land Fund has its genesis in Articles 238 and 239 of the 1995 Constitution. The Articles outline the powers of the Uganda Land Commission (ULC) which include the management of the Land Fund as the Parliament may direct. Following Parliamentary deliberations, the 1998 Land Act was amended and Section 41(1) of the Land Act 2000 stipulates that “there shall be a fund to be known as the Land Fund”. Section 41(2) vests the management of the land fund in the Land Commission. Section 10 of the same Act instructs the Minister of Lands to earmark money for the Land Fund and to bring it into operation within not more than a year after enactment of the 2000 Land Act. According to Article Section 3 (41) of the Land Act 1998, the Land Fund should be generated from: “monies appropriated by parliament; loans obtained by government; grants from any donors; any monies paid into the fund under the Land Act 2000; and any other source sanctioned by the Ministers of Lands and Finance”.

Among the main expected beneficiaries of the Land Fund are people who are evicted from their land in order to make way for the construction of public utilities, such as roads, or for the Settlement of refugees and Ugandans by natural disasters. The Land Fund also indirectly targets the restoration of land tenure rights in the Bunyoro region. All the Baganda absentee landlords who own land in Bunyoro are expected to be compensated in order to let the indigenous Banyoro repossess full rights of their land. The Land Fund was also intended to facilitate research to uncover the underlying causes of land conflicts between the Bakiga immigrants in Kibaale District and the indigenous Banyoro in that district (FoEI 2012; Athumani 2013).

However, like many other government initiatives and for a number of reasons, the Land Fund project has arguably not been successful, as many potential beneficiaries are yet to benefit. In fact, the Land Fund project did not begin immediately it was adopted for several reasons: - 1) there was no legal framework within which the fund would be managed, raising fears of the risk of the fund being exposed to embezzlement by unscrupulous officials; 2) the national planning process failed to establish a special budget line for the Land Fund; 3) lack of a special bank in charge of the fund; 4) the Government appeared to lack the will and commitment to solve land problems through the Land Fund as the Government did not immediately earmark money to implement the project. The major reasons cited for this failure was lack of internally generated funds and lack of potential international funders. For instance,

since 2000 to-date, only about 35 billion (approximately \$10,000,000) has been collected from various sources (ULC, n.d; Augumya and FoEI 2012; Athumani 2013). Given the big number of potential beneficiaries across the country, the available funds are undeniably inadequate. This implies that it will take time for the majority to benefit. This will also imply that justice delayed remains justice denied, especially for victims of land eviction. It is against this background that the World Bank strongly urges government to invest in, and effectively manage, the Land Fund in order to attract investments and also enable the potential evictees or bona fide occupants to acquire subsidised loans to fairly pay off the land owners (Augumya 2012).

5.4.2.4 The Land (Amendment) Act 2004

The second amendment of the Land Act 1998 was in 2004. This amendment focused on children, land institutions and empowering tenants. Previously, Section 39 of the Land Act 1998 required that children must consent before their family land is sold off by their parents. But this was quashed in 2004 and the new provision only allowed spouses to consent. This was a good intervention because children may not be readily available; perhaps in school or abroad which hinders the transaction process. However, although it was assumed that parents act in the interest of their children, this may not always be the case. In addition, this amendment also reduced the number of land management institutions citing limited funds. Area land committees and village land boards were abolished from the parish and sub-county levels respectively. Further, the government sought to regulate the amount of rent charged by landlords and to protect the tenants from unnecessary and illegal eviction. Although this was a fair intervention on the side of tenants, this intervention reduces economic incentives on the side of landlords and restrains them from investing more in such land and housing projects.

5.4.2.5 The Land (Amendment) Act 2010

The latest amendment of the 1998 Land Act was in 2010. This was in reaction to growing land grabbing and associated violent conflicts resulting from forceful eviction of tenants. Land-grabbers were exploiting some loopholes in the law and sometimes acting in utter disregard of existing laws. Evictees were not being compensated and in some cases, they were violently evicted at night. By 2007, a public outcry against

these misdeeds had compelled the Chief Justice to issue guidelines relating to the handling of land cases in courts of law. The guidelines stipulated that:

- 1) Presiding judges and court officers had to visit disputed land;
- 2) Land cases must be heard in the presence of all contending parties and their respective witnesses and lawyers; and,
- 3) Where eviction is sanctioned, all concerned parties must agree on two things:
 - (a) The dates on which the inhabitant should leave, and
 - (b) When demolition of fixtures on the land is to be done (Republic of Uganda 2008).

In the subsequent 2010 Land (Amendment) Act, it was made clear that no one should evict registered occupants without a court order. It was further directed that occupants should only be evicted for defaulting on rent payment, but after a period of six months after the court's directive. However, despite having seemingly strict laws protecting registered tenants, land evictions have not ceased because as before, many Ugandans especially in the remote areas have little information about their land legal rights. (In areas with potential mineral resources, as noted in Chapter Two, the government itself continues to evict land owners without adequate or immediate compensation.) Yet, the continuous inequality in terms of land access can be described as an injustice because, like men, women are also emotionally attached to land as it is the main source of livelihood for many families especially in the countryside. Therefore, for women, inaccessibility to land becomes a constant source of pain because they believe that with land they could do better and achieve more. In other words, the poor landless women attribute their economic predicament to lack of land. (More details on this can be found in Chapters Two and Three.)

5.4.3 The land policy 2013

Following nationwide consultations, the Uganda National Land Policy was finally passed in February 2013. Uganda had never had a comprehensive land policy, the various land laws and policies that existed before 2013 having been scattered. Ideally, the land policy should have been developed before the Land Act 1998 as amended (2000 2004 and 2010) because the formulation of an Act is supposed to be guided by a policy. A policy is just a set of guidelines that inform our actions or directions (Torjman 2005). This supposes that specific laws should be developed with reference

to existing policies. Nonetheless, this intervention aimed at refining and collecting numerous laws and policies together in single national document that guides the country in the management of land, especially during the transition of Uganda from an underdeveloped country into a middle-income country by 2040. The land policy contains policy statements and strategies designed to achieve such aims. Specifically, the land policy aims at:

- 1) Addressing deep-rooted historical injustices, including those perpetuated by colonialists
- 2) Protecting ancestral land for Ugandan communities
- 3) Resolving boundary disputes between and amongst tribes and ethnic communities and interstate border disputes
- 4) Enhancing both formal and informal dispute resolution mechanisms to avoid violent land evictions
- 5) Dealing with the critical issues of land grabbing and displacement, especially of people of concern such as the elderly
- 6) Safeguarding public and government land, such as areas gazetted to host refugees
- 7) Addressing landlessness associated with a fast-growing population and diminishing land in terms of acreage per household, while at the same time ensuring that domestic and international investors access land following proper procedures (Republic of Uganda 2013). However, while the current government is lauded for enacting impressive policies, it is also faulted for failing to implement those policies: some laws on gender, the environment and land have largely been partially or not implemented at all, allegedly because of lack of political will, lack of funds and political interference by various political groups.

The Land Policy stresses four main principles: justice to the aggrieved; equitable distribution of land; transparency and accountability in land management; and soil conservation. Specifically, the policy document advocates for: land dispute resolution mechanisms that recognize various land tenure systems in Uganda; formulation of an agriculture policy; restoration of confiscated assets back to traditional leaders; resolution of Kibaale land conflicts; ending land fragmentation; enhancement of land rights of women and ethnic minorities, dwellers of informal settlement and slums among others. However, in spite of these high-sounding policy objectives, ethnic minorities and other land tenants, such as those in the oil-rich Albertine region

continue to face injustice, land fragmentation is on the rise, many assets confiscated from traditional institutions in the 1960s are yet to be returned to those institutions, land conflicts in Kibaale District have not ceased, and women are still underdogs in the land sector, as they only own 7% of Uganda's cultivable land (Bikaako and Ssenkumba 2003.). As intimated before, some of the reasons attributable to women's situation are strong traditional norms and practices and illiteracy especially among rural women.

Further, the land policy calls for the assessment of public lands such as gazetted refugee settlements to ensure that no land lies idle while there are landless Ugandans. But to date, there are no records to show that landless Nationals have been given land carved from refugee settlement land. Neither have there been assessments of various settlements in the country to ascertain whether it is necessary to settle Nationals in such settlements. Furthermore, given the fact that about 70% of Uganda is cultivable land, the land policy calls for efficiency and land use quality planning to increase productivity; but this is not achievable because most Ugandan farmers lack the knowledge and skills to increase food production. Instead, the government is bent on piecemeal reforms that have failed to deter powerful politicians from grabbing land from vulnerable people (EAFF, n.d; FoEI 2012). If the strategies and ideas espoused in the land policy document are implemented, Uganda can easily achieve the transformation it craves for by the year 2040. However, while the laws available are sufficient to cause the desired change, the will and the commitment to cause transformation in the land sector appear to be missing or inadequate partly because of the piecemeal legal measures that have been effected in addition to lack of funds, corruption and bureaucracy.

5.4.4 State Institutions in land management and administration

5.4.4.1 Ministry of lands, housing, and urban development (MLHUD)

On behalf of the central government, MLHUD is the ministry charged with the overall responsibility for formulating laws and generating the policy direction, setting and maintaining values and standards and organizing and coordinating all activities and dealings pertaining to land. This is aimed at promoting access and sustainable use of land for everybody, and systematic urban development in Uganda. This is clearly embedded in the land ministry's vision which is: "Sustainable Land Use, Land Tenure

Security, Affordable, Decent Housing and Organized Urban Development”. The ministry’s Mandate is “To ensure rational, sustainable and effective use and management of land, and orderly development of urban and rural areas as well as safe, planned and adequate housing for socio-economic development” (MLHUD Strategic Plan 2013-2018:01). The Uganda Land Commission is a body under the Lands Ministry, empowered by Article 239 of the 1995 Constitution and Parliament to control and manage all land vested in, or acquired by, the Government. But to what extent are the interventions of the Ministry of Lands appropriate and effective as means of orderly economic development and land conflict resolution?

Analysis

Land conflicts are escalating partly due to the fact that about 80% of all land in Uganda is not registered or titled. In other words, holders of such land do not have ownership certificates from the Ministry of Lands, a fact largely attributable to the country’s lengthy land registration process which discourages many landholders from even attempting to acquire land titles (NTV 27 January 2015; FoEI 2012). As a result, the land tenure security is generally not guaranteed, and investors wishing to access such land face daunting challenges and high financial risks.

The ULC faces huge implementation obstructions which hamper and threaten the realization of the Ministry’s vision and mission. Although the Ministry has for the last five years been cleaning its system and getting rid of corrupt officials, corruption still persists in the Ministry. Cases of fraud in the Lands Registry are reported almost daily despite the computerization of the registry, which was meant to make it easier to detect fraud (FoEI 2012; Republic of Uganda 2011). This is compounded by insufficient and lack of motivated and highly qualified staff with technical skills to detect the rising land fraud in land transactions and also quicken service delivery (FoEI 2012; Kiwawulo 2014). Patriotic skilled professionals would fast-track and boost the country’s mapping capability, which attracts and favours domestic and international investments on land.

In the case of land fraud, this is another issue unrelated to the past or the shortcomings of the laws but which is also on the increase (FoEI 2012). Fraud is caused usually by greed; thus, injustice is secondary to greed. Many examples of fraud are discussed in Chapter Two. The fact that some government official and military personnel are

allegedly involved does not necessarily incriminate the Government or reflect official government policy. Such unscrupulous officials have lost a sense of personal values and may not even care what the public thinks of them. They are arguably motivated by greed and desire to accumulate more wealth. Detailed discussion on the underlying causes of land conflicts is found in Chapter Two.

It should be recalled that, like Angola, Sri Lanka and many other countries which lost most of their treasured land records during their civil wars (Turyamureeba 2012), Uganda lost many of its land-related records, including its national geodetic network (survey beacons/pillars), during the chaotic 1970s and early 1980s. Since then the restoration process, including mapping exercises, has progressed at a snail's pace, mainly due to funding and technical challenges. Similarly, since the 1960s, Uganda's national Atlas has not been updated to accommodate and reflect major changes and developments that have taken place in the country. This has been partly due to shortage or absence of modern survey equipment and technical capacity (Turyamureeba 2012; Republic of Uganda 2010 and 2013).

Further, the Ministry of Lands relies on a meagre budget as most of the national budget is allocated to defence and security, transport and energy, health, education and other priority ministries (Uganda National Budget 2015/6). The resultant financial shortages lead to meagre staff remuneration and inadequate means of transport and office equipment, including computers and other gadgets necessary for fast service delivery. Empty coffers normally force ULC to default on its obligations to pay the urban councils, which in turn reduces the anticipated revenues for the urban councils. Consequently, although ULC receives money from internal sources, such as the Private Sector Foundation (PSF), it also relies on foreign funding, especially from World Bank, to actualize some of its projects. But foreign funding has associated dangers, such as delays which frustrate proper planning and project implementation. For example, ULC has for a long time planned to survey all government land and process the land titles. Titling of customary land has also started but the pace at which these activities are implemented is slowed down by inadequate funds. While the issuance of land certificates to customary landholders would guarantee their security of tenure, transactions in customary land without land certificates perpetuate land conflicts due to lack of official proof of ownership. Therefore, the intention and efforts

to issue customary land certificates are commendable although customary landholders, especially in northern Uganda, have not yet embraced the initiative due to the technicalities involved. This is also common in central and western Uganda (FoEI 2012; Ssemutooke 2015).

Further, although ULC is mandated to manage all the land vested in or acquired by the government, it is alleged that the commission is unable to account for all the land it manages. For example, according to Nakirunda (2011), some pieces of land owned by government are not known by size and even location, which exposes such land to land-grabbers and encroachers. Moreover, Nakirunda adds that in cases where ULC apportions some land to individual developers, it rarely inspects the land or consults with the local authorities to ensure new developers adhere to local physical plans for orderly and planned structures and development.

5.4.4.2 Ministry zonal offices (MZO) and the land information system (LIS)

Gabindadde (2013) reveals that prior to the introduction of computerized records management in ULC, land records were kept in hard copies, leading to the disappearance of some records. He adds that fraudsters were conniving with some officials in the national lands office to either alter some records or steal them. Following the public outcry regarding the way land records were kept and managed, in 2003 the Government introduced the computerized Lands Information System (LIS) in the National Lands Office. However, actual conversion of certificates of land titles into soft copies started in February 2010 and ended in February 2013. Overall 492,000 land title records were converted from hard copies to digital formats (Gabindadde 2013). As the public demanded, the Ministry of Lands also created six new Ministry Zonal Offices (MZO) in the districts of Mbarara, Masaka, Mukono, Wakiso, Jinja and Kampala Capital City Authority (KCCA). This was intended to increase efficiency and reduce the distance that people previously travelled to seek land information from Entebbe, the national land information centre, which also serves as the Ministry headquarters.

Analysis

While the proponents of MZOs and LIS argue that these interventions have eased the retrieval of information, quickened land transaction processes and eliminated fraud in the lands office, a Section of the public still complain of manipulation of land titles and dishonesty of some commissioners in the Lands Office (Obbo 2015). Moreover, over two years after the establishment of zonal offices, some of the data is still at the Entebbe Lands Office, implying that the process of decentralisation is incomplete. Besides, the public has not yet been sufficiently sensitised about the services offered by the six zonal offices which are in any case insufficient for a country of 35 million people: many people still travel long distances to access the services offered by the zonal offices (ULC n.d; Kiwawulo 2014; Ssemutooke 2015).

5.4.4.3 The district lands office

Land management in Uganda is decentralized to ensure all levels from the Ministry headquarters to area land committees play a role in the management of the land under their respective jurisdictions. At the district level, the Chairman, Local Council V (LCV) is the political boss and the Chief Administrative Officer (CAO) is the technical boss or the Chief Executive Officer (CEO). The district has several departments and land management falls under the department of natural resources which collaborates with the District Land Tribunals, the Land Office and the Office of the Recorder, the Land Board (DLB), Area Land Committees (ALCs) and other stakeholders (Republic of Uganda 2011). Particularly, the District Land Office (DLO) is responsible for offering technical services to the district team, including the District Land Board. The DLO may also extend its technical services to neighbouring districts that may need such services. Although the DLO is meant to have highly skilled and professional personnel such as land valuation surveyors, registrars of titles, land surveyors, quantity surveyors and physical planners, no district has enough of these professionals (Okiror 2009).

Analysis

The scarcity of such professionals in Uganda makes them expensive to hire and retain, especially given that other countries offer them better pay and working conditions. A study conducted by MLHUD (2013) found that there was need of qualified and skilled personnel to fill various vacant positions in various district land offices. For example, it was discovered that Uganda has less than 50 valuation surveyors and less than 100

registered land surveyors (MLHUD Strategic Plan 2013-18). This translates into a heavy per capita workload for the few available professionals (MLHUD Strategic Plan 2013-18). Moreover, some of the surveyors deployed in the field advertently or inadvertently disregard the demands of their profession, a problem that is compounded by the existence of the so called “undercover surveyors” (Rugadya 2009:23) who do not care about professionalism. This of course compromises the quality of work and accelerates land conflicts. Therefore, the Surveyors Registration Board needs to put in place safeguards against surveyors who use shortcuts to enrich themselves. The challenge, Rugadya (2009) notes, is that most surveyors do not register with the Institute of Surveyors of Uganda which makes it hard for the authorities to track them and prosecute the wrongdoers among them.

5.4.4.4 The district land boards (DLBs)

Section 1(56) of the Land Act Amendment 2010 states that “there shall be for each district a district land board”. The Act clearly defines a District Land Board as an independent legal entity, with a seal, that can be sued or may sue others. It spells out the membership of the DLB, the tenure of board members. The same Section of the Act outlines the roles of the DLB as: 1) the distribution of land that is not owned by anybody to those who want it; 2) facilitation and the registration and transfer of land ownership; 3) ensuring that the district technical officers do the required surveys, draw necessary maps, physical plans among others; 4) doing the annual review of the compensation rates, etcetera. In essence the DLBs have the powers to administer and manage public land in their areas of jurisdiction. As noted before, Article 60 (1) of the Land Act amendment 2010 gives the District Land Boards autonomous powers; they are supposed to accept any directives from any person or authority, including the Uganda Land Commission which is hierarchically and technically more powerful. This means that far from being autonomous and self-accounting, DLBs do not have the final word in land matters, and their decisions can be contested in courts of law.

Analysis

Like many other district organs, DLDs have weaknesses and face many challenges which negatively impact on land management in the districts, resulting in the increased land conflicts. To begin with, the DLBs receive meagre resources from the district administration funds. When the DLBs were created, there were about 56 districts in

Uganda; but now there are over 110 districts having to do with more or less the same amount of funding, and therefore having much less money per Board to do all the work Boards are charged with (MLHUD Strategic Plan 2013-18). Consequently, due to inadequate and delayed funds, the DLBs have not been able to execute their mandate appropriately or effectively. A study conducted in 2011 found out that, sometimes, the District Land Boards were missing and rescheduling their quarterly meetings due to delayed release of money to facilitate such meetings and Board members. Obviously, this results in the accumulation of work and deferments in land transactions in such districts (Republic of Uganda 2011).

Remarkably, while the DLBs have much power over district public land, they are not supposed to meddle in the management of privately owned land. Conflicts that arise between private individuals are supposed to be resolved by the customary system or the statutory courts. As Nakirunda (2011) rightly asserts, this implies that the DLBs are not able to defend the land rights of the marginalized members of the community, such as women. Even if they were, women are under-represented on DLBs, which would render the Boards unlikely to promote women's land rights. Studies conducted in 2011 (Nakirunda and Republic of Uganda 2011) indicated that only 16 of the 50 DLDs studied fulfilled the one third female membership requirement. Only two DLBs had female chairpersons and only one DLB had more female than male members. Nonetheless, as Verma (2007) asserts, even if all DLBs had female members it would still not cause much impact in the realm of women's land rights given the fact that the traditionally held norms and practices nationwide still disfavour women. This is in contravention of Article 26 of the 1995 Constitution with freedoms and rights such as the right of every one, regardless of religion, sex or otherwise, to own property. Article 26 (1) stipulates that "Every person has a right to own property either individually or in association with others." Article 26 (2) further underscores that no one should be denied of his or her property or interest accruing from such property. This implies that sex should not be a criterion for determining who should own land. Therefore, women's land rights should also be zealously guaranteed by law enforcement organs.

5.4.4.5 Area Land Committees (ALCs)

The Area Land Committee is the lowest special land administration organ. Section 64 (1) of the Land Act 1998 stipulates that there shall be a land committee in each parish

or town division. However, this Act was later amended in 2004 for it was not economically feasible to maintain land committees at parish level. Instead, Area Land Committees (ALCs) were transferred to the sub-county level.

According to Section 64 of the Land Act (amendment) 2010, the quorum of an Area Land Committee is supposed to be four members who must include at least one woman and their chairperson. As noted before, the inclusion of women at the lowest level of land management is a commendable step as it is meant to countercheck the powers of men since many women are potential victims of unfair and illegal land eviction. However, one of their biggest setbacks is under-representation. For example, Nakirunda (2011) found that most village land committees have 20%-40% female representation, and that women are constrained by low levels of education which disqualify them from occupying most vacant posts in land management. Actually, Section 1(65) of the Land Act (amendment) 2010 requires that the chairperson of the Area Land Committee must be able to speak and write English. This indubitably eliminates women since not many of them at village level can speak and write English. The study further noted that individuals who support opposition political parties were less likely to be appointed as members of Area Land Committees. This implies that even if women in opposition parties are eligible, they are less likely to represent their communities. Like other statutory organs, land committees are constitutionally supposed to have 50% female membership (Republic of Uganda 1995) but this is yet to be achieved. There is still a big gap to be filled to empower women and also enable the incapacitated Area Land Committees to ably resolve land conflicts.

5.4.4.6 The effectiveness of ALCs: roles and challenges

The establishment of Area Land Committees (ALCs) is ideally an appropriate step because ALC members are natives or long-time residents of the communities they represent. Therefore, they understand the traditional norms and practices pertaining to land access and ownership in their respective villages of jurisdiction. They know who owns which land, the boundaries and legality of previous transactions since they are witnesses of land transfers from sellers to buyers. The experience of area or local committees in land management cannot be under-rated (Adoko and Levine. 2005; Nakayi 2011). In a study conducted in Lira and Mukono districts, Nakirunda (2011) found that these Area Committees play the following roles:

- Crosschecking and verifying formal surveys and any ownership claims by those seeking land titles;
- Studying and authenticating the ownership and boundaries of the land to be titled on behalf of District Land Boards (DLBs). Ideally, the DLBs should inspect such land but financial constraints deter them from making site visits. Subsequently, they rely on the information gathered by Area Land Committees in their respective areas of jurisdiction. DLBs only inspect the land if they distrust the information given by the Area Land Committees (ALCs):
- Informing the public within three weeks about impending leasing or sale of public land to enable the DLBs to start processing the land title for the buyer
- Studying the forms of applicants and endorsing them to DLBs for titles
- Acting as intermediaries between the DLBs and community members
- Acting as intermediaries between the land owners and occupants who wish to acquire land title
- Acting as witnesses to land agreements made in their respective sub counties
- Propagating information and sensitizing the public about their land rights, etcetera
- Moving around the community campaigning, inspiring and motivating community members to apply for land titles
- Participating in land conflict resolution

5.4.4.6.1 Challenges faced by ALCs

In performing these ten roles, ALCs face a variety of challenges which limit their ability to avert land violence arising from fraudulent land deals, intra-family land disputes and illegal evictions by large firms and top political and military officers (Nakayi 2011). First, ALCs have very limited financial facilitation to enable them to hold regular meetings, move from one village to another with ease and carry out public campaigns against land fraudsters. They are supposed to get money remitted from the district to the sub-county but the districts also constantly complain of underfunding from Local Government (MLHUD Strategic Plan 2013-18).

Secondly, ALCs have limited legal knowledge. According to Section 1 (65) of the 2010 Land Amendment Act, only the Chairperson of the Committee is supposed to know how to read and write English. This implies that it does not matter whether other

committee members are literate or not. And yet the Land Act and other national legal documents are in English. It also implies that committee members may not clearly understand their responsibilities since there is limited on-job training due to financial constraints. Illiteracy also affects the ALCs' understanding of women's rights as enshrined in the 1995 Constitution and the Land Act as amended in 2010. In these documents, there are very important clauses, such as the spousal consent clause and the tenancy clauses which protect women and land tenants respectively from being unfairly evicted. Therefore, women on ALCs need to be educated about the import such clauses. However, Nakirunda (2011) found that female ALC members had limited knowledge concerning women's rights and were not aware of their roles and responsibilities as ALC members. Therefore, they were appointed just to fulfil the gender requirement. Nakirunda (2011) further notes that although some ALCs get training regarding their job description, others only get just a briefing on the day of swearing in. Yet such members are expected to make gender analysis of women's land needs and also sensitise the public on land issues.

5.4.4.7 Effectiveness of statutory judicial organs in land conflict resolution

As indicated in the organogram above, the Land Division of the High Court is one of the formal organs responsible for land administration. This court supervises the work of District Land Tribunals.

- **The Land Division of the High Court**

In 2004, the government decided to create a special Land Division in the High Court because the existing divisions, such as the civil and criminal divisions, had failed to pay specific attention to land cases thereby creating a huge backlog of such cases. The land division was designed to have some degree of autonomy, and it was intended to have special personnel with training and experience in land issues. Immediately after the creation of the special land division in the High Court, land tribunals which were previously under the Ministry of Lands were also put under the supervision of the Land division of the High Court (Ogoola 2006).

However, although the creation of land division in the high court was intended to reduce the backlog of land-related cases, six years later, the backlog of land cases had not been reduced significantly. As Maseruka (2010:01) observes, in 2010, there

were only two judges in the High Court's land division and yet there were about 4,000 pending land cases. Maseruka further informs us that the then principle judge, James Ogoola, concluded that "even if the two judges decide to complete a case everyday throughout the year, they would only handle about 700 land-related cases". Due to the shortage of judges in Uganda, a judge attends to several high court divisions across the country. In response to this challenge, in 2013, the President appointed seven more judges to the land division of the High Court in Kampala, increasing the number of judges to nine (ULA 2013) but this did not create much impact either. Generally, by January 2016, the Judiciary reported 114,512 pending cases (Amamukirori 2016) The major factor behind the failure to recruit an adequate number of judges is financial: the judiciary is not allocated enough money for its operations.

The District Land Tribunals

According to Section 1 (75) of the Land Act 1998, each district was supposed to have its own land tribunal with a chairperson and two other members. City divisions and sub-counties were supposed to have land tribunals too. This was derived from Section 1 (243) of the Constitution, which directs the Parliament to provide for the establishment of land tribunals. Section 2(243) of the same Act outlines the jurisdiction or roles and responsibilities of a land tribunal as:

- (a) "the determination of disputes relating to the grant, lease, repossession, transfer or acquisition of land by individuals, the Uganda Land Commission or other authority with responsibility relating to land"; and
- (b) "the determination of any disputes relating to the amount of compensation to be paid for land acquired".

The District Land Tribunals were put into operation for the first time in 2005, but they were short-lived due to insurmountable setbacks. To begin with, all the 80 districts at that time were served by only 18 Land Tribunals, leading to inefficient and ineffective service delivery. The government lacked the money to fully facilitate the existing tribunals and to create new ones in each district as stipulated in the Constitution. This and other challenges, such as alleged bribery, prompted the government to suspend the tribunals in 2007 *sine die* (Nakirunda 2011). The closure of the land tribunals resulted in the accumulation of land cases to alarming levels. By 2013, cases

pertaining to land constituted about 75% of the total court case backlog (MLHUD Strategic Plan and Bategeka, et al. 2013). Undeniably, the establishment of District Land Tribunals was a well-intentioned and timely move that would relieve the courts of some pressure. Their suspension has put a lot of pressure on the High Court and also aided land grabbing, causing a public uproar. In fact, the Government is currently contemplating reviving the land tribunals. It remains debatable whether the proposed new district land tribunals will effectively execute their roles given the anticipated meagre funding and the rampant bribery in the country in general and the judiciary in particular.

5.4.4.8 Residential District Commissioners (RDCs) and land administration

Article 203 of Chapter Eleven of the Constitution of Uganda establishes the office of Resident District Commissioner (RDC). Section (1) of Article 203 states that “There shall be for each district a resident district commissioner who shall be a senior civil servant appointed by the President”. Section (2) of the same Article outlines the functions of the RDC as:

- a) “to coordinate the administration of Government services in the district”
- b) “to advise the district chairperson on matters of a national nature that may affect the district or its plans and programs and particularly the relations between the district and the Government” and
- c) “to carry out such other functions as perhaps assigned by the President or prescribed by Parliament.”

Therefore, it can be deduced that RDCs have no specific roles to play. In fact, the political opposition has been calling for the removal of RDCs, arguing that they are partisan. Because sub-Section (a) above empowers RDCs to coordinate the administration of Government services in the district, RDCs can legally intervene in many national matters, including land matters. Moreover, according to sub-Section (c) of Article 203 above, RDCs can also intervene in land matters on orders of the President.

Indeed, on several occasions, RDCs have intervened in many land cases although their interventions have elicited controversy. A major accusation against RDCs is

about their jurisdiction: RDCs have often been accused of overstepping the bounds of their mandate and arbitrating in land cases although their role is legally limited to mediation. "They are supposed to intervene to reduce on the problem. They are supposed to assist in land management issues together with other institutions and do mediation, but they are not supposed to arbitrate," (Lule 2015:01). Besides, RDCs often arrest suspected culprits unnecessarily and illegally. As Lule (2015, p.1) states:

"They need to work with local structures and organizations within their areas of operation to easily solve land conflicts. But they are so political and make unnecessary arrests without thorough investigations. They act like courts when people take their complaints. They are supposed to help in mediation and if at all parties fail to agree, the RDCs are supposed to direct them to go to court instead making their own judgments."

In this regard, it is instructive to recall that RDCs are political figures, appointed by the President for strategic and political reasons. They may, therefore, favour the supporters of the ruling political party to the detriment of opposition supporters just to appease the appointing authority who is the President.

Matters are aggravated when losing contestants for elective positions are appointed as RDCs in districts where they have been rejected by the electorate. Moreover, some RDCs have little education and have been reported as corrupt. It is alleged that rich land-grabbers connive with RDCs to illegally evict people from land. Significantly, the general public seems to believe that Museveni lacks the commitment to fight corruption, especially in the land sector (FoEI 2012). However, Museveni also puts the blame back on the people: "The problem is corruption and negligence by you people. The law on land is very clear. It is you people who cause corruption...", (Chimpreports 2014:01). By shifting the blame onto ordinary people, the President seems to be suggesting that the givers of bribes prompt the receivers, which is difficult to substantiate. What is certain though, is that if corrupt individuals are perceived to be handled with soft gloves because they are politically well connected, corruption in the land sector is likely to escalate land conflicts.

.5.4.4.9 The Nantaba Land Commission

Following the failure of RDCs and other organs to prevent and resolve land conflicts, President Museveni appointed the State Minister for Lands, Aidah Nantaba, to head a special Land Commission whose responsibility was to stop land grabbing and illegal evictions. Although this Commission became popular for its commitment to fight land-grabbers, like other land organs, the reality caught up with it. Land-grabbers instead proved to be more popular than the Nantaba Commission to the extent that Nantaba herself, through a press conference, revealed that super-rich land-grabbers are highly connected with powerful government officials. Particularly, the Minister argued that land-grabbers use the Police, the Director of Public Prosecution (DPP), some Ministry of Lands officers, the courts, and the army to evict people and in case the appellants threaten legal action, they are thrown into prison (Chimpreports 2013). The State Minister was also accused of favouring the rich at the expense of the ordinary people, which triggered the eventual disbandment of the Commission (Chimpreports 2013b; Kiggundu 2016). In any case, given that many land-grabbers are allegedly top army generals, policemen and popular politicians or politically well connected, the Nantaba Commission was not likely to succeed in preventing land grabbing or resolving land disputes. Indeed, some land-grabbers not only fought the Nantaba Commission clandestinely and sometimes openly, they also anonymously threatened Nantaba's life.

Further, by failing to conduct thorough investigations before making decisions on land issues, the Nantaba Commission acted like the controversial RDCs, a weakness that led the Commission into trouble. In the case of Boogere versus Kasolo concerning 38 acres of land in Wakiso District, Nantaba in 2013 mistakenly ruled that Boogere was the rightful owner, a decision that compelled Kasolo to seek legal redress in court. After both sides presented their arguments in court, the Court ruled that the Aida Nantaba Commission was wrong to deny Kasolo his land rights and therefore Nantaba bore the court penalty for wrongfully favouring Boogere over Kasolo (Thehookug 2015).

5.5 General Analysis

The rising land conflicts and persistent food insecurity among many households in Uganda has turned into a national security matter. Various political regimes have

attempted, in vain, to solve the scourge of land conflicts and food insecurity. The British colonial interventions in land matters created more problems than they solved. To rectify the colonial injustices, the immediate post-independence Obote Government adopted socialist approaches to ensure food security, but Idi Amin's 1971 coup d'état obstructed the Obote Government plans. Instead, Amin's 1975 decree on land administration and general macro-economic performance exposed many Ugandans to the risk of hunger, starvation and general vulnerability. In 1986, the Museveni regime inherited a devastated economy without favourable land or food security policies. This compelled Museveni's government to initiate a series of measures, including the promulgation of the 1995 liberal Constitution, passing of the Land Act 1998 and decentralisation of the land administration system.

While it is widely accepted that preventing and resolving land conflicts have the potential to directly increase food production and improve household food security, the Colonial Government did not enact favourable land policies or introduce favourable food production policies. Rather than reform the existing land tenure system in favour of the majority, the Colonial Government introduced new forms of land tenure, such as leasehold, freehold and Mailo, which favoured supportive kings and chiefs. This colonial arrangement still exists and has been linked to the current land evictions and associated conflicts. In short, the colonialists arguably did more harm than good in the realm of land administration and food security. Therefore, after independence, the immediate task of the new Government was to ensure justice and equity in land administration, food availability and other basic social services. As noted in the foregoing account, President Obote's socialist approaches did not yield much. His regime passed the Public Lands Act 1969, but in 1971, his government was overthrown by Idi Amin before the Act could be implemented. Obote even held a referendum in 1964 to resolve the "lost counties" land question in Bunyoro; but, although the disputed counties were returned to the Bunyoro Kingdom, land ownership remained, and still is, in the hands of absentee Baganda landlords. His successor, President Idi Amin had hoped that his Land Reform Decree of 1975 would be a durable panacea to land conflicts; but, to his dismay, the decree lacked public support. As a result, landlords continued mistreating their tenants and local authorities remained silent due to the prevailing political anarchy. The main objective of the Decree, which was to ease access to land and turn land into the driver of socio-economic

development, was never achieved. Rather, the decree paved the way for land speculation and illegal land acquisition by unscrupulous people, including political agents of the regime and military officers. This situation persisted until the overthrow of the Amin regime in 1979. Therefore, whereas President Amin's Decree of 1975 was an appropriate step towards harmonisation of the various land tenure systems at the time, the decree was ineffective since it failed to gain public support and spur the much-needed food security and general socio-economic development.

Other serious interventions in land administration were in the post-1986 era. In 1995, the Government promulgated a new Constitution that contained promising clauses pertaining to property ownership. This was a good beginning, especially for gender equality. Three years later, the Land Act 1998 was passed although its implementation has hitherto been a challenging task, given the popular cultural norms and practices, among others. To speed up the implementation of the land laws, Government introduced the decentralisation of the land administration system. This was another fundamental intervention that required all the districts to have a land board. There are also plans to revive the defunct District Land Tribunals. At the sub-county level, Area Land Committees, the lowest land organ whose view on land issues are most respected because they are on the ground, are currently operational. However, inadequate financing continues to inhibit all land administration, and District Land Tribunals stopped working due to limited funds. Even the RDCs, whom the President normally assigns tasks of resolving land conflicts, are neither specifically trained in land issues nor well facilitated to do the same. Therefore, whereas there have been several interventions in land administration since the colonial period, most of them have registered partial success, which explains the increased land grabbing, land eviction and associated conflicts.

5.6 Conclusion

This chapter discusses the rationale for interventions in land administration. This discussion clearly points out the need for interventions in the land and food security sectors. This Section argues that land is a very important factor of production to the extent that, if left unregulated, crucial sectors like agriculture cannot be optimally productive. This Section is followed by the analysis of colonial interventions in land administration from 1900 to 1962. This is followed by post-independence interventions

in land administration from 1962 to 1986. These interventions include: the plebiscite on the lost conflicts; the Public Land Act 1969; and the Land Decree of 1975. This is also followed by the review of the post 1986 interventions 1986-2017. These interventions include: The promulgation of the 1995 Constitution; The Land Act 1998 which streamlined women's land rights; The Land (Amendment) Act 2000; The Land (Amendment) Act 2004; The Land (Amendment) Act 2010; The Land Policy 2013. This is also followed by the assessment of the effectiveness of the State Institutions in land management and administration. These Institutions include: The Ministry of Lands, Housing and Urban Development, The District Land Office, The District Land Board, the Area Land Committees, The Land Division of the High Court and District Land Tribunals, the Residential District Commissioners; the Nantaba Land Commission. Generally, this Chapter makes a holistic appraisal of institutions involved in land administration and the assessment reveals that while there seems to be political will to resolve land conflicts and promote food security, there also seems to be many stumbling blocks that hinder the effective implementation of land laws and policies. As noted in the chapter, some of these challenges include funding, bureaucracy, land grabbing that involves or is linked to government officials and military personnel, self-serving technocrats, high demand and stiff competition for land. The resultant land conflicts, as detailed in Chapter Three hinder food production thereby directly or indirectly causing food insecurity.

CHAPTER SIX: DESIGN, METHODOLOGY AND FIELD EXPERIENCE

6 Introduction

This chapter describes the design and methodology that were used from the start to the end of the study. Other issues discussed in this chapter include: qualitative design; design and methodological matrix; target population; inclusion and exclusion criteria; sample size determination; sampling technique; data collection methods such as IDIs, FGDs and PRA; the role of a researcher as an interviewer; role of research assistants; audio recording; sample size; data sources; data collection tools; pilot study; data analysis; validation workshop; reliability and validity; limitations; ethical considerations; risks and mitigation measures.

6.1 Research Design and Methodology

6.1.1 Design

Research design is a blue print or roadmap that guides a researcher from the inception of the study to the end. It defines the general goal that a researcher seeks to achieve and the overall approach that is applied to achieve such a goal (Mouton 2001). In other words, a design is about conceptualising and operationalizing research from the start to the end. For this particular study, I adopted an exploratory, analytical and to some extent participatory design. The study used participatory, exploratory, and analytical designs basically for two reasons:

1. this study was probably the first of its kind to be conducted in the Nakivale Settlement and
2. I wanted to adopt a bottoms-up approach which means that emphasis was put on solutions developed by affected people themselves through active participation in the study. This needed great depth of analysis to make meaning of participant contributions.

6.1.2 Methodology

Whereas Silverman (1993) intimates that some investigators intentionally opt to use a qualitative research design - not because it helps them accomplish what they set out to achieve - but because it helps them avoid statistics, this was not the case in this

particular study. I deliberately adopted a qualitative approach because it helps a researcher generate categorical data through in-depth exploration of participants' daily experiences, perceptions, attitudes and practices. Indeed, this approach helped me to conduct more in-depth exploration regarding land conflicts and food security in the Settlement than the quantitative approach could have done (Mouton 2001; Flick 2007). Therefore, I employed participatory, exploratory, explanatory and analytical designs, not to test and confirm anything but to produce many possible explanations for land conflicts and how they affected food security. The exploratory design was used because no known study had been carried out to document the linkages between land conflicts and food security. In addition, the analytical design was preferred because I wanted to identify and analyse the causes and effectiveness of interventions in food security and land conflicts. The explanatory design was particularly useful in explaining the refugee coping mechanisms. Finally, as shall be detailed later, the participatory design was adopted throughout the study, from the start to the end of data collection. This involved engaging study participants in various exercises, such as field transect walks, methodological workshop and a validation workshop at the end of the study. In fact, the validation workshop was very insightful as participants further suggested more solutions to the underlying causes of land conflicts. The suggested solutions were later integrated into the last chapter: "Conclusion and Recommendations".

This subsection outlines my thinking and approach that addressed the research objectives. I highlight the objectives, the relevant research question(s), data sources and data collection methods. Three forms of designs were jointly used to address all the objectives as indicated below:

6.1.3 Target population, inclusion and exclusion criteria

This research targeted refugees and Ugandan Nationals living in Nakivale Refugee Settlement who had experienced some form of land conflicts or land evictions. This included women, men, and people living with disabilities. In this context, I categorised them as primary key informants. Additionally, the research targeted refugee leaders, district leaders and officials of relevant government departments, UN agencies and NGOs. These were categorised as secondary key informants. In terms of exclusion criteria, children, non-Ugandans and Ugandans who did not live in the Settlement were

excluded. Literature was carefully selected. The authenticity of reports and other documents was checked. Besides, the originality or novelty of articles and other sources were always fact-checked. Many of the old references were excluded. I mostly targeted articles and documents from 2005 onwards.

6.1.4 Sample size determination

For in-depth interviews, I had no predetermined sample size; I simply continued interviewing until the point of satiety or when there was no new information emerging and participants kept repeating what others had already told me. Morgan (1997) calls this a stopping rule or data saturation point. However, the sample size for FGDs or the number of FGDs was determined by my financial capacity and the number of settlement zones. As will be detailed later, two FGDs were held in each of the three zones. Similarly, the number of Participatory Rural Appraisal (PRA) workshops and participants was determined by my financial capacity to organize and facilitate such workshops. Only two workshops were held: one with refugees and another with Nationals. Each workshop was attended by at least a standard minimum number of 15 participants.

6.1.4.1 Sample size - IDIs (primary participants: Refugees and Nationals)

Table 6: Sample size and composition of participants by nationality, gender and location

Nationality	Number of respondents	Sex	Settlement division/zone
Burundians	6	M	Juru
	5	F	Rubondo
Rwandans	6	M	Basecamp
	2	F	Juru
Ethiopians	2	M	Basecamp
	2	F	Basecamp
Congolese	7	F	Rubondo
	6	M	Rubondo
Somalis	4	M	Basecamp
	3	F	Basecamp

S. Sudanese	2	M	Basecamp
	1	F	Basecamp
Ugandans living in the Settlement	6	F	Juru
	4	M	Rubondo
Total	56		

Source: Field data

6.1.4.2 Sample size determination: (Key informants)

More in-depth interviews were conducted with secondary key informants. While it was important to sample refugees and Nationals living in the Settlement, it was even more important to talk to their leaders at all levels, including local leaders of refugees and Nationals in the Settlement. This category also included UN and Government representatives, who helped to clarify most of the issues that had been raised by the refugees and Nationals. Specifically, they provided valuable information regarding refugee policy, land policy and food security policy formulation and implementation.

Table 5: Sample size and composition of selected key informants by category gender and organization

Category	Frequency	Sex		Organization
		F	M	
Councillors	2	1	1	Sub county
Land Officers	2	0	2	Ministry of Lands
OPM officials: RDO, Commandant & his assistant	3	0	3	OPM
Field Associate	2	0	2	UNHCR
Field Officer	1	0	1	Samaritan's Purse
Field officers	2	0	2	Nsamizi
Chairpersons	2	0	2	Refugee Welfare Council III
Total	14	1	13	

Source: Field data

6.2 Sampling techniques: snowballing and purposive selection

6.2.1 Snowballing

As Miller and Brewer (2014) said, interventionists, such as researchers, policy makers and implementers, have long been cognizant of the fact that the snowballing technique can help in identifying the hard-to-reach individuals or groups in the society. Such people may include extremely vulnerable individuals, stigmatised people and elite group members in rural communities. In my case, the target hard-to-reach part of the population were some individuals who had been violently evicted and suffered serious injuries or lost loved ones in the process. These were important for my study because I wanted to capture their land eviction experiences. Another category of hard-to-reach individuals were those living with disabilities. Although these were not the prime target, their inclusion rendered the study more inclusive, and, therefore, more credible. Moreover, their land access and food insecurity experiences enriched the study findings. Using the snowballing approach, once I would identify one person who fitted the description of my target, he or she would lead me to another person, and the cycle would continue.

6.2.2 Purposive techniques

Purposive sampling is a non-probability technique that is common with qualitative studies (Etikan, et al. 2016). As part of the exploratory design (Dane 2011) purposive selection was used mainly because it gives the investigator freedom to select people whom he or she thinks are well qualified or possess the information he or she is seeking. The technique gives a researcher the opportunity to first crosscheck the background of participants in terms of age, nationality, experience and knowledge regarding topical issues. For this project, such people included refugees and Nationals who had experienced land conflicts or eviction (primary key informants). It also included their local leaders, district leaders and officials from the NGO sector, UN agencies and government departments (secondary key informants).

6.3 Data Collection Methods

The study adopted three four main methods of data collection: the desk review, in-depth interviews and limited narrative, Focus Groups Discussion (FGDs) and Participatory Rural Appraisals (PRA).

6.3.1 Desk review

This thesis is a culmination of a long journey that started with laying out the design, objectives and research questions. The next step was to embark on the process of rigorous literature review. This involved contextual review of the relevant existing documents and data related to land conflicts, food security and refugees. This helped me to identify gaps in existing knowledge and in designing data collection instruments. However, I continued updating secondary data until the final report was ready. I deliberately considered the most recent published literature, dating from 2010, in addition to classic publications. Among the secondary data sources were government documents, recent peer-reviewed journal articles, Makerere University Refugee Law Project reports, UNHCR documents, such as the ReHopE document, Operational Guidelines on the Minimum Criteria for Livelihoods Programming (UNHCR/OG 2015/4), The Global Strategy for Livelihoods (2014-2018), the Land Act 2010, the Land Policy and the 1995 Constitution of Uganda.

6.3.2 In-depth Interviews (IDIs)

“If you want to know how people understand their world and their lives, why not talk to them?” (Kvale 2007:01). An in-depth interview is a purely qualitative research method that requires carrying out very intensive one-on-one or face-to-face individual interviews with a relatively small number of participants to investigate and explore their views, perceptions, beliefs and perspectives on topical issues (Mouton 2001; Flick 2007). By design, data collectors using the in-depth interview focus on depth as opposed to breadth that is associated with quantitative surveys.

6.3.3 Limited Narrative Technique

My use of Biographical Narrative Interpretive Method (BNIM) was limited because I was generally interested in particular community issues, such as communal land conflicts, which did not require individual life histories. For instance, through the Particular Incident Narratives (PINs) technique, I was able to generate stories on the violent mass evictions of Nationals living alongside the lake in the Settlement. However, my approach could not be described as purely or strictly narrative because my use of the narrative approach was limited. In any case, as Czarniawska (2002) opines, many in-depth interviewers wittingly or unwittingly use limited narrative

approaches but do not normally recognize and document such in their methodology sections. Although we normally use the question guide, butt-in and positively provoke and refocus the participant, it is not always easy; sometimes the participant first insists on giving you some background information before he or she proceeds to answering the specific question. For example, one of my interviewees insisted, “no, let me first briefly describe the actual motive of land evictors” (Digida, 09/01/2016). The bottom line is that it is difficult to practically draw a line between an in-depth interview and a pure narrative interview. All in all, the narrative technique largely helped in generating unexpected but relevant ideas which I would have missed had I used a more structured, inflexible and controlled in-depth-interview technique. In other words, while I was flexible enough and allowed participants sufficient time to narrate relevant community and household stories, especially relating to household food insecurity, the narration was guided by predetermined themes or questions I wished to explore. These questions were succinct and clear; no single question was ambiguous. As an exploratory design, the participant’s answer would determine the kind and phrasing of the next question, so as to generate more ideas and knowledge.

6.3.4 Rationale for using in-depth interviews (IDIs)

Researchers normally use in-depth interviews when they want to generate detailed information and to contextualise issues. In this particular case, the purpose of the study was to document the experiences of the participants regarding land access, conflicts and food security. This did not require a quantitative survey; instead, it required a conversation with some of the affected people, so as to hear their experiences and viewpoints on the general issues affecting them. I gave participants a large degree of latitude to express their views. However, my role was not limited to attentive listening; I also directed the discussion to keep it on track. All the questions posed during the discussion were relevant save for a few questions that were posed at the beginning as part of the rapport-building process. Although the conversations I held with participants had some resemblance to usual conversations, our conversations were quite different in the sense that they were guided (Dworkin 2012) and only revolved around land conflicts and food security in the Settlement.

In-depth interviews were used because they help a researcher to discover hidden behaviours and motivations for certain actions. For instance, through IDIs, I was able to unearth the reasons why some Ugandans living in the Settlement behaved the way they did towards refugees. Issues, such as xenophobic sentiments, would not have been easily or clearly captured by a survey; an in-depth interview was more appropriate because it gave participants a large degree of latitude to express themselves in their own words. Such revelations in the form of reserved information would always be let out after a serious conversation characterised by increasing trust and confidence in a researcher. Moreover, the interviews gave me the opportunity to observe the body language of the interviewees, thereby adding an extra positive dimension to my interpretation of the participants' answers. (Adams, et al. 2008; Dworkin 2012)

In-depth interviews were also chosen because they are adequately flexible and give the interviewee a chance to ask questions for clarification. On the other hand, they also give a researcher a chance to ask follow-up questions in order to access more comprehensive and exhaustive data regarding reasons, beliefs, attitudes, emotions, opinions and perceptions underpinning respondents' answers. Further, in-depth interviews offer an opportunity to researchers to ask the participants to recommend remedial solutions to some problems mentioned during the interview. For instance, the last chapter is composed of not only my reflections or perspectives but also of participants' recommendations. (Boyce and Neale 2006).

Further, In-Depth Interviews (IDIs) were used because they also give opportunity to those potential participants who were either afraid to participate in FGDs or by design, not recruited to participate in FGDs, to privately express their opinions on topical issues. Indeed, during fieldwork, three of the participants who had earlier turned down the invitation to participate in FGDs, later accepted to participate in the one-on-one interviews.

In summary, I used in-depth interviews (IDIs) in order to: -

- Discover the historical behaviours and changes in land ownership and food security

- Create a platform for afraid or illiterate participants who could not express themselves freely in an FGD or could not fill a questionnaire
- Dig deeper and generate more detailed information through probing questions
- Discover and document personal experiences regarding food insecurity and land conflicts in the Settlement, which couldn't be achieved through a survey or an FGD
- Generate as many ideas as possible on how to solve land conflicts and food insecurity in the region

6.3.5 Factors that contributed to the success of In-depth Interviews (IDIs)

To begin with, the success of any in-depth interview largely depends on the professional, personal and qualitative skills of the interviewer because mental ability and intellectual capacity are key determinants of the success of an in-depth interview (Rubin and Rubin 1995; Thompson 2000). I certainly conducted the interviews soberly and professionally. My strong memory also assisted me to memorise some answers and return to them with follow-up questions minutes later to seek for further elaboration. Basically, I had no emotional or psychological problems that would affect my thinking and attention, the setting of the interviews was always conducive and I believe that I conducted myself professionally. Besides, as Marshal and Rossman (1999) and Thompson (2000) indicate, as a matter of principle, a researcher must be able to listen patiently and attentively and digest the participant's answers. I tried to observe this principle strictly in all my interviews, and to think very fast so as to be able to filter information and react accordingly. While some participants spoke slowly, others spoke very fast and this necessitated maximum attention and listening. In essence, I was an active listener and, where necessary, I would interject and ask for clarification. In fact, Patton (2000) relates listening skills to patient curiosity – the ability of researchers not only to listen but also to find out more and more, based on what they have been told. Indeed, during my interaction with participants, I was always curious to know, for instance, why some refugee participants would cry while narrating their ordeal. Having been trained in guidance and counseling, I sometimes deployed empathetic skills because, as Thompson (2000) aptly observes, being able to imagine and understand the context, and demonstrating empathy are prerequisites for a successful interview.

In addition, as Olesen (2000) and Reinharz (1992) advise, I adopted some form of feminist approach in the field. Although feminist approaches vary, feminist interviewing generally creates more space for the participant and avoids the hierarchy that is normally associated with other techniques such as experimental and survey techniques. The bottom line is that I endeavoured to avoid objectifying participants by bridging the gap between myself and the participants. In other words, the difference between my role as a researcher and the role of the participant was blurred. I emphasised reciprocity in that, while I maintained my professional tone, I never expressed my personal feelings or objections to any answers; neither did I dominate the discussion. Instead, I did little talking and encouraged the participants to express themselves at length.

Another factor that contributed to the success of the IDIs was prioritising the rapport-building process with participants. Rapport-building involves creating a free-interaction environment so as to build trust and confidence with participants (Mason 2002). Throughout the study, this remained my key priority because I was aware that I was dealing with refugees most of whom expect aid from non-refugees they perceive as being capable of providing such aid while some of them are highly suspicious of new faces. For instance, Hutu-refugees from Rwanda were always suspicious and tended to be cautious and first gauged the nature of information they were releasing. Realising this early was advantageous because I would repeatedly reiterate the purpose of the study and reassure them that their names would never appear anywhere in my dissertation. This is why I used pseudo names throughout in the findings chapter. Building rapport also involved according due respect to every participant, being humble, understanding and showing interest in the whole process. My credibility as a researcher, and trust, were further enhanced by my capacity to receive information from participants without any objections or showing them that I knew more than they did. I played the role of facilitator and notes-taker, which boosted participants' confidence.

Last but not least, adequate preparation and efficiency contributed to the success of the IDIs. As Mason (2002) points out, going to the field requires adequate preparation because a high degree of unpreparedness results in inaccuracies and unreliable data.

In my case, preparation involved developing the interview guide, pre-testing it and correcting any errors in time, buying recorders, training research assistants, seeking approval from relevant authorities, making appointments with local gate keepers and being punctual, hiring a local guide who took us through the Settlement and helped in the success of recruiting potential participants. Preliminary preparedness was an asset that delivered success in the field.

6.3.6 Phases involved in the IDI process

As prescribed by Rubin and Rubin (1995) and Robson (2002), conducting an in-depth interview involves a systematic process with a number of phases which the interviewer must recognize if she or he hopes to achieve the desired results of the study. These phases begin with the arrival in the field and end with thanking the participant and reassuring him or her of confidentiality, anonymity and the importance of participating in such a study.

During my fieldwork, phase one involved timely arrival at the appointed venue of the interview or FGD. Because my team and I were mindful of the importance of punctuality, we always made and honoured appointments to avoid undermining our credibility and efficiency. This enhanced our reputation among the participants. I also always endeavoured to greet the participants in a language they understood, which further enhanced the rapport-building process. In addition, I always approached the participants with a pleasant and happy face and, as a visitor, I made sure that the participants retained control of their homesteads while easing their curiosity by initiating small talk. At this stage, I would remain steady and on the look-out for any signs of hostility. I would avoid introducing the research topic and its purpose until I was sure that the potential participant was comfortable with me and my team.

The second phase involved introducing the study topic, purpose and objectives and stating the approximate time the interview was likely to take. This was followed by seeking informed consent and authorisation to audio-record the interviews. I would assure participants of anonymity and confidentiality and remind them that they were free to participate in, or withdraw from, the interview. At this stage, before the interview would actually begin, I and my research assistants would ensure that the environment was conducive and devoid of any distractions.

The third phase involved the interview itself. I would begin with relevant and simple questions as a way of building rapport and encouraging the participant to open up. These were often questions about such issues as the participant's date of birth, date of entry into Uganda, number of household members, occupation or source of income. Such preliminary questions helped in setting the stage for follow-up questions on live experiences in the refugee settlement. At this stage, I would be particularly careful to exhibit professionalism in my conduct. I would sit directly in front of the interviewee so as to be able to observe his or her facial expressions and general body language, and I would speak volubly and at a moderate pace. I would also give participants ample time to think and answer between questions. Throughout all my interviews, I avoided posing leading questions.

The fourth phase was about ending the interview. As hinted above, I always started my interviews with broad biographical questions, followed by specific content questions (in the middle of the interview) and I ended with broad questions, inviting the participant to make any comments or pose any questions he or she wished. This stage was about preparing the participant to go back to his or her normal life or original mood. Here I used phrases like, "as we conclude...", "in the remaining few minutes, I will ask you about possible solutions to the problems you have mentioned". This was intended to remind the participants that we are soon ending the interview.

The fifth and last phase was the post-interview phase. This was characterized by appreciating and thanking the participants for their time and valuable data, and turning-off the recorder where applicable. At this stage, I would reassure the participant of the confidentiality of the information they would have provided and of their personal anonymity, as well as of the importance of their participation. I would also address the participants' post-interview concerns and questions in informal post-interview conversations. These conversations were essential for resetting the environment in its original mood and they were always followed by "goodbye" and "see you when I come back". Indeed, when I went back for the post-study evaluation or a dissemination workshop, I met many of participants and most of them were again recruited to participate in the validation workshop.

6.3.7 Triangulation Probing Techniques used during IDIs

I used various kinds of probing techniques widely throughout IDIs in order to attain depth and breadth. The purpose of probing was to widen the participants' thinking and generate more information. Probing signified to the participants that I was more interested in details rather than in quick summaries of issues. Besides, in cases where I noticed some sort of inconsistency, I would probe for further clarification. Some of the key probing phrases I used included:

- Earlier, you said you spent a month sick and not working. How did you cope during that time?
- Could you please provide more examples of the injustices you face as Nationals in the Settlement?
- Could you elaborate a bit more on the issue of ambiguous land boundaries?
- If I may take you back a moment, you said it was not right to evict you, why?
- What was your reaction upon learning that you were to be relocated to another village?
- Why did you disregard the eviction orders from the authority?
- Are there other cases of land grabbing in the Settlement you can cite?
- Am trying to make sure I have grasped your point; you said some national pastoralists intentionally graze their cows on your crops?

Following Kvale's (1996:133) advice, other probing techniques I used were:

- Body language: this involved nodding the head in agreement with the participant and showing empathy whenever a participant showed signs of crying, resulting from aroused bitter memories.
- Silent moments: I regularly paused to let the participants continue reflecting. This was intended to maximise accuracy by giving them sufficient time to think of actual time, key incidents involving violent land conflicts, key players that were involved, etcetera.
- Hurrying the participants would probably mean missing some of such crucial information.
- Maintaining eye contact: by constantly looking in the face of participants, I was sending a message that I was attentive and interested in what they were saying and needed to listen to more and more details.

- And then? What followed?

6.3.8 Non-structured direct observation

Non-structured direct observation involved understanding the reality and physical setting of Nakivale Refugee Settlement. I began by developing a checklist of possible items to watch out for, and as Flick (2007) suggests, during the transect walks, I would stop and ask people who were around whenever I saw related activities. However, although I had a checklist to guide the observation process, I was flexible and turned the fieldwork into an exploration mission rather than focusing on a few predetermined incidences. Observational data thus gathered helped in generating first-hand insights and it supplemented data from FGDS and IDIs.

6.3.9 The Critical Incident Technique (CIT)

Developed and popularized by an American psychologist, John Flanagan, in the 1940s, the critical incident technique is intended and used to collect reliable contextual data on key specific events or incidents that shape human behaviour in the community (Flanagan 1954; Hughes, et al. 2007). According to Flanagan, CIT is one of the most appropriate approaches to investigating and solving community problems, because the combination of onsite-observation together with interviews with participants reveals their first-hand experiences and the special importance attached to those experiences (Kain 2004). In other words, CIT focuses on the major activities or crises that turn around societies, such as a tsunami or the 9/11 incident in the United States of America (Hughes, et al. 2007). Likewise, while in Nakivale Refugee Settlement, I focused on key incidents that had happened in the Settlement in the realms of land management and food security. As indicated in the case studies Section in Chapter Eight on the findings, such incidents included the massive and violent evictions of all people living alongside the lake in the Settlement and the Kaaza fatal confrontations over land between refugees and the host community. Participants narrated their ordeals and showed us the extent of property damage during those evictions, enabling us to observe the wreckages of the destroyed houses and the injuries sustained by some people.

6.3.10 Focus Group Discussions (FGDs)

While Kvale (2007) suggests 6-10 participants as the ideal for an FGD, Rubin and Rubin (1995) suggest 6-12 participants who face the same problem. I limited the

number to ten for easy control. As indicated in Chapter One, Nakivale Refugee Settlement has three major zones: Base Camp, Juru and Rubondo. In each zone, two focus group discussions (one for refugees and another for Nationals) were held, adding up to six FGDs in all, distributed equally between Nationals and refugees. Separate FGDs were conducted for refugees and Nationals because I was conscious of the possibility that combining refugees and Nationals in one FGD would be counterproductive. Three FGDs were conducted among females (2 for refugees and 1 for Nationals). Three other FGDs were conducted among males (2 for Nationals and 1 for refugees). Bringing together people who face the same problems, and share similar experiences interests, proved productive in terms of generating ideas.

Similarly, I was well aware that the more homogeneously composed a focus group was, the more likely its members were to express themselves freely. Therefore, I deliberately chose homogeneity over heterogeneity of members to allow free discussion. While combining men and women was possible, it was risky as it was likely to impede free discussion of intra-family land disputes. And because I did not trust the competence of my research assistant to moderate the FGDs, I moderated them myself while the assistants took notes. I avoided leading questions and gave every participant a large degree of latitude to freely express their ideas and lived experiences. The FGDs were always held in a tranquil place free and my assistants played a key role in ensuring that the seating arrangements were as close to ideal as possible and that soft drinks and transport refunds for participants who came from very far were provided promptly. The seats were arranged in a semi-circle to enable the moderator to sit in the middle and face every participant. I encouraged everybody to speak and I diplomatically moderated the likely excesses of opinionated or dominant participants, to give everyone a chance to express themselves. In addition, I posed indirect probing questions, mainly in the third person plural to avoid causing discomfort to particular participants. Examples of such questions included: "What do refugees feel about the size of farming land given to them by the OPM?", "How do nationals feel about the continuous inflow of refugees in this settlement?" and "How do nationals feel about the OPM?". As Morgan (1997) points out, FGDs were useful in the sense that they clarified and supplemented data from IDIs and observation.

6.3.11 Sample size and selection procedure for FGDs

The participants were recruited on the basis of their experience, nationality, age, sex, and mental and physical wellbeing. I deliberately attempted to include people living with disability, although in all the 6 FGDs, we managed to include only three such participants. Among the local leaders, the participants were also recruited on the basis of their experience, nationality, age, sex, mental and physical wellbeing.

Table 6: Sample size and composition of FGD participants by category, location and gender

Settlement division	No of FGDs	Category of FGD	No. of participants	Gender of participants
Juru	1	Refugees	10	Males only
	1	Nationals	10	Females only
Rubondo	1	Refugees	10	Females only
	1	Nationals	10	Males only
Basecamp	1	Refugees	10	Females
	1	Nationals	10	Males
Total	6		60	

Source: Field data

6.3.12 Participatory Rural Appraisals (PRAs)

As stated before, my use of PRA was limited. According to its most popular proponent (Chambers 1992 & 1994b), PRA is both an approach and a method popularly used by researchers and development workers to collect data and learn about life in rural communities, with and by the affected people themselves. In other words, both researchers and the participants learn together about the community, but the local people take the lead as they understand their village better than the outsider or so-called expert. In PRA, the role of the researcher or outsider is to facilitate rather than to instruct. Chambers emphasises that the participation of the affected people in

assessing, analysing, planning and implementation is a key requirement. PRA is thus a shift from the top-down approach that had been previously used by development and social workers. PRA aims to empower the local community to make their own assessments and take appropriate actions. The key principle of PRA is that because communities know about their life better than outsiders/experts, they are better placed to distinguish between what policies and programmes work and what does not work for them (Mukherjee 1993; Fraser, et al. 2006). Therefore, the experts, researchers and development planners only need to go to the affected people, listen to, and learn from them as to what is good for them; then engage them on what kind of programmes should be developed for them. PRA is therefore a bottoms-up approach which emphasises the input of the affected people in designing viable strategies and interventions (Frazer, et al. 2006). Therefore, as a researcher, I acted as a bridge between the affected people in Nakivale Refugee Settlement and policy-makers and implementers. As shown in Table 9 below, local council members attended the validation workshop and urged me to share with them the entire report for their consideration.

The PRA approach is guided by certain principles, including participation, flexibility, optimal ignorance, and team work. In addition, PRA has many tools or techniques that are normally used to learn about communities and even collect data from such communities. Among others, these include: pairwise ranking, historical mapping (timelines), transect walks, Venn diagrams, resource mapping, wealth ranking, social mapping and the seasonal calendar (Chambers 1994a; Chambers 1994b; Andrea and Jewkes 1995; Loader and Amatya 1999; Cavestro 2003). However, the selection of tools to use depends on the objectives of the researcher. Therefore, I deliberately chose Venn diagramming and transect walks.

6.3.13 Venn Diagramming

This is usually used to map key institutions, organisations and powerful individuals and how they are linked to changes in the society. All these major actors are shown on the diagrams and are represented by circles of various sizes. The size of each circle portrays the reputation and role or importance of the actor it represents. In the case of Nakivale Refugee Settlement, and as recommended by Chambers (1992), the Venn diagrams were drawn by the participants (refugees and Nationals) themselves,

I and my assistants only acting as facilitators. (Revise the preceding sentence if Nationals were not involved) We bought flipcharts and markers and guided the participants on how to draw such Venn diagrams. We recruited a group of 15 participants who included local experts, women and men. Background check was made to ensure that only qualified individuals participated. The Venn diagrams they drew showed government departments (OPM), influential NGOs, target refugee groups and other important actors found in the Settlement, as well as the refugees' view of their contribution and importance in the Settlement. Additionally, the diagrams showed the relationship between beneficiaries (refugees) and benefactors (organizations); and they significantly facilitated discussion on land conflicts and food security in the Settlement.

6.3.14 Transect Walks and Direct Observation

I used transect walks as observatory field tours to study the topography and land resource endowment in the refugee settlement. I observed farming practices, the lake in the Settlement, fishing activities on the lake, refugee settlement patterns, the wreckages of houses destroyed during land evictions, the hills surrounding the Settlement, water catchments, reserved grazing lowlands in the Settlement that are used by refugees and national pastoralists, varieties of crops planted by refugees and Nationals, social amenities and the general infrastructure in the Settlement. The field walks were undertaken with a selected group of informed refugees and nationals. Direct observation was used to cross-check the findings from focus group meetings, PRA workshops and in-depth interviews. Direct observation was also used to generate on-the-spot questions in direct interaction with refugees and Nationals. For example, I asked them to explain why it was only nationals fishing in the lake in the Settlement. Transect walks further helped me to understand and explain the coping mechanisms of the refugees in the Settlement. For example, I was surprised to see refugees using dry grass or cow dung as cooking fuel, which led me to ask them to tell me their major sources of cooking energy as this is directly linked to food security. For every unique activity, incident or item that was relevant to my study, I would stop and ask the local field guides to say something about it.

6.3.15 PRA Workshops

As mentioned earlier, the number of PRA workshops and participants in each workshop was determined by my financial capacity to organize and facilitate participants in terms of transport and drinks. I organized only two PRA workshops: one for refugees and the other for Nationals. Each workshop was attended by 15 people. However, unlike FGDs, each workshop was attended by both men and women. Again, as McCandless and Bangura (2007) advise, these participants were carefully selected considering their age, nationality, sex and experience and knowledge of issues under discussion. Similarly, as in the FGDs, in the workshops, I was assisted by two aides whose major role was to take notes. Table 9 below shows the distribution of workshop participants by category, gender and selection criteria.

Table 7: participants in PRA workshops by category, gender and selection criteria.

Category	Sex	Selection criteria	No. of workshops
Refugees	M & F	Experienced & knowledgeable refugee leaders and refugee elites	1
Nationals	M & F	Experienced & knowledgeable national leaders and elites	1

Source: Fieldwork

6.3.16 Data sources

This research project basically relied on two broad categories of data sources: secondary data in the form of existing literature and primary data from the field.

6.3.17 Secondary data sources

Through DUT's library Search Summon I was able to access most databases, including ProQuest, JSTOR Sabinet, DUT Institutional Repository, EbscoHost, Ebsco e-books, Nexus Database System, Newspaper Source, ProQuest Social Science Journals, OxResearch, SA Theses, SA ePublications and Sabinet, Science Direct, Sage Research Methods, Union Catalogue for Theses and Dissertations (UCTD). In addition, through DUT website I was able to access DUT Open Scholar, E-Books, E-Journals and Google Scholar. Through all these sources, I accessed magazines, newspapers, books and articles. Other sources included, but were not limited to,

UNHCR reports, Office of the Prime Minister (OPM) Uganda, Uganda's Department of Refugees reports, Uganda Bureau of Statistics (UBOS) reports such as census reports, the 1995 Constitution of the Republic of Uganda, the Land Act 2010, the Refugee Act 2006, the Land Policy 2013, Makerere Refugee Law Project reports.

6.3.18 Primary data sources

My main sources of primary data were adult refugees and nationals living in the Settlement. Other sources of primary data were NGO officials, OPM officials, and UNHCR functionaries.

6.3.19 Data collection tools

6.3.19.1 Secondary data checklist

Before I started reviewing literature, I made a list of study areas that guided my document review process. The list was based on the study objectives.

6.3.19.2 PRA Observatory transect walks checklist

I developed an observation checklist to use during PRA transect walks in the field, which guided me on the items to observe. However, I was flexible enough not to limit my observations to the items on the list: whenever, I saw something interesting, I would stop and ask the village guides about it.

6.3.19.3 FGD guide

This contained a list of open-ended questions which guided me regarding the topical issues to focus on to explore issues both in-depth and broadly.

6.3.19.4 IDI guide

The IDI guide contained open-ended questions that helped me to focus on key issues and finish in time.

6.3.20 Pilot study

In October 2015, I pre-tested the data collection tools on a few participants. Thereafter, I corrected the few errors detected in tools; and in the following month, data collection started. During the pilot study, I utilised the opportunity to meet and make appointments with some key informants.

6.3.21 Data analysis

The data was analysed using content and thematic approaches. It was actually a process that started with fieldwork because I was able to notice popular issues that were repeatedly reported by participants. In fact, Mouton (2001) and Kvale (2007) also advise that for social scientists, data analysis should be a continuous process that starts from the field where emerging themes can be tracked. Kvale points out that the earlier a researcher starts to identify emerging themes the better. In my case, every evening, I would review the whole day with my research assistants who also helped me cite some of the most popular issues that were raised on that particular day. Daily reviews happened throughout the fieldwork period. After the fieldwork, actual data analysis began by transcribing all audio-recorded interviews, FGD and workshop recorded data. Thereafter, the gridding process followed. This involved reading interview notes word by word and underlining key ideas that were mentioned repeatedly and also assigning codes to each idea in particular paragraphs. Thereafter, similar ideas falling in different paragraphs were brought together under one theme or grid (Dey 1993). During this process, following the advice of Rubin and Rubin (1995), I occasionally consulted my research assistants to clarify the context and meaning of certain concepts in order to ensure reliability and validity.

6.3.22 Validation workshop

Although a validation workshop was organized after data analysis, I perceive it as part of the data collection process because of the nature of feedback I received from the participants. This feedback, in the form of comments, was later integrated into the thesis. The theme of the workshop was my thesis title: **“Food security and Land Conflicts in Uganda’s Nakivale Refugee Settlement: Causal Linkages and Interventions”**. The findings were presented according to the objectives of the study. The sub-themes were: the underlying causes of land conflicts; the impact of land conflicts on food security in the Settlement; the refugee coping mechanisms; the effectiveness of interventions; implementation challenges; conclusion and recommendations. Following the workshop, the participants resolved and formed a Community Based Organization (CBO) called **“Ambassadors of Peace”** that was charged with the responsibility of championing peaceful resolution of land conflicts in the Settlement and improvement of livelihoods through sensitisation of people on better farming methods. I was given the position of patron – whose responsibility

was/is to guide the committee members of the organization on the right strategy and how to continuously emphasise the message on the peaceful coexistence and resolution of conflicts in the community. Consequently, I held several special meetings with the committee members where we discussed peace strategies and implementation plans. Interestingly, by the time this thesis was submitted, the organization committee members had successfully held five fruitful sensitisation meetings with the most affected communities and particular individuals in the Settlement. The long-term plan is to transform the “**Ambassadors of Peace**” into a Non-Governmental Organization (NGO), which will cover or do the same work in all the refugee settlements across the country.

Table 8: Composition of validation workshop participants by category and gender

Category of attendants	Sex	Designation & description	Total
Refugees	Both males and females	Division leaders, women leaders, village leaders & elites. These were only experienced and knowledgeable refugee leaders and highly educated refugees. They were recruited from all three divisions of the Settlement	20
Nationals	Both males and females	Village leaders, women leaders, district leaders and elites, OPM representatives, NGO & UNHCR representatives	20

Source: Fieldwork

In addition to the validation workshop, I also presented the findings of the study in the 2016 Summer School organised by the Council for Development of Social Science in Africa (CODESRIA), Dakar, Senegal, West Africa. Again, I received valuable comments from fellow doctoral students, professors and other invited guests.

6.3.24 Validity and reliability

To start with, Patton (2001) convincingly argues that validity and reliability are some of key aspects of research any serious researcher must be concerned about, from the inception of the study to the dissemination of results. According to Patton, every researcher must be concerned with how to persuade the audience about the validity and reliability of his study findings. Patton is arguably right because all of us need to attract the attention of the consumers to the findings and therefore, we must satisfy

their curiosity by affirming the integrity of the whole research process and showing that it is worth paying attention to our findings.

Validity

Validity is a contested concept in the scholarly world. There is no fixed or widely recognised definition that is comfortably applied in both quantitative and qualitative studies (Winter 2000; Stenbacka 2001; Golafshani 2003). In fact, some qualitative researchers have gone as far as describing validity as a preserve of quantitative research (Creswell and Miller 2000). Consequently, some researchers have invented their own terms which they consider as more appropriate and can act in lieu of validity. Such terms include: quality, rigour and trustworthiness (Davies and Dodd 2002). In quantitative research, validity is associated with: universal laws, evidence, objectivity, truth, actuality, deduction, reason, fact, etcetera (Winter 2000). Validity in quantitative research refers to the extent to which a study truly measures what it was designed to measure. In other words, validity reflects the extent of truthfulness of research results (Golafshani 2003).

Reliability

Reliability is defined as the extent to which a measuring instrument or the findings consistently and accurately represents the entire population under investigation (Golafshani 2003). In other words, the key question about reliability is: can the findings be reproduced using the same design and methodology? For consumers of the findings to be able to comment on the reliability of the study, they need to consider factors such as credibility, neutrality, replicability, consistency, dependability and applicability.

How validity and reliability were achieved

As Kaye (2014) recommends, I endeavoured to uphold a high degree of rigour, maintain a high sense of truthfulness, honesty and integrity and to adhere to research ethics throughout the study period, including report writing. In keeping with the recommendations of Miller and Brewer (2003), Flick (2007). Teddie and Tashakkori (2009) I used source, investigator and methodological triangulation to avoid the dangers of relying on a single source, investigator or method, and to raise the level of validity, Osuala (2001). Further I also applied triangulation during probing; as noted in

the Section on probing above, I used various kinds of probing techniques to achieve reliable results. In terms of sources, I collected primary data from key informants and adult refugees and Nationals living in the Settlement. At the same time, I collected secondary data from various sources, such as UNHCR, government documents, books and journal articles.

Regarding investigators, I relied on both myself and the research assistants to ensure that whatever anyone of us would miss, at least another would capture or observe. I had to go through the notes taken by each research assistant and analyse them carefully, checking for any mistakes and inconsistencies by comparing the notes of the different assistants and discussing ways of excelling at note-taking. This was done on a daily basis to enable the research assistants improve the standards of field data collection.

In the area of methods, I deployed PRA, FGDs and IDIs. As already indicated, I was assisted by a team of two research assistants who helped in capturing contextual issues which, as an individual researcher, I would have missed. I and my team also took notes and recorded the proceedings during the FGDs in order to capture all participant contributions. Further, as Dey (1993) advises, during transcription, I used appropriate terms that represent the data. As evidenced in the Findings Chapter, where interview quotations were taken, they are clearly contextualised. In addition, transcription was done carefully to actually reflect the original data.

Further, the feasibility study was conducted in order to enhance the quality and reliability of the study. The few errors that were detected in study instruments were immediately corrected. In addition, a validation workshop was held purposely to enable participants and other key stakeholders to review the findings and give more comments. These comments were immediately integrated and this hopefully increased the reliability of the final draft of the thesis. As Flick (2007) urges, I also assessed the reliability and validity of secondary sources by carefully examining their originality, the credibility of the author, the evidence, resonance or relevance and the currency of the data. Unless they were classic, preference was given to the sources beginning in 2005. Further, ethical values such as truthfulness, honesty and integrity were highly observed as they raise the quality and standard of the research products (Kaye 2014).

6.4 General Ethical Considerations

Ethics may generally be referred to as a set of accepted values and principles governing a society. Ethics, whether in research or not, is about one's commitment to respect oneself and others. It is about respecting people's spaces and views. In the communities, ethics is about one's moral duty and obligation to respect certain standards or even norms and practices widely accepted in that particular society. More importantly, in the professional world, ethics is about respecting and observing the relevant set professional standards or code of conduct while executing professional work. These standards are normally set by respective professional bodies. Throughout this research project, I endeavoured to observe all the ethical requirements of socio-scientific research, beginning from seeking permission to do the research and ending with sharing the research findings with the stakeholders.

Seeking institutional ethical approval

As intimated above, my first step was to set realistic and achievable objectives which were approved by my supervisor. This was followed by filling the PG4 forms and securing approval from DUT's Institutional Review Ethics Committee. This took about two months. The next step was securing approval from Uganda National Council of Science and Technology (UNCST), the country's top regulatory authority for scientific research. The UNCST approval also took about a month. The third step was to seek permission from the Mbarara Regional Refugee Desk Office (RDO) of the Department of Refugees in the Office of the Prime Minister (OPM). Finally, I met the Commandant (the overall OPM Settlement Administrator) of Nakivale Refugee Settlement, whose office is based in the centre of the Settlement, and sought his permission to conduct research in the Settlement. All researchers, whether local or foreign, must seek the permission of the Commandant before they can interact with refugees under his jurisdiction. Other approvals were from local gatekeepers, such as refugee village leaders and leaders of host communities. The cooperation of these leaders was important as it enhanced my acceptability and credibility in the local communities.

Informed consent

After reaching the Settlement and securing the support of local leaders, the next step was to secure the informed consent of every participant. This was done on the basis

that permission from top authorities alone is not enough; participants need to understand a study clearly before they can actively participate in it (Neuman 2007). I would therefore introduce the study to each potential participant, explain its purpose and likely benefits and highlight the importance of the potential participant's participation for the success of the study. In doing this, I would also highlight the fact that my research was funded by my university, DUT, for purely academic reasons, and that participants should not expect any financial or other material benefits by virtue of their participation. In addition to the purpose of the study, I also clearly explained the primary target group as the refugees and Nationals living in the Settlement. As recommended by Silverman (2013) and Anderson (1999), I assured all potential participants that they were at liberty to participate in the study or not to; and to withdraw from the study at any point if they so wished. I also assured them of their right to answer only those questions that they felt comfortable to answer, or to completely withdraw at any point during the interview in case they felt ill or uncomfortable. I further requested them to be honest and truthful in their responses; and I assured them that whatever information they would give me would be treated with the utmost confidentiality and that their identities would remain strictly anonymous.

Non-maleficence and respect

While in the field, I and my assistants endeavored to exercise utmost understanding of contextual cultural and socio-economic conditions in which participants lived. We also endeavored to exercise tolerance of, and respect for, the situations and views or opinions of the participants, and to treat all our respondents with dignity. Seeking for informed consent itself was an expression of respect. On the other hand, the non-maleficence principle required me and my assistants to **do no harm** (Anderson 1999). Therefore, in all that we did while collecting and analysing data, writing the research report and disseminating the findings, we ensured that no participant would suffer any harm, be it psychological or physical.

Beneficence and justice

While in the Settlement, the principle of beneficence required me to put the interests of the participants first rather than prioritising my personal interests as a researcher. In keeping with Silverman's (2013) recommendations, I ensured the wellbeing of participants by carefully selecting appropriate venues and times for interviews and

FGDs and by respecting participants' privacy. Similarly, I adhered to the principle of justice by recognizing and ensuring the participation of women and people living with disability. I did not discriminate against any adults based on their gender, race, sexuality, political affiliation or economic status. Besides, I exercised justice when I organised and invited participants for the validation workshop. While the validation workshop benefited me, the form of additional data and information that he accessed, participants also gained, especially from study recommendations on how to reduce land conflicts and enhance food production and consumption in the Settlement.

In summary, I observed and adhered to all research ethical principles as prescribed by Silverman (2013): informed consent, voluntary participation, anonymity, confidentiality, independence, impartiality and wellbeing of participants.

6.5 Limitations of the study

Like any other study of this nature, my study suffered from a number of intrinsic and extrinsic limitations.

6.5.1 Intrinsic limitations

These were conceptual and methodical in nature. They were technically part of the research design and methodologically adopted. For example, being a qualitative study, the data generated was not generalised on other refugee situations in Uganda and Africa. Representativeness was a major limitation because this was not a survey but a qualitative inquiry that aimed at uncovering in-depth experiences of participants. Dane (2011) concurs with me as he argues that lack of an empirical basis sometimes limits the representativeness of qualitative findings. Moreover, it was difficult to ensure the reliability of secondary data because as Mouton (2001) says, critical analysis of secondary materials does not produce new empirical insights.

6.5.2 Extrinsic limitations

These were not methodical nor conceptual but rather within the research environment. For example, financial limitations did not allow many participants to be included in validation workshops because I could not afford to cater for them in terms of transport refund, drinks and lunch. Another limitation was the fact that some participants did not

accept to be audio-recorded. For such individual participants, this meant that we could only take notes. In addition, the mindset or cultural disposition of some participants meant that we had to spend a great deal of time explaining that we are not aid workers but students seeking information. Generally, the mind set of refugees in the Settlement was such that whenever they saw a foreigner they thought he/she was a potential benefactor.

6.6 My role as a researcher and interviewer

- As a researcher, I did not in any way influence or determine the answers from participants; rather, I played the role of a facilitator and only guided the participants to think around key issues being investigated.
- Active listener, not passive listener; I did not turn myself into a cross-examiner which would give me more powers over the participants; rather, I ensured an interactive session in which I listened more than I talked.
- In addition, I ensured coverage of the agenda, i.e. bringing the participants back on track whenever they tended to go astray.
- Made right judgement and timing for each topic. For instance, each time a participant's phone rang, I would halt the session to enable the participant to receive a call. Besides, I would not slow or hurry the interview. I gave participants adequate time to reflect and answer comprehensively.
- As Patton (2002) emphasises, I encouraged participants to talk rather than simply respond with one-word answers, such as "yes" and "no". I achieved this by posing open-ended rather than closed-ended questions. Because mine were IDIs, I was mindful of the depth of the answers I was gathering, which always led me to probe further and urge the participants to elaborate further
- Responded to questions before, during and after the interview
- Guided the research assistants in executing their role

6.6.1 The role of research assistants

Following my previous experience with refugees, I suspected that some of them would not accept to be audio-recorded and, indeed, this turned out to be true. Audio-recording made some of them nervous and others simply refused to be recorded. Therefore, hiring note takers was the best option. This made participants more relaxed and comfortable because most of them did not want their voices recorded and taken

away. The two research assistants I hired were Scovia Nayebare and Nkuliza Ilaguha. Scovia was a Ugandan Makerere University graduate of Library and Information Science, with a great interest in social research. She had previously participated in the 2013 census organized by the Uganda Bureau of Statistics and many other studies. Having a female research assistant was an added advantage because she easily associated with refugee women and encouraged them to speak out on topical issues. The second research assistant, Ilaguha, was a Congolese refugee in his last year at Kyambogo University, pursuing a Bachelor of Social Sciences degree program. His home and family were also in Nakivale Refugee Settlement. Due to his multilingualism, many NGOs and researchers had previously hired him as a translator and research assistant. Similarly, having a refugee on the research team was also an added advantage because it quickened the rapport-building process with refugee participants, especially those from DRC. The role of these two research assistants was to assist me in making sitting arrangements and taking notes during in-depth interviews and FGDs. They also assisted me during data analysis because I kept on asking them to clarify certain contexts and points which I had either missed or forgotten. About seventy percent of all participants knew and spoke the local language, Runyankore (my mother tongue). Runyankore is one of the Bantu Languages commonly used in Western Uganda. It is closely linked to all Bantu Languages spoken in East and Central Africa. Therefore, most refugees who come from the same region to Uganda for refuge easily learn and speak Runyankore in few months. Fortunately, those who did not know Runyankore at least knew and spoke Kiswahili which was deemed as one of the most popular languages in the settlement. It should be noted that I'm fluent in Kiswahili and can conduct an interview in Kiswahili as well. Therefore, I personally interviewed all participants in the abovementioned languages; I did not need an interpreter or translator.

6.7 Risks and Mitigation Measures

Like any other project, my research project faced potential risks, but I was aware of them and I had predetermined mitigation measures for them. As the following sections demonstrate, some of these risks were related to data collection while others were related to data processing and presentation.

Consent Process

The consent process was indeed risky because some refugees almost refused to participate, citing security concerns. These were mostly Hutu Rwandan refugees who suspected that Rwandan state security agencies had penetrated the refugee settlement to spy on them and possibly eliminate them. Therefore, some Hutu refugees suspected me of being a Rwandan state security agent disguised as a researcher, which made them hesitant to participate in the research. However, my possession of a DUT identity card, a Ugandan National ID and letters of introduction from various authorities allayed their fears, and they eventually agreed to participate. The consent process was further eased by the fact that the consent form was in the local languages (Runyankore and Kiswahili) which was easily read and understood by the majority in the Settlement. Had it been in English only, I would have faced more questions.

Participant compensation and financial benefits

One of the riskiest issues that would have compromised the quality of data was the compensation of participants. Knowing this in advance was an added advantage to the whole process. Indeed, some refugees expected some financial help and many asked for material assistance. "If you have any money or something, you can help me because my family does not have lunch today", one refugee requested (Gakasana, 07/12/2015). Knowing very well that I could not afford to offer any such assistance to all participants who needed or wanted it and that, even if I could, I would be setting a negative precedent for future researchers in the Settlement, I maintained my ground: I was a student and I did not have money. I always stated this fact at the beginning of the consent process. However, there were a few occasions when I had to spend money. For example, I refunded transport fare costs to some PRA and validation workshop participants, I spent some money on soft drinks for FGD and PRA and validation workshop participants and I provided lunch for the validation workshop participants, all this by courtesy of DUT and African Leadership Centre who funded my fieldwork.

Emotional distress and inconvenience

Another risk was the potential to cause emotional distress and inconvenience resulting from participation in the interviews. Refugees were particularly vulnerable to certain questions that could spark bitter memories of the terrible experiences that had forced them to flee. For example, I was aware that questions such as “Why did you flee your home country?” could trigger emotional distress. However, I and my team were empathetic throughout the interview process, which enabled participants to talk about sad events without emotional distress. Again, we were aware that some participants were always busy and therefore interviews, some of which lasted about 50 minutes, would in some way inconvenience them. To avoid or minimise such inconvenience, we always made appointments in advance and honoured them.

Breach of confidentiality and libel

Throughout my fieldwork, I knew that it was risky to take participants and their information for granted. I also knew that if confidentiality of information were not guaranteed, participants’ openness would be limited. Again, I knew that presenting and publication of fabricated information would not only anger participants but also most likely attract criminal charges under Ugandan laws. Therefore, to avoid all these risks, I assured participants of anonymity and confidentiality. Indeed, as stated before, only pseudo names are used in this thesis. In addition, to maintain originality, information obtained from participants was analyzed and presented without changing the content.

CHAPTER SEVEN: DISCUSSION AND ANALYSIS OF FIELD FINDINGS

7 Introduction

In this chapter, primary data is presented and discussed according to specific study objectives and questions. The chapter is arranged in Sections. Section One focuses on the biography of study participants, including country of origin, occupation before coming to Uganda, occupation in Uganda, income and household food status and family structure in terms of age, number of household members, sex and marital status. Other factors discussed in Section A are refugee push and pull factors that push refugees out of their home countries and pull them into Uganda respectively. This Section also investigates factors that push Ugandan Nationals from their home sub-counties and districts and pull them into Nakivale Refugee Settlement despite the Settlement being reserved for refugees only. While Section B makes a deeper analysis of the underlying causes of land conflicts in Nakivale Refugee Settlement, Section C focuses on the impact of land conflicts on food security in the Settlement. Section D describes the coping mechanisms refugees adopt to address the problem of food insecurity. Section E examines the appropriateness and effectiveness of interventions aimed at preventing and resolving land conflicts, with a view to enhancing food production and security in the Settlement. This Section also analyses the challenges of implementing refugee policies in the Settlement. The last Section, F, provides a general analysis of the findings. Throughout the chapter, pseudo names are used in conformity with the ethical principle of anonymity.

7.1 Section A: Biography of Participants

This Section presents and discusses the bio-data of the participants, including family structure, occupation, country of origin, highest level of education, the push and pull factors of the various categories of refugees by nationality and the reasons for the presence of Ugandans in the refugee settlement.

7.1.1 Family structure: Age, sex, number of household members and marital status

As already indicated in Chapter Seven, every participant in the study had to be above eighteen years of age. The oldest participant was a Ugandan aged 82 and the oldest

refugee participant was aged 80. However, the majority of participants fell in the 25 – 45-year age bracket. This reflects the population structure of Uganda and most countries in Africa. The majority in Uganda are aged 40 and below (Uganda Census 2014). In terms of the size of the households, the study found that, on average, refugee households were slightly bigger than Ugandan ones, with an average refugee household having 7 people while a Ugandan one had 5. This could be due to the greater access to, and utilisation of, contraceptive methods of family planning among Ugandans than among refugees. Alternatively, the difference in household sizes could be attributed to the greater fear of having many children among Ugandans due to their low household incomes, than among refugees who perceive the WFP and UNHCR as the caretakers of refugee children. In addition, the sample revealed that refugees had more non-biological dependents than Nationals. This was attributed to family breakdown among refugee communities, forcing refugee households to accommodate fellow refugees who are not biologically related to them. Family breakdown, resulting from either war in the home country or domestic violence in the Settlement, was also responsible for the larger number of single women and female-headed households among refugees than among Ugandans. The next Section discusses participants' occupation, income and household food status.

7.1.2 Occupation, income and household food status

The questions on monthly income, food status and occupation in Uganda were asked purposely to determine the level of poverty among refugees. The findings exposed three categories of refugees in terms of economic status: 1) the extremely vulnerable and poor; 2) the poor - but not so vulnerable; 3) the rich. In this context, the extremely vulnerable literally own nothing. This group includes “abatishoboye” or “abatakwebasa” (those who are unable to feed themselves for reasons such as advanced age and disability. It also includes unaccompanied minors whose parents either died or are not known and are in the Settlement on their own without a caretaker). Some of the extremely vulnerable refugees were homeless and most of them were unemployed, spending most of their time roaming around the Settlement while waiting for aid from humanitarian agencies (Observation at Basecamp 17/11/2015). The study found that most of them were among the most recent refugee arrivals, especially from Burundi. They had zero income, and their household food status was dire. In the words of one of them, “...as you may know, the food aid has

been delayed and there are no other opportunities around, so sometimes we just drink water and go to bed” (Interview: Hamza at Kankingi C 25/11/2015).

The second category, the poor, typically lived in a dilapidated shelter, possessed less than an acre of land, were unable to buy scholastic materials for their school-going children and they had no income-generating activity. When asked about their occupation in Uganda, “kushaka”, or working in exchange for food and other essential items, was their most frequent reply (Interview: Muhayemungu at Isaaza Burundian, 6/12/2015). The last category, the rich, owned at least one of these items: a motorcycle, a semi-permanent house, more than an acre of land, a car, a cow or five goats or sheep or other items of equivalent value. The rich were mostly long-term refugees who had been living in the Settlement for over a decade. The rich category may also include most recent refugees but who managed to cross the border with some valuable items, such as cars or liquid cash. The rich reportedly established and engaged in various businesses such as wholesale and retail shops or farming (PRA workshop with refugees at Basecamp, 06/02/2016). On average, this category earns above 400,000 Uganda Shillings (\$120), higher by far than the average income of many Ugandans. Most Ugandans living in the Settlement are either extremely vulnerable and poor or simply poor. While there were extremely vulnerable Ugandans eating one meal a day, there were also Ugandans owning cars and huge chunks of land in the Settlement. The occupation of many Ugandans interviewed was basically fishing, crop and livestock-farming in addition to retail business. Fishing in the Settlement lake (commonly known as lake Nakivale) was strictly reserved for Nationals; no refugees were reportedly allowed to fish in the lake for fear of environmental degradation (PRA workshop with Nationals at Kityaza, 08/02/2016).

7.1.3 Country of origin and occupation before coming to Uganda

As already noted, there were thirteen refugee nationalities in the Settlement but only six were included in our sample: Burundians, Rwandans, Ethiopians, South Sudanese, Congolese and Somalis, because they were reported to be the most frequently involved in land conflicts in the Settlement (Interview: OPM Officer at Basecamp 20/11/2016). The study sought to identify the areas of occupation or professional expertise of the refugees and their actual occupations and to establish whether their expertise correlated with their current occupations in Uganda. As such, they were

asked to state their occupations before relocating to Uganda and their actual occupations in the Settlement. The findings revealed that most of the refugees sampled were farmers both at home and in Uganda, which reflects the fact that the majority of sub-Saharan Africans are farmers (Place 2009). However, a sizeable number of refugees who had not been farmers in their home country were practicing crop-farming because they had no better alternative. When asked why he was practicing farming and yet he is a trained secondary school teacher, a 43-year-old male Congolese who spoke broken English, replied: “You know in DRC, we were trained in French, but in Uganda the school system is purely English. What do I do? The option I have is to utilise the land to produce food,” (Interview: Nzarwehi at Ruhoko 19/01/2016). Another 51-year-old Congolese man interviewed revealed that he had been a fisherman at home, but he was not allowed to fish in the Settlement lake (Lake Nakivale) for environmental reasons (Interview: Bateraho at Kabatamba 18/01/2016). Other participants disclosed that, at home, they were nurses, carpenters, agricultural officers, building-engineers, plumbers, drivers or tailors, among other professions or occupations, but could hardly get such jobs in Uganda, prompting them to engage in either farming or other businesses.

7.1.4 Participants’ highest level of education

7.1.4.1 Refugee Participants’ highest level of education

As noted above, the majority of participants were practicing rudimentary subsistence farming, suggesting that they lacked modern farming skills, tools and equipment. Indeed, when an inquiry was made, the results showed that forty-one percent of refugee participants had never gone to school at all. In other words, they were illiterate. While forty-three percent of refugee participants had completed primary level, only seven percent of them had completed secondary school. Another seven percent had certificates obtained after secondary level. Only one percent had diplomas and another one percent had degrees. Some of the refugee participants revealed that they possessed professional skills in nursing, plumbing, agriculture, carpentry and building and construction. However, they repeatedly cited the uselessness of their academic papers because of lack of jobs and discrimination in the job market although the OPM refuted the allegations of discrimination as baseless because refugees are legally allowed to work and therefore should prove their competency to get jobs. The table

below summarises refugee nationalities and the highest level of education they had attained.

Table 9: showing refugee participants' highest level of education

Highest education level	Refugee Nationalities							
	Burundi	DRC	Ethiopia	Rwanda	Somalia	S. Sudan	Total	%ages
None	7	6	2	6	7	3	31	41
Primary	2	9	6	7	5	4	33	43
O-Level	2	2	1				5	7
A-Level								
Certificate	2	3					5	7
Diploma		1					1	1
Bachelor's Degree			1				1	1
Master's Degree								
Doctoral Degree								
Total	13	21	10	13	12	7	76	100

Source: Field data

Note: The above table includes all in-depth interviews and FGDs with refugees save for those who were invited to participate in PRA and validation workshops.

7.1.4.2 Ugandan participants' highest level of education

As shown in the table below, thirteen percent were illiterate, thirty percent had completed primary level, fifteen percent only completed ordinary level, six percent completed Advanced Level, four percent had certificates after Ordinary and Advance levels, four percent had diplomas, seventeen percent had bachelor's degrees and thirteen percent had master's degrees. This category of highly educated participants was only recruited from the OPM, UNHCR and NGOs, such as Nsamizi and Samaritan's Purse. While some of these refugee officials had lived in the Settlement

for less than a year, others had been there for close to ten years. This implies that they had experience in the issues affecting both refugees and Nationals in the Settlement. However, it can generally be concluded that Nationals' levels of education were not so different from that of refugees. Further, as summarised in the table below Nationals' level of education reflected the recent Uganda Bureau of Statistics report which puts illiteracy levels at 29 percent (UBOS 2014).

Table 10: Showing highest education level of Ugandan participants

	Ugandans								
Highest education level	Ordinary Ugandans	Local Councillor	OPM	UN: WFP & UNHCR	NGOs	District Officials	Lands Officials	Total	%age
None	7							7	13
Primary	16							16	30
O-Level	7	1						8	15
A-Level	3							3	6
Certificate	2							2	4
Diploma	2							2	4
Bachelor's degree	2		1	2	2	1	1	9	17
Master's degree	1		1	1	2	1	1	7	13
Doctoral degree									
	40							54	100

Source: Field data

Note: The above table includes all in-depth interviews and FGDs with Nationals save for those who were invited to participate in PRA and validation workshops.

There are two explanations for the presence of non-Refugees-Ugandans in the Settlement. According to OPM officials, Ugandans have been moving into the Settlement since it was established and they claim a big chunk of the Settlement land as theirs (Interview: OPM officer at Basecamp 20/11/2015). However, according to

some Ugandan residents of the Settlement, Ugandans were already settled in the area before it was turned into a refugee settlement. In the words of a 36-year-old Ugandan male resident, “My grandfather was buried here in 1938 and Nakivale is ancestral land.” Indeed, while less than half the total number of Nationals interviewed confessed to have moved into the Settlement as immigrants from other sub-counties and districts of Uganda, many other Nationals interviewed indicated that they had lived in the Settlement since time immemorial (Interview: FGD at Juru zone 18/12/2015).

7.1.5 Push factors: Any land shortages in countries of origin?

This sub-Section addresses factors that pushed refugees in Nakivale Refugee Settlement from their home countries, with a particular focus on land shortage in the home country as a push factor. Each national case is discussed separately so as to be able to contextualize the push factors and to identify country-specific push factors. In order to establish whether land shortages and associated conflicts were part of the reason refugees left their home countries, the question posed was: “Why did you leave your home country?” The findings revealed that each of the nationalities in Nakivale Settlement had specific reasons for leaving their particular home countries as discussed below.

7.1.5.1 Somali refugees

In the case of Somali refugees, our findings indicate that it was the overthrow in 1991 of Mohamed Siad Barre, the then President of the Somali Democratic Republic, that triggered the first mass exodus of Somali refugees. Siad Barre had ruled the country since 1969 and his overthrow led to the collapse of the Somali state, sending many Somalis into exile; and many of them ended up in Nakivale Refugee Settlement. Since then more have been moving into the Settlement. No Somali participant cited land shortage or land conflict in Somalia as a push factor; but many cited the conflict between Al-Shabaab and the government soldiers as the cause of their troubles and eventual decision to leave Somalia (Interview: Sadiq at Basecamp III 12/01/2016).

7.1.5.2 DRC refugees

Like the Somali refugees, those from DRC appear to have been pushed out of their country by political turmoil with a military dimension. Since the 1990s, the war between militias and government forces in eastern DRC has led to an influx of hundreds of refugees in Nakivale Refugee Settlement, although their numbers in the Settlement

have not been stable, as some of them return home when there is a ceasefire only to return when fighting re-emerges. For instance, in the case of their Somali counterparts, no single Congolese refugee cited land shortage or land conflict as a cause of his or her decision to flee the home country. Instead, they all attributed their forced departure and eventual settlement in Nakivale Refugee Settlement to political conflict, especially in eastern Congo. In fact, most of the Congolese refugees interviewed were the Banyabwisha people from Rucuru and Masisi regions of Kivu Province which, being adjacent to Rwanda, are the most adversely affected parts of eastern Congo. The Banyabwisha speak Kinyabwisha which is similar to Kinyarwanda; and they allege that most other Congolese believe that the Banyabwisha migrated from Rwanda and should therefore be repatriated in order to stop Rwanda's influence and military intervention in eastern DRC. In other words, while economic and political factors are key, they partly manifest themselves in ethnic terms. Inter-ethnic differences in eastern DRC are partly to blame for the presence of hundreds of Congolese refugees in Nakivale Refugee Settlement (Interview: Vyansobeye at Ruhoko 15/01/2016).

7.1.5.3 South Sudanese refugees

Economic and political conflict in pre- and post-independence South Sudan is also responsible for hundreds of thousands of refugees in Uganda. In particular, the December 2013 conflict between the President and the Vice President displaced about two million people (Mamdani 2014) forcing thousands of them back to Uganda. As of December 2014, Uganda was hosting about 130,000 South Sudanese refugees, mainly children and women scattered in various settlements, such as Dzaipi in Adjumani District, Elegu in Amuru District and Rhino Camp in Arua District (Beck 2014; UNHCR 2015). The majority of the South Sudanese participants interviewed revealed that the post-independence conflict was responsible for their predicament. None of them cited land shortage or land conflict as a cause of his or her fleeing South Sudan.

7.1.5.4 Ethiopian refugees

The war in the Oromo region of Ethiopia is primarily responsible for hundreds of Ethiopian refugees in Nakivale Refugee Settlement. Over the past decades, the Ethiopian government has been fighting to contain the secession of the Oromo region which is fighting for independence from Ethiopia. Significantly, all the Ethiopian refugees sampled were from Oromia and they overwhelmingly cited political, ethnic

and economic persecution as the major reason for their forced departure from Ethiopia. Many of them accused the Ethiopian government of secretly forcing Oromo people to flee their country. Only two of them cited land-grabbing and landlessness, coupled with political conflict, as the major reasons for their predicament (Interview: Bayini at Basecamp II, 09/02/2016; Murara at Basecamp II 13/02/2016). However, the Ethiopian authorities have consistently denied the existence of a serious war between the Oromo people and government forces (Laccino 2015)

7.1.5.5 Burundian refugees

Similar events have resulted in thousands of Burundian refugees in Uganda's Nakivale Refugee Settlement. As in Rwanda, the conflict in Burundi has its genesis in the Belgian colonial administration which perpetuated Tutsi minority dominance over the Hutu majority. In 1993, the first democratically elected Hutu President was assassinated, which marked the beginning of armed conflict between Hutu and Tutsi, sending thousands of Burundians to Nakivale Refugee Settlement in Uganda and to other countries. Although the war ended in the 2005 peace accord that installed President Nkrunziza, the peace deal collapsed and another deadly conflict broke out in 2015. This was largely because President Nkrunziza insisted on standing for a third term contrary to the 2005 peace deal that provided for only two terms. Throughout 2015 and early 2016, Burundian refugees presented a major humanitarian crisis in the region and in Nakivale Refugee Settlement in particular. While 6 out of Burundian refugees interviewed revealed that they escaped the 2015 political crisis at home, only 4 out of 10 had been in Nakivale Refugee Settlement for more than ten years. These are the ones who escaped the Burundi political crises of the 1990s and the early 2000s. Although most Burundian refugee participants interviewed mentioned the problem of shortage of land at home, they stressed that it was the turmoil emanating from inter-ethnic conflict or rivalry rather than lack of land at home that was responsible for their fleeing their home country. (Interview: Kataha at Kabahinda A 27/01/2016; Gakuba at Kabahinda B, 05/02/2016; Hamzaat Kankingi C, 07/02/2016)

7.1.5.6 Rwandan refugees

Like Burundi, Rwanda is yet another case where inter-ethnicity rivalry and related economic and political persecution have pushed Rwandans to other countries as refugees. When the Rwandese Patriotic Front (RPF) captured power in 1994, most

Tutsi refugees in Nakivale Refugee Settlement returned home and were immediately replaced by the Hutus fleeing from genocide-related prosecution in Rwanda. Since then, Hutu refugees have continued flocking into Nakivale Refugee Settlement. The Rwandan government has been urging the Ugandan authorities to repatriate all Rwandans, citing the prevailing peace and stability in Rwanda. In fact, Uganda, in collaboration with UNHCR, has in the past repatriated a number of Rwandese refugees (HRW 2010). However, despite the repatriation exercises, the number of Rwandan refugees in Nakivale Refugee Settlement has not dropped significantly, largely because of the force of prevailing push factors. Seven out every ten Rwandan refugees interviewed cited the “silent war” going on in Rwanda as the reason for their having fled the country. When probed to explain the meaning of “silent war”, the participants confided in me that returnees are normally attacked, threatened or killed at night by unknown men. According to one of them, “Part of the reason for the attack is the issue of land and property restitution.” (Interview: Habimana at Kaaza 27/11/2015). The same 64-year-old Rwandan refugee who swore never to go back home confided that Rwandans who grabbed the land belonging to Rwandan refugees in Uganda, feel threatened by the return of the refugees who are likely, if not bound, to reclaim their grabbed land. This would appear to explain the alleged “silent war.”

As a result of the “silent war” many of those who are involuntarily repatriated eventually go back to Nakivale Refugee Settlement, citing persecution at home. It is somewhat difficult for Ugandan authorities to confirm persecution in Rwanda. Thus, although it is not official policy, the Ugandan authorities in Nakivale Refugee Settlement, seemed not to prioritise the land interests of Rwandan refugees in the Settlement. A 34-year old Rwandan woman attributed their despair to the fact that the Ugandan authorities believe what the President of Rwanda tells them. In her opinion, the Rwandan government’s insistence that Hutu refugees who fear to return to Rwanda are associated with the 1994 genocide is actually a ploy to convict them falsely of genocide, or to instil in them the fear of returning, so as to eventually deny them their land and property. A similar study on Rwandan refugees in Uganda, (Musikami 2014) found that Rwandan refugees even fear for their physical security while in Uganda. Musikami noted that refugees in Nakivale Refugee Settlement are mistreated by Ugandan authorities: their refugee status applications are hardly considered and,

worse still, Ugandan authorities are accused of conniving with UNHCR and the Rwandan government to forcefully repatriate Rwandan refugees back home.

This situation has led many Rwandan refugees to disguise themselves as Burundians refugees in the hope of being better treated when they enter and seek refuge in Uganda. When pressed to explain why he disguises himself as a Burundian, a 22-year old Rwandan man who earns a living by operating through “boda-boda” (a popular motorcycle taxi business, in Uganda) reported that while Burundian refugees are given land and treated well, the Refugee status of Rwandan refugees is questioned or doubted. The Rwandan refugees’ strategy of posing as Burundian refugees is aided by the fact that Rwandan Tutsi and Hutu bear a striking resemblance to their respective Burundian counterparts, and they all speak the same language. Due to this deliberate concealment of national identity, it is hard to determine the actual number of Rwandan refugees in Uganda. But estimates put the number at between 15,000 - 20,000, spread through several refugee settlements and major urban centers, including Kampala City (Musikami 2014). By and large, the issue of refugees and land in Rwanda remains critical for the country’s stability. In the early nineties, land wrangles partly caused the genocide in Rwanda and triggered political upheaval in neighbouring Burundi (Turyamureeba 2012). (It should be noted that the genocide was caused by a multitude of factors. There were deep underlying structural causes, intermediate causes and trigger factors. Trigger factors included the assassination of the then President. Land grievances could arguably be categorised among the deep-rooted underlying structural factors.)

7.1.6 Pull factors: why refugees chose Uganda as their destination

In an attempt to understand why Uganda has one of the biggest refugee burdens in Africa (Uganda is in third place with half a million refugees, following Kenya and Ethiopia in second and first places respectively), refugees were asked why they chose Uganda, particularly Nakivale Refugee Settlement, as their destination. In other words, what is unique about Uganda that pulls them? One would expect countries such as the slightly richer Tanzania in terms of GDP (Kabwe 2015) which, moreover, is geographically much larger and has been more stable and peaceful than Uganda since independence, to attract more refugees than Uganda. On the contrary, Uganda attracts more refugees from all walks of life, notwithstanding its relative resource

scarcity and limited, steadily diminishing land per capita. The findings expose a long list of pull factors:

First, Uganda is centrally located in the conflict-ridden Great Lakes Region, and is surrounded by largely politically unstable countries such as South Sudan, DRC, Rwanda and Kenya. These have previously experienced or are experiencing internal conflicts. There are other unstable countries in the region, such as Ethiopia, Somalia and Burundi, though not contiguous to Uganda, which are relatively close (Turyamureeba 2012). The Great Lakes Region is one of the major sources of refugees in Africa. Unlike North African refugees who are geographically closer to Europe, refugees from the Great Lakes Region easily find a safe haven in Uganda; relatively few and exceptionally determined refugees travel up to North Africa and cross the sea to Europe. Nshime, age 28, recalled that she and her family walked about twenty miles from DRC and found themselves at the border of Uganda. She revealed that her family was just following others, fleeing without any predetermined destination. In her own words, she narrated: “Fortunately, upon reaching the Uganda border, the immigration officials welcomed us and treated us well, and we felt safe – had the officials repulsed us, we would be dead now because the gunfire from the Rwanda side was behind us.” (Interview: Nshime at Kankingi C 17/01/2016). All other participants from DRC’s Kivu Province cited Uganda’s closeness and hospitality as key pull factors for refugees.

Other refugees from eastern DRC, especially those who had been in Tanzania before, explained that, compared to Uganda, Tanzania is relatively far, and it is not as hospitable or generous as Uganda in terms of refugee freedoms, such as movement and economic opportunities, including land availability. Nshaba, who had lived in a Tanzanian refugee camp before coming to Nakivale, had this to say: “In Tanzania’s Rukore Camp where I used to live, life is much worse than the life am now living here in Nakivale; we have greater freedom here.” (Interview: Nshaba at Kabatamba, 01/02/2016) A similar situation was reported in Rwanda where, according to 48-year old Nzeyimana, a Burundian who had initially sought asylum in Rwanda, decided to proceed to Uganda because, unlike Rwanda, Uganda did not discriminate against any refugees because of their nationality. In his opinion, Rwanda seemed to be uncomfortable with, and against Hutu refugees from Burundi (Interview: Nzeyimana at Misera 20.12.2015). This opinion was lent credence by the evidence of a 49-year old

Burundian participant, Mugisa. While narrating his ordeal, Mugisa said, “Rwandan authorities openly told me that there was no refuge for me and even threatened to arrest me. I had no choice but to proceed to Uganda.” (Interview: Mugisa at Nyarugugu 13/12/2015)

The study found that former and current refugees in Uganda normally convince and attract others to find shelter in Uganda, thereby increasing the country’s refugee burden. For example, Nyamwiza of Kaaza (26/11/2015), during an interview, said that her friends in Burundi, who had been in Nakivale before, discouraged her from seeking refuge in Rwanda and instead advised her to proceed to Uganda where refugee conditions were reported to be better. In the same way, current refugees in Nakivale Refugee Settlement attract others by offering to help them when they arrive, assuring them of relative comfort and physical security in the Settlement. This was attested to by one Hana from Burundi; “I had no idea of the conditions in Uganda but, fortunately, I had relatives and friends who called me and promised to help me settle in Nakivale.” (Interview: Hana at Kabahinda B Burundian 27/01/2016)

Another major pull factor is Uganda’s physical security for refugees. Although Hutu participants from Rwanda had reservations about their physical security, other refugees generally felt safe. As noted before, Hutu refugees were reportedly insecure owing to alleged abductions of Hutu refugees by Rwandan State agents.

Ali, a 35-year old Somali refugee, applauded Uganda’s refugee security while casting doubt on that of Kenya. While re-counting his tribulations, he attested that he first lived in Kenya, but was constantly harassed by the police and felt insecure. “The police in Nairobi would stop me many times asking for money; I was arrested briefly twice and released without charge. In Uganda, I have never been arrested and that is why I even advised my brother to join me in Nakivale” (Interview: Ali at Basecamp I 18/11/2015). In addition, since the end of the war in northern Uganda, there are no militias who could kidnap refugees as happens in eastern DRC and South Sudan. It is only Rwandan Hutu refugees who live in fear of being kidnapped or killed by Rwandan government agents who are suspected to have infiltrated Nakivale Refugee Settlement (Musikami 2014).

Besides, Rwandan participants revealed that the rivalry between the Hutu and Tutsi extend beyond Rwanda. According to Bizimungu, a Rwandan Hutu participant, Rwandan intelligence officers often enter Uganda stealthily, kidnap and kill Hutu refugees perceived as enemies of Rwanda or linked to the 1994 genocide. (Interview: Bizimungu at Kashojwa B, 09/12/2015) South Sudanese refugees also reported a few isolated cases of kidnapping. For example, a Sudanese participant reported, “While in the Rhino Camp in northern Uganda, I was kidnapped by South Sudan government-sponsored Dinka security operatives only to be rescued by Ugandan military and police. I was later relocated to Nakivale Settlement.” (Interview: Gatluk at Basecamp I 13/12/2015) While the Ugandan security agents managed to rescue Gatluk, the alleged killers and kidnappers of Rwandan refugees remained elusive and this posed a challenge to Ugandan intelligence services. However, on the whole, most refugees in Nakivale felt safe, which explains why many of them advise refugee friends elsewhere to join them. We can, therefore, conclude that while some refugees choose Uganda because of the strong pull factors, such as land availability, physical security and the generosity of Ugandans, others who had initially sought refuge in Tanzania, Kenya or Rwanda left those countries and crossed into Uganda, citing unfavourable conditions in those countries.

7.1.7 The presence of Ugandan Nationals in the refugee settlement: push and pull factors

As noted in Chapter One, the Nakivale Refugee Settlement was gazetted in the 1960s exclusively for refugees. However, the government has failed to stop the persistent influx of Ugandans into the Settlement. Consequently, Ugandans live side by side with refugees and even claim ownership of some parts of the Settlement, refusing to leave before they are duly compensated. Ugandans in the Settlement are estimated to be over 40,000, doing all sorts of jobs in the Settlement. They come from the sub-counties of Kashumba, Kikagate, Rugaaga, Rwikiniro, Kabuyand, Nyakitunda, Nyamuyanja, Omundizi, and more distant districts, such as Lakai, Mitooma and Mubende. The rest of this Section analyses the factors that push the Nationals from their home sub-counties and districts and pull them into the Settlement.

First, the study established that, apart from the OPM, UNHCR and NGO workers, there were three types of Ugandan Nationals in the Settlement: cultivators, pastoralists and

traders. The majority of participants who attested to having migrated into the Settlement were cultivators and pastoralists, and they cited land shortage, landlessness, congestion and eviction in their home areas as major push factors. For example, an immigrant from Rugaaga Sub-county had this to say: "We had no choice because my family of five people owned only half an acre of farming land in Rugaaga Sub-county. Moreover, our landlord had given us up to the end of the year before being evicted." (Interview: Byaruhanga at Kabirizi 28/11/2015) Lack of farming land in Uganda is partly attributable to the high population growth rate which, at 3.03%, is the second highest in Africa. As a result, Uganda's population density has more than quadrupled since the late 1960s, rising from only 48 people per square kilometre in 1969 to 174 persons per square kilometre in 2014 (UBOS 2014). This implies that people must migrate to scarcely populated areas such as refugee settlements to avoid congestion. The situation is even worse for traditional pastoralists who need even more pastureland per capita for their cattle. The study found that pastoralists in neighbouring counties and districts had severe shortages of grazing land and water. As one Ugandan pastoralist in the Settlement attested, "In Masha, our cows were starving, we had to look for more pastureland and water sources for our cows." (Interview: Kangwagye at Kabwera village 27/11/2015) Unlike in the past, pastoralists no longer graze communally; each pastoral family or individual pastoralist with land has fenced it off, rendering those pastoralists that have no land practically destitute. This compels such pastoralists to look for pasture in other areas, including Nakivale Refugee Settlement.

While the cultivators and the pastoralists were interested in acquiring huge chunks of farmland, traders were only interested in accumulating profits accruing from their small and medium businesses. Right in the middle of the Settlement, there is a busy trading centre which attracts businessmen and women from neighbouring districts. In the centre are to be found hundreds of retail shops and some wholesale shops dealing in all sorts of commodities, ranging from food stuffs to construction materials and household items. (Observation at Basecamp 24/11/2015) While most of these businesses were owned by relatively rich refugees, a sizeable number of them were owned by Ugandans. When Ugandans were asked why they preferred doing business in the Settlement, they all cited the big population in the Settlement which represents a ready potential market for their commodities. There are also many small open

markets spread across the Settlement. The biggest open market is Kityaza Trading Centre that attracts traders from nearby and distant districts to the Settlement every Tuesday. Interview: FGD at Juru zone 18/12/2015)

Like their refugee counterparts, Ugandans who settle in Nakivale Refugee Settlement are attracted by tales of land availability and security in the Settlement. Many Nationals in the neighbouring districts have a general perception that the land in the Settlement is cheap and fertile. Indeed, the study found that land in the Settlement is relatively cheaper than that outside the Settlement. Although legally, all the land in the Settlement belongs to the government of Uganda and can, therefore, not be sold or bought, Ugandans who claim some parts of the Settlement secretly lease or sell their land to fellow Ugandans or refugees. According to Seluwada, a Ugandan in the Settlement, land in the Settlement is three times as cheap as that in the neighbouring sub-counties and districts (Interview: Seluwada at Kityaza, 08/12/2015). This is partly because the so-called Ugandan land owners in the Settlement have no titles to the land and partly because some of the buyers also know that the government can repossess that land at any time. However, some uninformed Ugandans buy land in the Settlement without realizing that it is government land and therefore not legally up for sale. As one such buyer confessed, “I had money ready to buy land in other districts but an old friend rang me and assured me of very cheap land in Nakivale. I accepted and after inspection, I paid immediately. A few days later, people started telling me that the land actually belongs to the government. I was flabbergasted.” (Interview: Byamungu at Kashojwa, 06/12/2015). Some Ugandans who have been duped into buying land in the Settlement, blame the Government for doing little to sensitise the public on the status of land in refugee settlements. The situation is compounded by Government’s reluctance, perhaps for political reasons, to impose strict controls against Nationals migrating into the Settlement. It even becomes more politically sensitive and economically costly to evict Nationals who have already established themselves in the Settlement, especially because the country’s eviction laws stipulate compensation or provision of alternative sources of livelihoods to evictees.

Besides, it was reported that some Ugandans migrate into the Settlement following their relatives who are already settled there. This was the case for Hanifah who explained, “After the death of my grandparents, I had to relocate to Nakivale Refugee Settlement to stay with my uncles” (Interview: Hanifah at Kabatamba, 02/02/2016).

Others, especially women, move to the Settlement as a result of marriage to Ugandan men resident in the Settlement. The study found that Ugandan men in the Settlement generally marry Ugandan women from in and outside the Settlement, although there are a few cases of Ugandan men married to refugee women. Yet other Ugandans move to the Settlement in search of employment as herdsmen, barbers, hair stylists or shop attendants or assistants among other occupations. One participant noted that the rate at which Nationals were migrating into the Settlement was worrying: “Don’t get surprised to see trucks carrying migrants bringing them into the Settlement.” (Interview: Ahumuza at Misera, 01/01/2016). Predictably, land shortages and more land conflicts resulting from congestion in the Settlement are likely to increase if settlement authorities do not stem the flow of Ugandans into the Settlement.

Interestingly, although the Government asserts that it owns the entire Settlement and it is reserved for refugees only, the study found that many Nationals claim customary ownership of some parts of the Refugee Settlement. “The government turned this land into a Refugee Settlement when we were already here; we can’t vacate because we have never been consulted or compensated.” (Interview: FGD at Juru zone 18/12/2015). Ultimately, whether the Ugandans in the Settlement are migrants or autochthon, their population in the Settlement is growing, which worries policy makers.

7.1.8 Conclusion

The refugee participants in the study belonged to three economic categories: the rich, the poor, and the extremely vulnerable. Interestingly, the Ugandan participants living in the Settlement were also represented in all the three categories, implying that there are no socio-economic differences between the refugees and the Ugandans in the Settlement. While there were a few economically privileged Ugandans and refugees in the Settlement, there were very many poor and vulnerable refugees and Ugandans who depended on one meal a day. The majority of the refugees interviewed were farmers at home and in Uganda. The study also found that, save for key informants who included officials from various organisations, the education level of most participants including ordinary Ugandans was basic. While most refugee participants did not cite land shortages and resultant conflicts as the major factor that forced them into exile, some Ugandans admitted to have migrated into the Settlement because of land shortages in their home areas. Nationals were also attracted by the cheapness

and fertility of the land in the Settlement. On the other hand, refugees were attracted to Uganda and to Nakivale Refugee Settlement in particular because of Uganda's settlement policy that allows refugees to practice subsistence farming, which is not the case with neighbouring countries such as Kenya and Tanzania. It was also discovered that Ugandans and refugees in the Settlement entice their friends at home to come and live in the Settlement.

7.2 Section B: The Underlying Causes of Land Conflicts in Nakivale Refugee Settlement, Parties Involved and their Interests

7.2.1 Introduction

This Section focuses on the underlying causes of land conflicts in Nakivale Refugee Settlement, the parties involved their interests. The underlying causes of the conflicts are discussed in the context of the parties involved in the conflicts, beginning with land-grabbers and the Settlement Commandant and ending with the refugees and Ugandans in the Settlement.

7.2.2 Land-grabbers versus Settlement Commandant

Being the representative of the Government, the Settlement Commandant, in collaboration with other key stakeholders, administers settlement land. The Commandant's office is located right in the middle of the Settlement and one of his/her major responsibilities is to allocate land to refugees and to prevent land-grabbers from taking it over. Land-grabbers, in this context, are normally rich individuals who deliberately use their power to claim and fence off some large parts of the Settlement land (Interview: OPM officer at Basecamp 20/11/2015). While some of them acquire such land for agricultural production, others acquire it for speculative purposes. As already indicated in Chapter Two, land-grabbers are active throughout the country, and more so in the refugee settlements.

Remarkably, during his fieldwork in Nakivale, (Interview: Kalyango 2006) he found that land-grabbers allegedly included district officials from Mbarara, the nearest city. Being government officials, they probably knew that Nakivale Refugee Settlement land is untitled government land and, therefore, vulnerable to illegal occupation. After all, they

knew that, like the boundaries of many other public lands under government ownership, the boundaries of the Settlement land were not clear (Mugerwa 1992; Nuwagabe 2002). Encroaching on government land by civil servants, army officers, politicians and ordinary people is gradually becoming a national security matter. In fact, during a fact-finding mission, it was revealed that in 2014, the Commandant for Rwamwanja, another nearby refugee settlement, was allegedly killed by encroachers who wanted to retain settlement land by all means. It was alleged that a certain powerful Minister from the region wanted the Commandant to evict the ordinary and less powerful encroachers in order to pave the way for him to grab the land (Interview: OPM Official at Mbarara, 9/02/2016). If these allegations are true, they would imply that the land administration system is weak and easily manipulated by the rich and powerful for their own benefit. OPM officials interviewed for this study repeatedly stressed that although the number of land-grabbers had dropped, they still posed a threat to land administration in the Settlement, necessitating a high level of vigilance and surveillance (Interview: OPM Official at Mbarara, 9/02/2016).

7.2.3 Commandant versus Ugandans living in the Settlement

As already indicated, there are Ugandans living in the Settlement. These were broadly grouped into two major categories: migrants from neighboring sub-counties and districts and those who claim to be autochthonous to the Nakivale Refugee Settlement. These two groups claim land rights in the Settlement which the Commandant, on behalf of the government, disputes. It was reported that past Commandants were extremely corrupt and used to harass Ugandans by confiscating their land and apportioning it to refugees. As one Ugandan settlement resident claimed, “When the Commandant wants to evict you indirectly from the Settlement, he just settles refugees near your house or in your compound so that you feel the pressure and leave or give him money to take them away” (Interview: Byaruhanga at Kabirizi 28/11/2015). Although the Commandant argued that he was simply enforcing the government policy of protecting the Settlement from occupation by non-refugees, the affected Ugandans thought differently, wondering how a fellow Ugandan (the Commandant) could favour refugees at the expense of fellow Ugandans. In the opinion of one Ugandan FGD participant, “Here, refugees are respected more than we are. Previously, we could not build before bribing the Commandant because he could find you building and stop you or destroy your house and allocate the land to a refugee. Can you imagine?”

(Interview: FGD at Basecamp 12/02/2016). Reportedly, this kind of conduct had climaxed into violence, with the Ugandans mobilising themselves in large numbers and threatening to lynch the Commandant if he continued using refugees for his private gain, and at the expense of Ugandans. But, during the study, the then new Commandant was not reported as corrupt as his predecessors. Although some Ugandans were not happy with his conduct, the majority of Ugandans were happy with his performance (PRA workshop at Kityaza, 08/02/2016).

7.2.4 Refugees versus refugees

Land conflicts pitting refugees against fellow refugees are also common. Refugees compete and fight for land in the Settlement. According to OPM procedures and regulations in Nakivale Refugee Settlements, a refugee family of 1-7 members is entitled to half an acre of land; larger families are entitled to more land. Sons aged 18 and above are singled out and given land as individuals because they are expected to marry and make their own families (Interview: OPM officer at Basecamp 20/11/2015). However, confusion and lack of clear land boundaries normally cause tensions among refugees. It was reported that in cases of mass refugee arrivals, the Settlement Commandant and his staff apportion the plots hurriedly, resulting in unclear plot boundaries. Some shrewd refugees deliberately encroach on their neighbours' land, sometimes even uprooting boundary markers in the form of trees. It is even worse when a refugee leaves his land vacant and goes away for a month or so: the immediate neighbours take over the land, assuming and praying that the owner has returned to his or her home country. Indeed, the study revealed that some refugees go back to their home countries to assess the situation and when they discover that the conditions at home are still bad, they return to Nakivale Refugee Settlement. In the words of one refugee participant, "Some Rwandese and Congolese refugees who return home are normally harassed and forced to come back to the Settlement again" (Interview: Bizimungu at Kashojwa B, 09/12/2015). To their dismay, however, such refugees find their land already occupied by neighbours, if the Commandant has not already allocated it to new refugees. Sometimes, refugees returning home to assess the situation there leave their land in the care of a trusted friend, but when they return to the Settlement, the "trusted" friend may refuse to hand back the land.

7.2.5 Lessors versus lessees

Ugandans and refugees who manage to manipulate the authorities and acquire more land than they need, often rent out the extra land to other refugees for a fixed period of time, contrary to settlement regulations. However, sometimes, when crops are ready for harvest, some lessors assume ownership of crops and deny ever having rented the land to anyone. Vyansobeye's brother's woes provide a good example of such behaviour. In Vyansobeye's words, "My brother lost his entire harvest to the lessor who had leased the land to him for only one season. Although my brother reported the case to local authorities, it seems that the offender manipulated the authorities to "kill the case" (Interview: Vyansobeye at Rohoko, 05/01/2016). In even worse scenarios, the lessor intentionally harvests the lessee's crops at night in an act of theft that the victim usually cannot prove in a court of law.

However, it is not only lessors that are dishonest. Sometimes lessees also cheat their lessors: after using the land for some time, some lessees assume ownership of the land, claiming to be the rightful owners and denying knowledge of the lessor. Because most transactions between lessor and lessee are verbal and undocumented, such conflicts are difficult to resolve. In any case, even if such transactions were documented, they would still be illegal because no settlement resident, refugee or Ugandan, is allowed to sublease or sell settlement land. Therefore, all such transactions are clandestine and secret (Interview: Nzabandora at Nyarugugu, 06/01/2016).

7.2.6 Pastoralists versus cultivators

The commonest form of land conflict reported was between pastoralists and cultivators. This form of conflict manifests itself in three different ways: refugee pastoralists versus Ugandan cultivators, Ugandan pastoralists versus refugee cultivators and Ugandan pastoralists versus Ugandan cultivators as discussed below.

7.2.6.1 Refugee pastoralists versus Ugandan cultivators

The conflicts between refugee pastoralists and Ugandan cultivators are compounded by the fact that refugees know that the Settlement belongs to them and that legally, the Ugandans are encroachers. On the other hand, the Ugandans perceive refugees as foreigners whose rights to land in Uganda should be secondary to those of

Ugandans. It was reported that cattle belonging to refugees sometimes eat crops belonging to Nationals. This normally happens at night which makes it hard to get sufficient reliable evidence to prosecute the perpetrators. It is against this background that Nationals living in the Settlement have strong negative sentiments against refugees. For example, a Ugandan resident of the Settlement had this to say: “We urge the government to relocate these refugees to other areas and to stop receiving more refugees because we can’t allow this to continue” (Interview: Kobusingye at Ruchinga, 07/01/2016). In this context, “...we can’t allow this to continue...” means that Ugandans in the Settlement Nationals can no longer tolerate competition with refugees for Uganda’s natural resources, or what the Ugandans perceive as refugees recklessly encroaching on their land and allowing cattle to eat and destroy crops belonging to Ugandans.

7.2.6.2 Ugandan pastoralists versus refugee cultivators

Similarly, the conflict between native pastoralists and refugee cultivators was caused by recklessness and sometimes xenophobia expressed through intentional acts such as allowing cattle to destroy crops belonging to refugees. Uwimana, a Rwandan cultivator, narrated that national pastoralists seem to not to care at all. In her own words, she narrated that “whether their cows destroy our crops or not, it is not their concern because we know that they do not want us in this settlement” (Interview: Uwimana at Kashojwa 20/11/2015). This implies that both refugees and Nationals generally do not trust each other. There seems to be an underlying deep suspicion between the two communities which is indeed a challenge for peace builders. As will be discussed in the later Section on interventions, any peace interventions should aim at building trust as one way of resolving the land conflicts in the Settlement.

7.2.6.3 Ugandan pastoralists versus Ugandan cultivators

The study found that land conflicts also exist between Ugandan pastoralists and Ugandan cultivators. It was reported that pastoralists wittingly or unwittingly let their cows graze on and destroy crops belonging to fellow Ugandans. Ugandan pastoralists mainly belong to the Bahima sub-ethnic group (of the Banyankore ethnic group), who are traditionally pastoralists as opposed to the Bairu who are traditionally cultivators. The conflict between Bahima pastoralists and Bairu cultivators in western Uganda is almost legendary, dating back to pre-colonial times. Therefore, this competition for

land in the Settlement simply reignites old inter-ethnic rivalries. The Bairu accuse the Bahima of despising them, being arrogant, selfish, and careless. According to one Mwiru (singular for Bairu), “Itwe nibatutwaramu nka abooro kandi nka’batari ‘baana babantu”, literally meaning, “They consider us as poor non-human beings” (Interview: Ahumuza at Misera, 01/01/2016). However, interviews with Bahima revealed that even if the Bahima cows accidentally destroy crops belonging to Bairu, the Bairu interpret the action as premeditated (Interview: Kangwagye and Nasasira at Kabwera 27/11/2015). This implies that the two groups hold deep-seated mistrust and suspicion of each other. Interestingly, it was reported that although national pastoralists refer to themselves as Bahima, most of them are actually not Bahima natives: they are originally Rwandan Tutsi refugees who moved into the Refugee Settlement in the 1960s and 1970s and later registered as Ugandan citizens. They can easily pass themselves off as Bahima because they have similar physical features and are both pastoralists. When Rwanda stabilised in 1995, some Tutsi returned home and those who remained in Nakivale Settlement consolidated and retained huge chunks of grazing land. This makes the Bairu natives feel jealousy and resentment against the self-styled Bahima.

7.2.6.4 Ugandan pastoralists versus refugee pastoralists

This form of land conflict that pits Ugandan pastoralists against refugee pastoralists is particularly common during the dry season when pasture is scarce. In the Settlement, there are reserved places for grazing locally known as “empita” – uncultivable lowlands that normally get waterlogged during rainy season. Every pastoralist in the Settlement has a right to graze and water his cattle on these communal lowlands or “kalandanda” as they are locally known. However, during the dry season, competition for *empita* pasture and water becomes fierce, especially between national pastoralists and refugee pastoralists (Interview: FGD at Juru zone 22/11/2015). This competition is likely to become even fiercer as the human and livestock populations in the Settlement grow. Byamungu, a Ugandan who has been living in the Settlement for over ten years estimated the population of domestic animals to be 10,000 cattle, 5,000 goats and 3,000 sheep (Interview: Byamungu at Kashojwa, 06/12/2015). This implies that grazing land is becoming increasingly relatively scarce and valuable, which heightens competition for it. When that competition is between a refugee and a Ugandan, matters are aggravated.

7.2.7 Environmentalists versus encroachers

Another form of land conflict in the Refugee Settlement was between the National Environmental Management Authority (NEMA) and purported encroachers. The alleged encroachers include refugees and Nationals living in and around the Settlement and Lake Mburo in the Settlement is NEMA's major conservation target. In early 2013, NEMA, together with other government law enforcement agencies, evicted all the people that were living in the conservation belt alongside the lake. NEMA reportedly acted pugnaciously and violated the rights of the evictees through forceful eviction and destruction of their sources of livelihood. In an interview with Byaruhanga, one of the victims of the eviction, he lamented, "I am homeless, my house and crops were all destroyed completely, now I depend on well-wishers" (Interview: Byaruhanga at Kabirizi 28/11/2015). While NEMA accuses the people of degrading such protected areas, the accused argue that NEMA went beyond its limits. NEEMA normally conserves a band of 250 metres from the lake. This comprises of 200 metres from the water body (the wetland/swamp reserved for natural regeneration) plus the 50 metres reserved for tree planting. However, the affected participants harshly disputed NEMA's actions. They alleged that NEMA authorities sometimes exceeded the 250 metres. In the words of one witness, "In Kabatamba peninsula, even houses and crops 400 metres away from the lake were demolished. These people acted with impunity; sometimes they were not measuring the metres; they just estimated" (Interview: Nayebare at Kabatamba A, 6/01/2016). It seems there was inadequate sensitisation of the evictees by the authorities, which is contrary to the standard eviction procedures. The evictees should have been given sufficient information about the pending eviction and why they were targets of eviction. An inquiry into this revealed that although the evictors made attempts to sensitise the evictees, not many people attended such sensitisation meetings, which suggests that there was poor community mobilisation. Consequently, the evictees became suspicious of the true intentions of the evictors. In fact, some of the participants suspected an invisible hand behind their evictions. According to FGD participants, "This is not about NEMA. We know it as a matter of fact that some powerful individuals in the government want to grab our land; that's why they are using NEMA to evict us" (Interview: FGD at Juru Zone 18/12/2015).

Conservationists also accused refugees of destroying the ecosystem by over-cultivating in the State-protected wetlands. The enactment of new environmental laws which protect a belt of 250 metres from the lake implies that all people living within the belt are actually violating the law and must be evicted. However, the affected people do not agree. According to Nasasira, one of the Ugandans in the Settlement, “This is our sole source of our livelihood. They can’t evict us without compensation. They favour refugees more than Nationals” (Interview: Nasasira at Kabwera 27/11/2015). Nasasira reiterated that the land adjacent to the lake shore favours both crop production and pasture, making it even more attractive to both pastoralists and cultivators. To complicate matters further, while refugees who were evicted from the 250-metre belt from the lake were compensated with equal pieces of land, their Ugandan counterparts were not, further strengthening the Ugandans’ conviction that the Settlement authorities favour refugees at the expense of the Ugandans. However, the OPM authorities interviewed maintained that because Ugandans are not legally resident in the Settlement, they could not have been compensated for contravening the law. As one OPM officer put it, “This is a Refugee Settlement; we don’t expect Nationals to be living here. We are just being compassionate; we should have evicted them a long time ago” (Interview: OPM officer at Basecamp 20/11/2015). Therefore, it can be argued that NEMA evictions of Ugandans were actually a blessing in disguise for the OPM authorities.

NEMA also accused the refugees of encroaching on, and indiscriminately cutting trees in, reserved areas, such as “oruhita” (*empita* in plural), the lowland earmarked for cattle grazing in the Settlement. The commonest source of cooking energy in the Settlement was reported as firewood and it was clearly in short supply. In the absence of a forest from which to collect firewood, refugees and Ugandans desperately encroach on “Oruhita” and cut trees for household firewood and for making charcoal to sell in the markets. Besides, Settlement residents also reportedly encroach on the neighbouring host community’s land, especially in the hills surrounding the Settlement, to steal firewood. This exacerbates the already acrimonious relationship between refugees and the host community. Some of the refugees who were caught trespassing and stealing firewood were purportedly killed, maimed or threatened, which jeopardised the safety and security of refugees (Interview: Mbonye at Kabazana 28/11/2015). Similarly, many previous studies (Homer 1991; Harrell-Bond 2002;

Ahimbisibwe 2013) found that hosting refugees was indeed becoming burdensome as they cause environmental degradation, conflict with Nationals and insecurity in the host countries. In the case of Nakivale Refugee Settlement, land shortage and limited sources of cooking energy constitute the major problems that strain the environment and exacerbate conflicts both within the Settlement and between the Settlement and the host community. But there are other causes of land conflicts in the Refugee Settlement.

7.2.7.1 Other causes of land conflicts in Nakivale Refugee Settlement

In addition to the causes of land conflicts already discussed in the foregoing subsections, five other factors contribute to land conflicts in the Settlement. These include a high population growth rate, inadequate land for refugees, vacant land in the Settlement, contested land ownership and ambiguous land boundaries, economic disparities, jealousy and antipathy. It is to these factors that we now turn.

7.2.7.2 High population growth rate

The high rate of population growth is incontestably a challenge to policy architects and implementers, not only in refugee settlements but in the country as a whole. Uganda's population has grown exponentially from 2.8m in 1911 to 35m in 2015 (UBOS 2014). This is a growth rate of about 3.2% per year, which is the second highest in Africa after Niger. The refugee population in the country has also grown almost in the same proportions. In the 1940s and the 1950s, Uganda hosted about 7,000 refugees, mostly of European origin fleeing World War II, but the refugee numbers have grown to 530,000 refugees in 2016 (Kamoga 2016). In Nakivale Settlement the refugee population was less than 2,000 in the 1960s; but this steadily grew to 15,000 and 100,000 in 2003 and 2015 respectively (Bagenda, et al. 2003; Ahimbisibwe 2013; OPM Official at Mbarara, 9/02/2016).

The surge in population inevitably leads to a reduction in the land available per capita because land does not increase. For example, in the 1980s and the 1990s, when the Nakivale Refugee Settlement was sparsely populated, both refugees and Nationals owned large portions of land and rarely conflicted. However, as the refugee population grew, friction and strain on the resources available increased, leading to conflicts. As Nasasira, a Ugandan resident in the Settlement proposed, "If the authorities would

relocate some of these refugees and stop receiving more of them, perhaps the violent and sometimes deadly land conflicts we are witnessing these days would reduce; the situation never used to be like this in the past” (Interview: Nasasira at Kabwera 27/11/2015).

These findings are congruent with those of Bagenda, et al., (2003) who attribute land conflicts and anti-refugee sentiments in Nakivale and the surrounding areas to the following four factors. These are the surging population of Nationals in south western Uganda and the increasing need for pastoral land; the continuous inflow of refugees even when the anti-colonial struggles have ended; the growth of a cash economy which increased the value of agricultural products and the commodification of land; the availability of vacant land in Nakivale Settlement, which was moreover demarcated, yet Nationals were gradually becoming landless due to population pressure.

7.2.7.3 Inadequate and unsustainable plots of land

As noted above, one of the consequences of population growth in the Settlement is the reduction and scarcity of farming land. At the time of my fieldwork, many refugees fleeing the 2015 Burundi political crisis were not being given farming land: they were only allocated plots of 50 by 100 feet on which to construct shelter. An OPM officer justified this, saying, “The priority is to first give them where to build small houses and then farming land later. Farming land is not a guarantee, it will depend on the availability of land” (Interview: OPM officer at Mbarara, 9/02/2016). Apparently, new refugees without access to farming land wholly depended on the limited and inadequate humanitarian aid and casual labour for survival. They were also reported to be desperately searching for cultivable land and some of them allegedly encroached on protected wetlands and grazing land, which further increased friction with cattle keepers. A 61-year-old Ugandan herdsman narrated: “As you can see, the reserved grazing land is reducing, these miserable refugees keep encroaching on it metre by metre every season, as they desperately look for cultivable land” (Interview: Byaruhanga at Kabirizi 28/11/2015). Indeed, being destitute and desperate is a major cause of crime and conflict all over the world. A hungry poor person is likely to be angry and capable of using all measures available to survive, regardless of whether they are legal or illegal.

7.2.7.4 Presence of vacant land

One of the key characteristic of Nakivale Refugee Settlement is the incessant inflow and outflow of refugees. This cycle is attributed to the fact that while some of the areas such as Rwanda and eastern DRC regain stability, others like Burundi descend into violence, especially after disputed elections. Therefore, the Settlement land that is left vacant by the outgoing refugees becomes a source of conflict as it is targeted by both Ugandans and refugees in the Settlement. Kabanda, a Burundian male participant explained: “Everyone’s eye is wide open to identify and grab any vacant land in the neighbourhood; they know that once you have cultivated it, you can easily claim it and it becomes difficult for the Command to evict you” (Interview: Kabanda at Isangano, 06/02/2016). Such vacant land is also targeted by incoming Ugandans from neighbouring sub-counties and districts. The precedence for this conduct was set in 1994 when many land Tutsi refugees from Rwanda returned home, leaving behind large chunks of vacant land that were then taken over and consolidated by the remaining Tutsi and Ugandan residents of the Settlement. Actually, many Ugandans who migrate into the Settlement hope that, one day, they will benefit from such land when the refugees return home. At least that is Hanifah’s wish: “It is my wish that these refugees return home very soon; for how long shall we host them? We need our land back” (Interview: Hanifah at Kabatamba, 02/02/2016). Such sentiments were echoed by many other Nationals who view refugees as a burden on the host community.

7.2.7.5 Contested ownership and ambiguous boundaries

As intimated before, the question of who actually owns land in the Settlement remains valid. While refugees have only temporary user rights, many purported autochthons claim ancestral and full rights over the Settlement land which the Government disputes. The government position remains clear: the Settlement is gazetted government land reserved for refugees only. But Nationals continue to question the manner in which the government acquired that land, and their view was well articulated by Byaruhanga when he said, “I would like to inform you that in the early 1960s the UNHCR promised the Government of Uganda some money to host Rwandan refugees, on condition that evidence of the land on which to settle them was provided. What the Government did was just an aerial survey and it generated the map which it presented for funding. If the Government wanted to gain ownership of this land, they

should have compensated us first” (Interview: Byaruhanga at Kabirizi 28/11/2015). Based on the account of many Nationals, especially those who claim ancestry in the Settlement, it was clear that the Government never followed proper legal procedures for acquiring ownership rights. The legal procedure requires that if the Government wants to acquire certain land for a particular purpose, such as establishing a refugee settlement or national park, the residents thereon must be compensated first. In fact, during my fieldwork, it was reported that there was a legal battle going on in the High Court between the Government (accused) and the Nationals living in the Settlement (petitioner). The plaintiff wanted the court to declare government plans to evict all the non-refugees in the Settlement as illegal (Interview: Nasasira at Kabwera 27/11/2015). It remains debatable whether the Government will successfully evict all Nationals from the Settlement given the high political stakes involved. These stakes were implied in one Ugandan participant’s partly quizzical remarks. In an interview, Kobusingye began her answer with a rhetorical question: “If the Government does not recognize the Nationals living here, why did they establish polling stations in the Settlement? This indicates that the government all along knew that there were some citizens living in the Settlement” (Interview: Kobusingye, at Kityaza, 07/01/2016). This followed an incident in which the National Lands Office cancelled all the land titles that had been given to seven individuals whom the Government referred to as land-grabbers (Interview: Zonal lands official at Mbarara, 06/12/2015). The critical question is: how did these individuals manage to acquire land titles on the government land in the Settlement? Again, this manifests the gross corruption in the National Lands Office because the officers who processed the seven land titles must have done so in full knowledge of the fact that the land in question was government land. These revelations are consonant with the findings of Ahimbisibwe (2013) who also concluded that unresolved land ownership was fermenting tensions between the Government and the Nationals in the Settlement.

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Moreover, the study found that the boundaries of the Settlement were also unclear. As noted in Chapter One, the Government argues that the Settlement initially covered 84 sq.km but was reduced to 71 sq.km due the creation of new district headquarters at Kabingo (Interview: District Lands Officer at Kabingo, 04/02/2016). What bothered many Nationals is the fact that the Settlement boundaries were not demarcated for all to see. None of the participants living in the Settlement was able to tell where the

Settlement exactly begins and ends, from the south to north or from west to east. Previous studies (Pirouet 1988; Ahimbisibwe 2013) also concluded that settlement boundaries were unclear. By and large, the Nationals want the government to show them where the Settlement starts and ends and to respect their rights as citizens and voters.

7.2.7.6 Economic inequality, jealousy and antipathy

In addition to general xenophobic sentiments against refugees, many Nationals were envious and jealous of the economic progress made by some highly enterprising refugees. Moving around the central business centre, in the Base Camp Zone of the Settlement, one could easily notice a semblance of urbanisation. Most of the shops and other businesses in the main trading centre, including those selling food stuffs, household items, construction materials and other commodities, were owned by refugees. (Even the owner of the restaurant where I used to take lunch was a refugee.) On the other hand, as we have already indicated, many Ugandans in the Settlement are extremely poor and vulnerable. Many such Ugandans attributed their poverty to what they perceived to be the Government's policy of marginalising them to the benefit of refugees. As one of them told me in an interview, "Living in this settlement is akin to living in a foreign country; we look on while refugees receive services from aid organizations. The Government does not give us any services; we are like second class citizens here" (Interview: Nayebare at Kabatamba, 06/01/2016). Lack of opportunities, especially from the Government, meant that the only resource they would fall back on was land; but even this is more readily accessible to refugees who receive humanitarian aid than to Ugandans who do not receive such aid. Understandably, this situation has precipitated feelings of envy and antipathy against refugees among Ugandans in the Settlement.

At the same time, informed refugees are aware that while they are legally entitled to land in the Settlement, Ugandans are not. In the words of Bakunda, a Congolese refugee, "We were told that the land in this settlement belongs to us. We don't know why non-refugees continue invading us" (Interview: Bakunda at Misera 25/02/2016). This view is reinforced by government authorities who regularly remind Nationals that the Settlement is exclusively for refugees. Various previous studies (Aukot 2003; Odhiambo 2004; Alix-Garcia and Saah 2010; Maribuni 2012) found similar anti-

refugee sentiments among host communities in Tanzania, Liberia, Ghana and Kenya and for broadly similar reasons. This relationship is perhaps best portrayed in Aukot's (2003) article, "It is Better to be a Refugee Than a Turkana in Kakuma: Revisiting the Relationship between Hosts and Refugees in Kenya". Kakuma is the biggest refugee settlement in Kenya, located in the poverty-stricken Turkana region where some poor Nationals envy refugees mainly because of the humanitarian aid delivered to refugees on a monthly basis while Nationals are left out to fend for themselves. In Nakivale Refugee Settlement, a similar situation prompted Nationals to demand for settlement land to cater for themselves.

7.2.7.7 Conclusion

Land conflicts remain a serious menace in Nakivale Refugee Settlement despite the Government's commitment to resolve them. The land conflicts in the Settlement are mainly caused by competition for scarce land by a multiplicity of interested parties. These land conflicts pit pastoralists against cultivators, pastoralists against pastoralists and cultivators against cultivators. At another level, conflicts over land arise between land and environmental law enforcers on one hand and perceived criminals who contravene land and environmental laws on the other. Land law enforcers, including the Settlement Commandant and his team, seek to prevent Ugandans from acquiring land in the Settlement, and to evict them if they are already occupying settlement land. But some of the Ugandans claim to be autochthonous to the Settlement and demand compensation before they are evicted, while others, unaware of the legal status of settlement land, migrate from their land-scarce home areas to the Settlement in search of apparently available and cheap land. At the same time, conflicts over settlement land arise when environmental conservation agencies, principally NEMA, evict both refugees and Ugandans from legally protected areas, such as shore lands of Lake Mburo and lowlands set aside for communal grazing.

However, land conflicts in the Settlement are also caused by independent causes. These include high population growth which continuously increases land scarcity, the inadequacy of the plots of land allocated to refugees, especially new arrivals, which forces the refugees to try to access additional land by any means possible, and the presence of vacant land, especially that left behind by outgoing refugees, which attracts both external Ugandans and settlement refugees. Other causes are: (a)

contested land ownership which pits so-called autochthonous Ugandans against both Government and the refugees and (b) ambiguous settlement land boundaries which trigger conflicts between the Settlement authorities and the Government on one hand and the surrounding host communities on the other and (c) jealousy and antipathy on the part of Ugandans, who view refugees as foreign intruders who are benefitting from humanitarian aid and Ugandan land at the expense of needy Ugandans. Ultimately, it is clear that as long as the populations of Uganda and of the Settlement continue growing at current rates, land scarcity and its concomitant conflicts are going to escalate in the Settlement.

7.3 Section C: Land Conflicts and Food Insecurity in the Settlement

7.3.1 Introduction

As already noted in Chapter One, although land conflicts and food insecurity have traditionally been largely treated as two separate research areas, they are inextricably intertwined. In a stable community with minimal land conflicts and fair distribution of land, food production is thought to increase, given the availability of other factors of production such as labour and capital. Sustained food availability and access also have a multiplying effect on the general security and economic growth, which in turn facilitate further investments in agriculture. On the other hand, land conflicts directly hamper food production, leading to food scarcity. Prolonged food insecurity further deepens the need and competition for fertile land, triggering more land conflicts, especially in agrarian refugee-hosting communities. This relationship is a reality but little has been done to explore exhaustively the reciprocal linkages between land conflicts and food insecurity, especially in refugee settlements. Therefore, this Section seeks to explain the extent to which land conflicts contribute to food insecurity in Nakivale Refugee Settlement. In addition, it examines other factors (other than land conflicts) that contribute to food insecurity. This Section is essentially presented using recent specific cases of land conflicts in the Settlement and their impact on food production, leading to food insecurity.

7.3.2 The contribution of land conflicts to food insecurity

7.3.2.1 Case 1: Kibare village saga

Kibare Village is found in Katirima Zone of Rubondo Division in Nakivale Refugee Settlement. In 2014, Nasasira Nixon, a Ugandan pastoralist, slashed a big crop garden belonging to a refugee (Interview: Nasasira at Kabwera 27/11/2015). The garden was adjacent to Nixon's own land. Nixon claimed that the refugee, Rwankoba Alex, cultivated the land without authorisation from the alleged real owner and did not want to pay rent. However, Alex insisted that he had acquired the land legally, having bought it from a friend who was returning to DRC. But Nixon had apparently wanted to annex the same land onto his land. The disagreement climaxed into Nixon slashing Alex's crop garden. Thereafter, Alex mobilized fellow refugees in big numbers and attacked Nixon and all his supporters, mainly Ugandans. The fight led to destruction of property and three people were seriously injured. Although a police intervention calmed the situation, considerable food had already been destroyed and livelihoods destroyed. Granaries of beans and maize that would have fed Alex's family for six months were burnt and his family was left without hope. In addition, the little money Alex had saved, which he would have used to buy food for his family for at least a month, was spent at the Police post in an attempt to establish his ownership of the contested land and regain it. However, Nixon was also determined to acquire the same land and, having allegedly bribed the Police and others concerned, he obtained the land. This was a blow to Alex's family. In his own words, Alex admitted, "Before the land conflict, my family rarely went out of the Settlement to work for food. But these days, we must walk long distances looking for work or else we sleep hungry. Life has changed for the worse for us" (Interview: Rwankoba at Kibare 20/01/2016). This implies that the more violent a land conflict is the more adverse is its impact on food security at both household and community levels.

By extension, we can logically conclude that the Settlement would have been much more food secure had it been more peaceful and harmonious. The kind of violent land conflict that pitted Nixon against Alex not only claims human lives; it also leaves an indelible mark on food security. Most violent clashes reported in the Settlement were between refugees and Nationals; and every time there was a clash, at least a farmer

would be injured and productive time and money would be wasted in legal battles. All these have a direct bearing on food production in the Settlement.

7.3.2.2 Case II: Kaaza and Kabirizi villages

Kabirizi Village in the Settlement is predominantly occupied by Ugandan Nationals. In 2013, the Settlement Commandant (OPM) decided to settle new refugees in this village. However, the residents of Kabirizi resented the Commandant's decision as it would reduce land availability per capita in the village. Shortly after settling the refugees, the Ugandans violently evicted them and during the eviction, two people were injured and one lost an arm before the authorities intervened. Those who sustained serious injuries became dependent and food insecure as they could not work anymore. A relative of one of the victims recounted the latter's ordeal: "After he lost an arm, my cousin/brother suffered a lot. We gave him food on a daily basis until he decided to return to DRC rather than die in a foreign country" (Interview: Digida at Kaaza, 09/01/2016).

Upon realizing that refugees were unwelcome in Kabirizi Village, the authorities later relocated them to Kaaza Village which is also predominantly occupied by Nationals. Shortly thereafter, the Nationals in Kaaza Village attacked the refugees, and, during the scuffle, many were people were injured and two people died. This prompted the authorities to relocate the refugees to Nyakagando Village where they are living now. The bottom line is that every time there was violence, crops were destroyed and food production stalled. And every time refugees were shifted, they left behind premature crops which they could not harvest or sell. Kataha Agnes, one of the refugees, had rented a fairly large piece of land Kaaza Village at UGX 150,000 (\$50) and had just finished sowing the seeds when the violence erupted. Unluckily, she had to vacate the village and start from scratch in the new village. (Interview: Kataha at Nyakagando 27/01/2016)

Besides, it was reported that the victims who opted to seek legal redress were equally disappointed as the process further drained them financially and without any positive results. Reportedly, the Kaaza and Kabirizi cases was lost in the court system because of bribery: they never featured before any judge. According to Mahoro, a Congolese, refugee who was a victim in the two cases of violence,

“The police would tell the victims to go to court; reaching the court, the court registrar would tell them to come the following week. Then the following week, the same registrar would tell them that the case file was missing and refer them back to the police. Going back to the police, the police would again send them to court – it was a mockery of justice” (Interview: Mahoro, at Kabirizi 12/01/2016).

Indeed, such legal processes require money for transport and legal fees among other expenses. The complainants lost a great deal of money that would otherwise have been used to produce or buy food.

7.3.2.3 Case III: the NEMA eviction sagas

As mentioned in the preceding chapter, the National Environmental Management Authority (NEMA) is the main national authority responsible for the conservation of the environment. NEMA had previously cautioned the residents alongside the Mburo lakeshores to vacate the land, but the residents did not heed the warning. In early 2013, without notice, NEMA, backed by the police and the army, violently evicted all refugees and Nationals who were allegedly residing within the protected belt of land around the lake in the Settlement. These evictions were reportedly carried out with the aid of teargas, live bullets and beatings of those who attempted to resist. Two old women purportedly collapsed and died of stress. Others fled to the neighbouring villages. Houses and household properties were destroyed, banana plantations and other gardens cut and goats and sheep killed. Thieves also exploited the confusion and stole chickens and other properties. The whole of Kabatamba peninsula was slashed and residents evicted. Families lost virtually everything. While refugees were relocated to another place, nationals were not, because they were, after all, living in the Settlement illegally. Certainly, in humanitarian terms, this was arguably unfair for it left many Nationals homeless. The impact created in 2013 was still being felt during the fact-finding mission in early 2016. As Tushabe, a Ugandan national narrated, “Before the evictions, I had never gone out of my home to other homesteads to work for food as I would get food from my plantations. But now I cannot feed my family. Sometimes I borrow money from friends to buy food. My crops, animals and even tree seedlings were destroyed and burnt down” (Interview: Tushabe at Kabatamba 20/11/2015).

Similarly, Seluwada, a Ugandan trader and farmer owned about eight acres of land in the NEMA-protected zone. He had ignorantly bought it from a fellow national who reportedly knew about the impending evictions. Seluwada would sell bananas from that land and earn about \$500 every harvesting season. However, his entire banana plantation was slashed to the ground. Narrating his ordeal, Seluwada says, “NEMA actions impoverished me; I lost almost everything save for my cows. Now I am selling cows to buy food. - this means that in the near future I will suffer. I will never forget my land” (Interview: Seluwada at Kityaza, 08/12/2015). Indeed, Seluwada was worried about the future and his fond memories of his fertile land by the lakeside were still alive. Listening to him, I was reminded of the famous Kenyan saying during *Mau Mau* liberation struggle: “When a man takes your cow, you can forgive and forget, but when a man takes away your land, you cannot forgive nor can you forget” (Turyamureeba 2012:12). Nationals were mainly affected because they were living near the lake. The soil near the lake was the most fertile and productive. Therefore, denying them access to that land translated into reduced food production and food insecurity because they derived sustenance from cultivation. Even refugees who were evicted from such protected land admitted having missed fertile land. According to one of them, “From that land I used to harvest two sacks of maize and three sacks of beans, but now I harvest only one sack from the new land they gave me” (Interview: Uwimana at Kashojwa 20/11/2015). This partly explains why some of the Ugandan evictees who had fled to neighbouring sub-counties, such as Rugaaga, later returned to live on and cultivate parts of their former land in the protected zone. They returned, basically because their economic situation became desperate and they had no alternative means of livelihood and because they received information that, due to shortage of funds, NEMA and its security reinforcements were no longer around to evict encroachers (Lubega 2006). However, although the risk of eviction had been temporarily reduced, it was not eliminated: NEMA could pounce again any time.

That is why the evictees who returned to the same land in the Settlement were reportedly living in fear, suspicion and mistrust. The study found that all they did on the land was short term projects. No one was willing to invest in long-term projects that would ultimately boost food production. For example, people preferred to cultivate fast-maturing crops, such as beans, rather than perennial crops like coffee, because they anticipated re-eviction anytime. Hanifah, a Ugandan settlement resident who

returned after eviction, expressed their position succinctly: “We know this is contested land, we want to live here but we know NEMA is likely to chase us again. So, no one is willing to invest in large-scale farming or mechanized food production because we live in fear” (Interview: Hanifah, at Kabatamba, 02/02/2016). Countrywide, buyers, lessors or investors tend to avoid contested lands because of associated inconveniences, such as being ordered to compensate the genuine owners or being ordered out by conservationists. Therefore, disputed lands tend to be unproductive, thus undermining food security.

Moreover, as Rugadya argues, when land is contested and the contestants are in court, courts sometimes take up to five years without deciding the actual owner of the land; and during that time there is perhaps a court injunction against using the contested land (Rugadya 2009). This, too, renders the land idle and unproductive or underproductive, thereby contributing to food insecurity. In addition, when land ownership is disputed and the dispute is in courts of law, the little money that poor people would use to buy food is usually spent on endless judicial processes in an attempt to assert their land ownership rights. For example, the study found that the case in which the victims of NEMA actions were demanding compensation and ownership rights on settlement land had been in court for three years and court hearings were still ongoing. And the popular lawyer hired by the evictees, Medard Sseggon (Busiro South Constituency M.P) was reportedly very expensive. In addition, court hearings normally took place four times a year which was in itself very expensive in terms of transport and lodging. Overall, it was reported that in the course of three years, the evictees who were in court had already spent about UGX 40 million on their case (Interview: Kobusingye at Ruchinga, 07/01/2016). This is a great deal of money that could have been collectively spent to boost food security in the Settlement, for example, by installing an irrigation system and buying fertilizers to increase food production. Likewise, if there was no land conflict, such money could have been used to buy food for about 500 most vulnerable community members for a year.

7.3.2.4 Family land disputes, land fragmentation and sale

The study found that family land conflicts among Ugandans led to land fragmentation. As discussed in Chapter Three, land fragmentation refers to the division of land formerly owned by one person or family into small units allocated to various individuals

or groups of individuals. In cases where a family head dies intestate, the children normally conflict over the deceased's property, including land. As a conflict resolution strategy, such land is normally distributed amongst all the children. Ahumuza, a participant in the study, reported that her uncle's family was food secure because they had a relatively big piece of land which was their sole source of livelihood for decades. However, after her uncle's death, the children conflicted and consequently partitioned the land, each child getting about two acres. Eventually, within a year, many of the children were food insecure because they had sold the land and allegedly wasted money on sports betting (Interview: Ahumuza at Misera, 01/01/2016). Had the family not developed conflicts over their family land, perhaps the family land would have remained intact, and the entire family would still be food secure.

7.3.2.5 Other factors that contribute to food insecurity in the Settlement

The study found that, apart from land conflicts, there are other factors that contribute to food insecurity in the Settlement. Among these other factors is environmental change which is said to lead to unpredictability of the climatic patterns associated with agriculture, which in turn leads to greater risks in agriculture. The increasingly severe flooding and long droughts were some of the reported consequences of climate change in the Settlement. In Gakasana's opinion, "The quantity and quality of crop yields has drastically dropped in the last five years. We are living in uncertainty because of unpredictable flooding and droughts in this area" (Interview: Gakasana at Kabazana, 07/12/2015). In addition, as a result of bush burning, deforestation and over-cropping due to limited land, the soil in the Settlement is reportedly exhausted. For example, Barigye, a male Burundian participant admitted having cultivated the same piece of land for five consecutive years because he could not practice shifting cultivation due to lack of land (Interview: Barigye, at Kabahinda, 03/02/2016). Certainly, without fertilizers, the soil needs to rest at least for a season to enable it regain moisture and nutrients. However, this is normally done by farmers with alternative land. It is impossible for a refugee or a national whose entire family depends on a small piece of land to leave it fallow even for a single season. The family must cultivate the land every season or else they buy food in the next season, which is not easy for a poor family that derives a livelihood from subsistence farming.

Besides, the Government of Uganda has consistently ignored or underrated agriculture in terms of funding and human resource capacity-building. For instance,

the agricultural sector employs about seventy-seven percent of the population, but it is annually allocated less than four percent of the national budget (National NGO Forum 2016). In July 2003, all African Heads of State held an extraordinary summit in Maputo, Mozambique, and pledged to stop the underfunding of the agricultural sector by allocating at least ten percent of national budgets to agriculture. In addition, they vowed to ensure a growth rate of at least six percent in the agricultural sector (Benin and Yu 2012). However, many countries, including Uganda, have consistently failed to honour that pledge. Consequently, the sector has stagnated or grown at a slow pace. Such funding would enhance training of farmers in modern farming methods, buy or manufacture fertilizers and buy better seeds and improved livestock breeds that are more productive. This would form the basis of agricultural transformation and food security. On the contrary, though, the study found that both refugees and Nationals in the Settlement still use rudimentary farming methods and tools due to lack of technical expertise and other drawbacks associated with underfunding. For example, all food producers in the Settlement used hand hoes and other old-fashioned tools and there was no irrigation system to counter the effects of long droughts; neither was there any modern food storage system to ensure that spare food is kept safe for a long period of time. Almost every farmer seemed frustrated and accused the Government of negligence. Nayebare, a Ugandan female, expressed her frustration, “We suspect the Government disregards us, the National Agricultural extension services rarely reach this settlement. We deserve better roads, schools, electricity and medical care” (Interview: Nayebare at Kabatamba, 06 /01/2016).

Indeed, food security is a function of many factors apart from land access and fertilizers. There must be passable roads to enable traders to transport food from districts with plenty to food insecure areas. This also implies that people living in food scarcity areas must have a sustainable income to allow them to buy such food. A sustainable income is also a function of several factors, such as access to secure employment, affordable capital, affordable, safe and sustainable energy and a ready market for produced goods and services. All these, however, were reportedly and conspicuously absent in the Settlement, which perpetuates food insecurity; and many of them require state intervention.

That is why Amartya Sen (1981) emphasizes the role of the state and market forces as major causes of food insecurity. According to Sen, food insecurity occurs not because

there is no food in the vicinity but because some persons do not have access to the available food. While some families have the economic capability to access food, other families lack the ability to purchase food from local markets. For instance, during the Ethiopian famine of the 1970s, the country's food production levels generally remained the same; but thousands starved or suffered from extreme hunger (Mamadou and Tara 2006). This implies that those affected lacked access to the available food. Sen blames market forces and the state for failing to regulate the market and ensure that all its people get access to adequate and nutritious food.

It is against this backdrop that the Brundtland Commission on Environment and Development and the 1992 United Nations Conference on Environment and Development, popularly known as "the Earth Summit", embraced the *sustainable livelihoods framework* as propounded by Robert Chambers and Conway in 1992. This framework advocates for better management and exploitation of natural resources, improved economic infrastructure, access to markets, financial capital, better feeding and a multi-pronged approach to livelihood (Chambers and Conway 1992; Krantz 2001). In fact, the UNHCR has, in a way, embraced the sustainable livelihoods framework by promoting the self-reliance strategy among refugees in Uganda although the success of this strategy is also debatable. (Self-reliance strategy refers to the economic empowerment of refugees to enable them rely on themselves rather than UN's handouts. Such empowerment includes provision of small pieces of land for substance farming.)

7.3.3 Conclusion

From the foregoing account, it can be deduced that there is a strong link between land conflicts and food insecurity. As demonstrated above, violent land conflicts act as a deterrent to further investments in food production. Serious and long-term agricultural investors fear to lease or otherwise invest in contested land. Moreover, very often, none of the parties to a land conflict that is before courts of law is legally allowed to exploit the land in question until the court resolves the matter. Worse still, in Uganda, land cases can go on for up to five years before the Judge pronounces a verdict, making the land unproductive for a long period, which directly contributes to food scarcity. Besides, family land conflicts lead to fragmentation of family land, with associated dangers, such as reduced production and household food insecurity. In

addition, the study found that violent land conflicts lead to the maiming and death of farmers, which scares away some potential farmers. Such violence not only leads to destruction of farmers' houses; it also leads to destruction of crops and livestock, which directly threatens household income and food security.

Besides land conflicts, other factors that contribute to food insecurity include underfunding of the agricultural sector, soil exhaustion resulting from continuous cultivation of land, use of unsustainable methods of farming, lack of access to affordable capital, use of underproductive rudimentary tools, impassable roads, lack of affordable electric energy and unemployment. These factors reduce household income, which translates into food insecurity. However, refugees are known to have resilience mechanisms and the next Section will discuss resilience or coping mechanisms adopted by refugees to overcome the problem of food insecurity as discussed below:

7.4 Section D: Refugee Coping Strategies in Nakivale Refugee Settlement

7.4.1 Introduction

The first and second Sections have, respectively, tackled the underlying causes of land conflicts and the link between land conflicts and food security in the Settlement. This Section focuses on the coping mechanisms refugees adopt to deal with hunger and misery associated with land scarcity, conflict and food insecurity in the Settlement. The coping mechanisms are grouped in two major categories: positive and negative strategies. Positive strategies include commercial business and rural-urban migration, farming, education and resettlement and intermarriage. Others include seeking employment, psychosocial support, borrowing money and casual labour, networking, receiving remittances, spirituality and religion. Negative mechanisms include cheating the system, self-integration, prostitution and early marriage, drug abuse, theft and robbery.

7.4.2 Positive coping strategies

7.4.2.1 Casual labour and borrowing money

As noted in the first Section, when asked about their occupations or how they earned a living in the Settlement, "kushaka" was the most the most frequent answer.

“Kushaka” means working as casual labourers in exchange for food and other essential items, almost on a daily basis. Interestingly, relatively rich refugees employed fellow refugees as housemaids, sales agents, herdsman, storekeepers, taxi drivers, waiters and waitresses. Working as a casual labourer was arguably a good survival strategy for able-bodied refugees; however, for the elderly and the sick, the strategy was inapplicable because it needed a lot of energy to walk long distances to neighbouring host communities to work for food, especially matooke (banana) and money. For many poor refugees, survival would be impossible if they could not provide casual labour. As Muruho, a male refugee from DRC, mentioned, “The situation here is such that I must look for work every day. The day I miss work, my family cannot have anything to eat because the monthly food aid I get only lasts for a week” (Interview: Muruho 16/01/2016). Casual labour was commonest among the new refugees, especially those fleeing the 2015 Burundi crisis because they hardly had any assets or money to buy food. Their entire life depended on humanitarian food aid and kushaka. However, working as a casual labourer was reported to have a number of associated problems. First, a casual labourer has to wake up very early, often as early as 4:00 a.m. and walk long distances, sometimes as long as 10 miles, to reach the community of potential employers. Unfortunately, sometimes the labourer finds no job and has to walk back to the Settlement empty-handed on an empty stomach. Secondly, a casual labourer may work from morning to late evening only to be told that he/she cannot be paid until the following day while all along his/her children are hungry at home and waiting for food. Thirdly and finally, female casual labourers sometimes get raped while they are working for male employers. For example, in 2013, a refugee woman was raped in the garden belonging to a national; and the rapist was incarcerated for a year (Interview: FGD at Basecamp, 02/12/2015).

When food scarcity is at its worst in the Settlement and the host communities, especially between harvests when there is very little food and hardly any casual labour opportunities, refugees seek “obutura”, loans from friends and traders (middlemen) who normally buy food from farmers and sell it at a higher price to wholesalers. Therefore, farmers who wish to borrow money from traders are obliged to give away their immature crops as collateral (Interview: Digida at Kaaza, 09/01/2016). This practice is common even in typical Ugandan villages. During times of food insecurity, some parents seek for “obutura” to sustain their families as they wait for their crops to

mature. A recent study (Uganda 2015:70) found that the practice of selling immature crops was widespread. For example, in the districts of Mubende, Kasese and Mityana, it was found that more than fifty percent of farmers sampled had sold or mortgaged their immature coffee to middlemen at an interest rate of over seventy percent. Compared to the usual 5-30% interest rate that banks usually charge on loans, the middlemen's charges are exploitative.

7.4.2.2 Networking and remittances

The study found that some refugees depended on networking, solidarity networks and remittances to make ends meet. Networking is a powerful tool for both literate and illiterate refugees. New refugees in Nakivale Refugee Settlement allegedly struggled to increase their network of friends for various reasons. First, they try to get information regarding availability and whereabouts of health and education services. Secondly, refugees seek tips about job opportunities within and outside the Settlement. Thirdly, they try to get oriented about the Settlement's rules and regulations and Uganda's laws and way of life and finally, they try to explore chances of local integration or resettlement in a third world country (Interview: FGD at Rubondo 27/01/2016). Networking was apparently strongest among Muslims, especially of the Somali community. As one Muslim participant explained, "We believe in solidarity; we don't like to see our friends sleep hungry or sick without care. We confront the challenges as a community, we encourage families and individuals to help one another" (Interview: Muhamadi at Isangano, 02/02/2016). This was confirmed by another Muslim participant, Zuliat, who admitted that she had no farm or business but relied on the mobile money she received from her relatives and friends who were working in the capital city, Kampala (Interview: Zuliat at Basecamp III, 04/02/2016). (Mobile money is a telephone system, in Uganda, that allows users to send and receive money through mobile telephones. It has different names for different telecommunication companies. For MTN Uganda, it's called mobile money, Airtel calls it Airtel money, and Orange calls it Orange money. But, they all do the same thing; sending and receiving money.)

Another Somali participant, Ashraf, reported that many Somalis had numerous relatives and friends living and working in western countries, such as Canada, Sweden, the USA, Norway and the UK. He added that those in developed countries

regularly send money to their friends and relatives in Uganda (Interview: Ashraf at Basecamp III 15/02/2016). Ashraf's view was collaborated by Sadiq who admitted, "Personally, I normally receive \$100 from my old friend based in the USA through Dahabshil-money transfer based in Kampala. It's a big relief to me because I have no job" (Interview: Sadiq at Basecamp III 12/01/2016). This cuts across most refugee settlements in the developing world, and there are hardly any refugee settlements in Africa without recipients of remittances (Conway 2004; Willems 2005; Tipping, et al. 2007). It is not only refugees that depend on remittances; millions of people in developing countries receive money from friends and relatives in developed countries. In fact, literature shows that remittances to developing countries have grown from US\$33B in 1990 to US\$372B in 2011 (Akobeng 2016). This growth is definitely linked to the increase in movement of people from developing countries to developed ones and networking with or strong attachment to their relatives and friends at home. Evidently, therefore, networking and remittances are strongly linked and they boost the survival of not only refugees but also other vulnerable members of the developing world.

7.4.2.3 Intermarriage

Intermarriage has been a feature of human life for a long time. (For purposes of this study, intermarriage refers to the union of male and female each representing a different tribe or community e.g. a marriage between a refugee community member and host community members.) This has been facilitated by globalisation and voluntary and involuntary movement of people across countries and Continents. (Refugees are referred to as involuntary migrants because they forcefully leave their home countries.) The study found that intermarriage in the Settlement is a socio-cultural and an economic survival strategy. As one participant, Mbonye, explained, "In the Settlement, young girls are particularly interested in economically successful partners; other factors are increasingly becoming secondary because here, the priority is survival" (Interview: Mbonye at Kabazana 28/11/2015). According to Mbonye, one's tribe or nationality was becoming less important; one's financial standing is what mattered. Economic survival was increasingly becoming a big factor not only in the Settlement but also in non-refugee communities in Uganda. This is in tandem with the findings of previous studies, (UNICEF 2001; Tugume 2015), which have consistently shown that prostitution and early marriage in Uganda and other developing countries

are linked to poverty and deprivation. Similarly, in developed countries, migrants with higher chances of economic integration are most likely married to natives. For example, a study of intermarriage and immigrant integration in Sweden (Dribe 2008) found that single and educated immigrants who live in remote or smaller towns have higher chances of getting married to natives; immigrants from fellow western countries like the USA are more likely to get married to natives than other migrants and that there is a strong link between such couples (migrant and native) and economic integration. According to Dribe, migrants married to natives easily get employment and increased earning. Such economic benefits associated with intermarriage also exist among migrant-native couples in the developing world. In Nakivale Refugee Settlement, the study found that girls who got married to rich natives financially supported their families in the Settlement. A beneficiary of such intermarriage, Kwizera, admitted as much: “These days, life in the Settlement is hard. Fortunately, my daughters who are married to Ugandans regularly help me with food and money; otherwise I would not manage” (Interview: Kwizera at Nyarugugu 19/11/2015).

7.4.2.4 Business

As is the case in other refugee settlements in Uganda, refugees in Nakivale Refugee Settlement resort to business to make ends meet. Generally, the forms of business undertaken in the Settlement include restaurants, night clubs and entertainment, retail shops, transport, construction, telecommunication like selling airtime, beauty salons and hawking. In almost every village in the Settlement, there were restaurants selling all sorts of foods and drinks. In the Ethiopian village in the Settlement, an Ethiopian refugee bragged: “We sell better coffee here, everybody comes here for breakfast” (Interview: Shekevu 11/02/2016). In the central division of the Settlement, Base Camp, some restaurants had video halls and night clubs where talented youths who aspired to become musicians entertained the customers. Club Yoliyoli was one of the best. Restaurants buy fish from fishermen and all sorts of meat from hunters, thus helping fishermen and hunters to earn a living. As a part-time hunter who hunts and sells a rare delicacy to one of the restaurants confided in me, “I normally go to the lakeshores to cut papyrus for roofing but also to hunt for pythons. Some South Sudanese and Congolese eat them. If I kill two large pythons, I earn about fifty dollars from restaurant owners” (Interview: Donkala at Ruhoko, 15/02/2016). In addition, many refugee youths were involved in the bod-boda taxi business. There were hundreds of motorcycle taxis

that transported people within the Settlement and to distant places, including far Mbarara City. Other youth earned a living from commercial bricklaying, building, roofing and painting of houses for other refugees.

Another prominent business in the Settlement that helped refugees earn a living was telecommunication and mobile money. Some innovative refugees established commercial table phones where refugees without mobile phones would be charged for making calls locally and internationally. Similarly, refugees had mobile money outlets for receiving and sending money. Besides, as noted earlier, there were thousands of retail shops dealing in cosmetics, hardware, and household items. And, as elsewhere in urban Uganda, hawking was gaining popularity in the Settlement. Some refugee youth were vending cakes, memory cards, CDs, mirrors, and other items (Observation at Basecamp 27/01/2016).

Barter trade was another survival strategy that refugees in the Settlement employed to survive. Refugees exchanged or sold some items they received from humanitarian agencies to buy other essential items. In particular, refugees from the Horn of Africa (Ethiopians, Eritreans, and Somalis) detested the type of food aid that they were being given, and they habitually exchanged it for other food items of their choice. Saiddat, a Somali female refugee was point-blank about this: “The WFP has consistently given us the same type of food: cooking oil, beans and maize flour; and yet most of us don’t like it. That’s why we exchange or sell it to buy our choice of food, like rice, macaroni and fish from Nationals” (Interview: Saiddat at Basecamp II, 03/02/2016). Barter trade and trading between refugees and Nationals is not limited to Nakivale refugees alone. Mastsiko (2016) found that in Ayilo II Refugee Settlement in Adjumani District, refugees either exchanged or sold the aid food they received to buy other essential items like soap, salt and clothes. These were not on the menu of UNHCR and WFP, whose aid is normally in the form of beans, maize flour, cooking oil and tarpaulins constructing temporary shelters.

7.4.2.5 Farming

As mentioned before, refugees basically practiced crop cultivation and livestock rearing, including poultry farming, as a survival mechanism. Birds reared included chicken and ducks while the crops grown included cassava, beans, peas, passion fruits, paw paws, pineapples, tomatoes, maize, sorghum, millet, avocados and millet.

While some of the crops harvested were sold, the rest were kept as food to supplement the insufficient monthly humanitarian food aid. On the other hand, animals reared in the Settlement included cows, pigs, goats, sheep and rabbits. Being predominantly Muslims, Somalis did not rear pigs; they only reared sheep and goats. While goat's milk was not so popular among Ugandans, Somali refugees reportedly enjoyed it; and it is reportedly more nutritious than cow's milk. It was also reported and evident that most refugees from the Horn of Africa did not own much cultivable land as they preferred to focus on small-scale business. However, some refugees from the Horn of Africa may have shunned farming for very practical reasons. For example, Bayini, a male Ethiopian refugee revealed, "The issue of land here is very complicated. Some of us gave up on crop cultivation because of land conflicts and thieves who used to steal our cassava and maize from the garden" (Interview: Bayini at Basecamp II, 09/02/2016). Farming was mostly practiced by refugees from the rest of Africa, especially Congolese, Burundians and Rwandese. Those without land were renting from Nationals and fellow refugees. In all coping strategies, including farming, refugees' ability to communicate among themselves was crucial. While most refugees from eastern Congo, Rwanda, Kenya, Tanzania and Burundi (mostly Bantu refugees) could easily communicate with one another in their local languages and in Kiswahili, most refugees from the Horn of Africa could not speak Bantu languages, including Kiswahili, which reduced their ability to interact and deal with land issues between them and Bantu refugees and Nationals.

("Bantu" is an ethnic group of African people with 300-600 tribes with a common word "ntu" in their languages. These tribes are commonly found in Southern Africa, East Africa and some parts of Central Africa.)

Consequently, the Horn of Africa refugees settled around the centre of the Settlement, Base Camp, which is more urbanised, cosmopolitan and conducive to commerce.

7.4.2.6 Religion and psychosocial support

The study found that spirituality and religion helped refugees to cope with the difficult conditions in the Settlement. There were several Catholic and Anglican churches, Born Again Christian churches and numerous mosques. During the three-month fieldwork, I regularly attended weekly church services to observe, listen and feel the refugees' tangible manifestations of religiosity and spirituality. Some of them strongly believed

that the more they praised and prayed to God the more blessings they would get. A good example of such believers was Nyensi, a female Congolese participant who revealed that, “My son, life in the Settlement is bad but we are surviving on God’s mercy. Miracles are happening in our family and we attribute that to none other than God. We can’t dissociate from Him. He is the answer to all our needs” (Nyensi 10/01/2016). Other refugees strongly thought that the continued inflow of humanitarian aid and other socio-economic opportunities they normally get were gifts from God. At the church, vulnerable refugees received some counselling and guidance on how to cope with difficult situations. Besides, some churches provided shelter to homeless refugees and church leaders urged church attendants to help refugees with shelter and other essential items.

Equally, the Imams encouraged mosque attendants to adhere to Muslim values of sharing and helping the needy. Hajala, a poor female refugee from Somalia explained how it works: “Every Friday, the Imam appeals to the rich refugees to consider giving to the poor refugees. Consequently, the rich normally donate food stuffs and other items every time they visit the mosque. Such donations are collected in the mosque store and distributed to poor refugees. That’s how we benefit” (Interview: Hajala at Basecamp II, 05/02/2016). Indeed, many Muslim refugees interviewed applauded the work of mosque leaders. It was reported that through empathetic sermons (hotuba), the Imam inspired and urged Muslims to work as a team and pay special attention to new and helpless fellow refugees.

7.4.2.7 Education, resettlement and formal employment

Education and resettlement in developed countries is a key priority for both poor Ugandans and refugees. Many refugees interviewed were eager to send their children to school as a way of shaping their future. Nshime, a female Congolese participant, had no doubt about the importance of educating his children: “I can’t settle when my children are not at school. They must go there every day because I want them to get better jobs and take care of me in future. Don’t you see how educated refugees are benefiting?” (Interview: Nshime at Kinkingi C 17/01/2016). Nshime was envious of educated refugees, who acted as interpreters for researchers in the Settlement, language teachers, adult-literacy facilitators and community workers with NGOs in the Settlement. Indeed, educated and skilled refugees had more chances, including

getting scholarships, for further training. Refugees who attended adult-literacy classes hoped to learn English in anticipation of resettlement in western countries. In this respect, Maimuna's case was particularly revealing. Having learned a little English, she had applied for resettlement in the USA and she was highly optimistic: "Am happy my papers were accepted and I was also interviewed by the UNHCR. This is why I am seriously learning English because if I am considered for resettlement, by the end of this year I will be in America" (Interview: Maimuna at Kabwera 12/02/2016). It was reported that some of the fairly educated youth who failed to get resettled in developed countries resorted to rural-urban migration in search of formal employment as construction workers, drivers and security guards in cities like Mbarara and Kampala.

7.4.3 Negative coping strategies

7.4.3.1 Cheating the system and self-integration

The study found that some refugees were escaping from Nakivale Refugee Settlement and disappearing into neighbouring districts. This disappearing act or self-integration is aided by the fact that most refugees from eastern DRC, Tanzania and Rwanda are Bantu-speaking, and their mother languages are related to Runyankore, the language of the host community, which they learn quite easily and fast. (This study purposely uses the word "self-integration" rather than "integration" because refugees clandestinely integrate themselves without the knowledge and support of their caretakers, UNHCR and others. They secretly self-integrate themselves because the Government of Uganda prohibits self-integration of refugees). Through key informant interviews (KIIs), it was reported that about eight families had left the Settlement to look for a better life in the districts of Bushenyi, Hoima and Mubende. As one Local Councilor revealed,

"Much as we receive new refugees in the Settlement, others return home, while others relocate to other Ugandan refugee-settlements or mingle and settle in local villages. There is no doubt that some refugees have Uganda National Identity Cards (IDs). So, it's hard for local authorities to deny them residence" (Interview: Local Councillor at Ruchinga 28/01/2016).

Having a national ID legally means that they are no longer refugees but citizens. However, according to Ugandan laws, it is hard for a refugee to acquire citizenship. Clause 2b of Article 12 of the 1995 Constitution of the Republic of Uganda only allows registration of voluntary migrants: “Every person who has legally and voluntarily migrated to, and has been living in, Uganda for at least ten years or such other period prescribed by Parliament.” This implies that since refugees are involuntary migrants and most of them have not lived in Uganda for over ten years, they cannot legally be registered as citizens. Therefore, they can only acquire citizenship by cheating the system.

The Government of Uganda, in collaboration with the UNHCR, espouses three durable solutions to the refugee problem. These are: resettlement, local integration and repatriation. However, although it is not official policy, the government of Uganda prioritises repatriation in lieu of local integration. Therefore, refugees who self-integrate into local communities do it against the will of government, and the law can be invoked if they are caught (Interview: OPM officer at Mbarara, 9/02/2016). Moreover, once they are registered with UNHCR, they acquire ration cards and therefore, are entitled to food aid. It was reported that refugees who leave the Settlement, either sell their ration cards to fellow refugees or leave their cards with friends who continue to receive food aid on behalf of the departed refugees. This is also cheating because, once one leaves a refugee settlement, one is no longer entitled to food aid. (Ration cards are exclusively provided to refugees by UNHCR to ensure each refugee gets food aid and also to ensure that Nationals do not line up for food aid intended for refugees. Every refugee must present this card in order to receive food aid.) An OPM officer identified the following six other forms of cheating:

- I. Cheating fellow refugees, especially new refugees: Fraudsters trick new refugees into believing that they can help them get ration cards from UNHCR very fast. However, once the fraudsters get the ration cards, they use them to get food aid for two to three months before handing them to the real owners
- II. Identity fraud or impersonation: Some refugees reportedly impersonate others in order to receive humanitarian aid

- III. Family composition fraud: This involves fake marriages mainly, false family relationships, falsifying foster care relationships, hiding family members, and substituting missing family members
- IV. Falsifying or forging documents to get accepted by the UNHCR: The documents falsified or forged include birth certificates, divorce certificates, marriage certificates, medical reports, identity cards, and other supporting documents
- V. Misrepresentation: When making routine declarations to settlement authorities, refugees often utter false information or withhold true information in order to increase their chances of getting whatever service they wish to get.
- VI. Exploitation schemes: Some skilful refugees pretend to be officials and extort money from fellow refugees, promising to help fast-track the process of resettling them in developed countries (Interview: OPM officer at Basecamp 20/11/2015).

7.4.3.2 Drug abuse

The study found that, left without choice, some refugees, especially the youth, resorted to all sorts of anti-social behaviour. Common among them was drug abuse which local authorities linked to the rampant theft and robbery in the Settlement. This was partly attested to by Atwiine when she said, “As you can see, the youth population in the Settlement is increasing and yet most of them are unemployed. Unfortunately, some of them have special places where they gather and consume marijuana and other drugs” (Interview: Atwiine at Kabazana 11/01/2016). It was alleged that the youth consumed drugs because of stress and desperation and in order to forget past traumatising experiences. This is common with refugees all over the world. Streel and Schilperoord (2010) found that in Guinea, alcohol was the most abused psychoactive substance while in Kenya, Khat was the most abused drug in many Somali-inhabited refugee settlements.

7.4.3.3 Theft and robbery

Apart from the use of psychoactive substances, refugees were reported to resort to theft and robbery to survive. Redundant youth were reported to be a menace to the population, some of them allegedly stealing anything that could be carried, including cakes from retail-shops in broad daylight. Youth were also reported to break into shops and residential houses at night and to rob anything they could transport, including

goats, cows, sheep, chickens, ducks and agricultural products. It was also reported that sometimes thieves based in the Settlement coordinate with other thieves from the neighbouring host communities to steal items from the Settlement and sell them to Nationals far from the Settlement. They also stole from Nationals far from the Settlement and sold the stolen items in the Settlement. According to Muhayemungu, a female Rwandan participant, “There are syndicates of thieves who steal motorcycles and other things. We are worried these days because they previously stole goats during the day” (Interview: Muhayemungu at Isaaza Burundian, 06/12/2015).

7.4.3.4 Prostitution

Prostitution was reportedly practiced by young girls, teenagers, old women and men, both married and unmarried. It was reported that while old men and women can organize and meet in night clubs such as Club Yoliyoli and Club Bujumbura or sometimes in lodges in or outside the Settlement, the youth, particularly those who cannot afford to go to night clubs or lodges, go to the lowland reserved for communal grazing (oruhita) to “ply their trade” or quench their sexual desires. Mahoro, a female Congolese participant did not approve of these practices. In his words, “There is moral decadency here. When you go to oruhita, especially in the evening, you see young couples under trees” (Interview: Mahoro at Kabirizi 12/01/2016). Unfortunately, while some refugees may draw monetary benefits from prostitution and thus cope with the challenges of settlement life, they also risk the dangers associated with prostitution, such as HIV/AIDS, fistula, miscarriage and abortion.

7.4.3.5 Early marriage

Another popular survival mechanism reported in the Settlement is early marriage. Some of the major factors responsible for early marriage in the Settlement are extreme poverty, family breakdown and dropping out of school. The Settlement setting, characterized by congestion and cultural diversity, provides a fertile breeding ground for socio-cultural deviance, especially among the youth. Young girls, especially those who came to the Settlement as unaccompanied minors, are particularly prone to manipulation and seduction into marriage. At the same time, some young men, eager to qualify for settlement land, rush into marriage because, in principle, settlement land is allocated to families rather than individuals (Interview: Byamukama at Kityaza

17/01/2016). Similarly, Schlecht. et al., (2013) found that economic vulnerability and lack of education forced young people into early marriage.

7.4.4 Analysis and reflection

The positive coping mechanisms are quite important and most likely could lead to better solutions. If supported, refugees could create more sustainable solutions to the problem of food insecurity. While the host government is seen as a key player in ameliorating the refugee livelihoods, the Government, in reality is not likely to do much given its track record on project implementation. Therefore, the community itself should form several local committees charged with the responsibility of resolving local conflicts and these committees should seek support from all key stakeholders, including obtaining technical expertise from professionals. In fact, after the validation workshop, participants from Nakivale Settlement formed a local community-based organisation and I personally offered professional expertise as the volunteer patron. Since the formation of this organisation, I have held several meetings with the executive committees aimed at developing a strategy for boosting the positive coping strategies and shunning the negative ones. All this is aimed at creating durable solutions to the problem of land conflicts and food insecurity.

7.4.5 Conclusion

As the foregoing discussion clearly indicates, refugees struggle hard to cope with the difficult environment in the Settlement. They employ all sorts of survival mechanisms to overcome the effects of land scarcity and declining humanitarian aid. Some of these coping mechanisms are positive and constructive while others are negative and destructive. Positive strategies include business and rural-urban migration, farming, education and resettlement, intermarriage, seeking employment, psychosocial support, borrowing money and providing casual labour, networking and receiving remittances, spirituality and religion. Negative mechanisms include cheating the system and self-integration, prostitution, early marriage, drug abuse, theft and robbery. Therefore, there is need for holistic interventions that will not only focus on empowering refugees to shun negative coping strategies but also supporting refugees to improve on the positive strategies and coexistence with the host communities. The goal should be sustainability in all aspects of life such as: equitable access to land and economic emancipation; improved livelihoods; human development in terms of skills

and capacity; environmental sustainability. All these should target both communities (refugees and Nationals) in order to enhance peace and coexistence. The details of the needed interventions and the effectiveness of the current interventions are discussed below.

7.5 Section E: Interventions in Land Conflicts and Food Insecurity in the Settlement

7.5.1 Introduction

This Section outlines and analyses major interventions in food security and land conflicts in the Nakivale Settlement. Specific interventions in the land sector discussed are: The Ngoma Ngime Land Task Force; the Settlement Commandant's anti-land grabbing stance; dialogue and reconciliation. The interventions in the food security discussed are: the humanitarian food aid; Nsamizi interventions in the livelihood and food sector; NAADS. This Section further discusses the challenges faced by interventionists in the Settlement. These include: limited funding, inadequate coordination and consultation, nature and type of refugees, xenophobia and surging population.

7.5.2 Interventions in land conflicts in the Settlement

7.5.2.1 The Ngoma Ngime Task Force and boundary demarcation

This Task Force or Commission, as the name suggests, was headed by Ngoma Ngime, the former Resident District Commissioner (RDC) for Mbarara District. The Commission was charged with the responsibility of demarcating land boundaries between refugees and Nationals in the Settlement. The clamour for boundaries arose because Nationals living in the Settlement were persistently being threatened with eviction by the Commandant. Land conflicts between refugees and Nationals had also escalated to unmanageable proportions because refugees thought or knew that, legally, they were exclusively entitled to settlement land. Therefore, in 2005, Ngoma Ngime spent about three months drawing and demarcating boundaries between refugees and Nationals (Interview: Mbiire at Misera 13/01/2016). This was intended to ensure that both Nationals and refugees know where their land begins and ends. All

parties, including refugees, Nationals and local leaders, participated and agreed on the new boundaries. This was indeed an appropriate step which residents thought would durably solve the problem of land conflicts. However, the Commandant is reported to have subsequently disregarded the boundaries and continued settling refugees in villages belonging to Nationals in the Settlement (PRA workshop with Nationals at Kityaza, 08/02/2016). This rendered the entire project of boundary demarcation ineffective and it further unsettled the Ugandans in the Settlement, who appeared to have lost confidence in the Government and its intentions. According to one of them, “We think that perhaps the Government was just mocking us. They drew boundaries and later disregarded them. Perhaps they are planning to evict us; but we shall resist because many of us were born here” (Interview: Byaruhanga at Kabirizi 28/11/2015). Therefore, while boundary demarcation was an appropriate step, it did not achieve the intended results because a key stakeholder did not respect the new boundaries. Consequently, land boundary conflicts between refugees and Nationals still existed even at the time of my fieldwork.

7.5.2.2 The commandant’s anti-land grabbing and anti-immigration stance

When it became clear that the upsurge in the number of land-grabbing cases was fomenting land conflicts in the Settlement, the Government, through the office of Commandant, explicitly made it clear that Nationals would no longer be allowed to acquire land in the Settlement. (Land-grabbers in this case are rich Nationals from within or distant districts, who were fencing off some parts of the Settlement to establish homes or ranches. This was against the government’s policy of reserving the Settlement exclusively for refugees.) Starting around 2000 onwards, the battle between successive camp Commandants and land-grabbers raged until around 2012 when land-grabbing was considerably reduced. As an OPM officer stated, “These days, land-grabbers have considerably reduced. They used to come from distant places, such as Bushenyi, Kiruhura and Rakai, but we became tough against them. I think some of them didn’t have clear information about the ownership of settlement land” (Interview: OPM officer at Mbarara, 9/02/2016). Indeed, many people interviewed argued that in the past, the Commandants used to evict land-grabbers ruthlessly. The camp Commandants did not care whether the land-grabbers were poor or rich, or whether they had permanent or temporary structures on the land. Everything on the land would be demolished to ensure that such people left the Settlement

(Interview: FGD at Basecamp 18/12/2015). However, the question is whether such imperious acts would permanently deter other land-grabbers or not. An inquiry (Validation workshop at Basecamp 2012/2016) revealed that although cases of land-grabbing had considerably dropped, highhandedness was not a durable solution to illegal land acquisitions and associated conflicts in the Settlement. Still, there were reports of national immigrants who were clandestinely acquiring land in the Settlement without the knowledge of the Commandant. The Commandant was only able to identify and act on large-scale land-grabbers and groups of national migrants; individual migrants or small-scale land-grabbers were not easily identified because the Settlement is too large to be monitored effectively. Moreover, individual land-grabbers could easily deal with local leaders and be settled there without the knowledge of the Commandant. This explains why the population of Nationals living in the Settlement was steadily growing despite violent actions against Ugandan immigrants (Interview: OPM at Mbarara, 9/02/2016). Therefore, the highhandedness of commandants against Nationals in the Settlement was neither appropriate nor effective as a strategy. There are four reasons. First, the inflow of Nationals continued. Secondly the highhandedness was inhumane in some of its manifestations, including the destruction of houses and other property without compensation. Thirdly, the highhandedness was so unpopular socially and politically that Nationals threatened not to vote for the party in power at the next elections. Finally, the violent evictions of Nationals caused and perpetuated insecurity in the Settlement (Validation workshop at Basecamp 2012/2016).

7.5.2.3 Dialogue and reconciliation

As land-related violence peaked in the Settlement, some pacifists were at the same time encouraging dialogue and reconciliation. In fact, during fieldwork, it was reported that Nationals were contemplating withdrawing the court case against the Government and opting for dialogue and an out of court settlement. In 2013, nationals living in the Settlement had sued the government, asking the court to declare them the legal owners of some parts of the Settlement and to compel the Government to compensate them for the property destroyed in the previous violent evictions by NEMA (Interview: Nasasira at Kabwera 27/11/2015). Land conflicts among refugees themselves were increasingly being resolved amicably by local refugee leaders. Similarly, refugee

leaders and leaders of the Ugandans living in the Settlement normally met to iron out emerging land issues between Nationals and refugees peacefully.

As mentioned in Section B, even the new Commandant at the time of fieldwork was reported to be more reconciliatory than his predecessors. Although some Nationals were unhappy with him, the majority regarded him as more accommodative than his predecessors. (Interview: FGD at Basecamp 10/01/2016). This kind of soft approach as opposed to highhandedness was seen as a beacon of hope in the search for a sustainable solution to the land conflicts in the Settlement.

Dialogue and reconciliation were further supported by NGOs and community-based organizations (CBOs), such as Moral Brotherhood and Neighbourhood (MOBAN) and Right To Play (RTP) respectively. RTP focused on training educators (coaches) to use theatre to pass on life skills to the youths, such as conflict resolution, co-operation, personal hygiene, concentration, teamwork, decision-making and fair play (Interview: OPM at Mbarara, 9/02/2016). For its part, MOBAN aimed at promoting peace education among the youth in schools and at youth centres, holding seminars and workshops on peace, and underscoring the importance of conflict management, mediation and leadership. Dialogue and reconciliation have proved to be among the most effective means of entrenching durable peace around the world. But because peace is a process that is not achievable overnight, the effectiveness or impact of the work of RTP and MOBAN perhaps might be felt years away. After all, as Sommers (2001) aptly says, lack of benchmarks normally makes it harder to measure the impact of camp peace programmes. This is due to the fact that while some refugees stay in exile longer, others return home, which makes follow-up hard. Likewise, in her study on the contribution of refugee peace programmes to post-conflict peace-building strategies, Lawson (2012:3) reveals that her study took about four years because she had to follow up on refugees, even after they returned to their home countries, in order to evaluate the impact of the peace programmes they underwent while in exile.

This study did not follow up on refugees who returned to their home countries. But the refugee youths in Nakivale Refugee Settlement who attended training sessions, especially by Right To Play (RTP), admitted to have benefited a lot. In the words of one of them, “They taught us to respect each other, to be tolerant and to say sorry

whenever we offended others” (Interview: Bateraho, at Kabatamba, 18/01/2016). Therefore, while dialoguing, reconciliation and other peace initiatives were important in championing coexistence with refugees, some Nationals still maintained that refugees must be relocated to other areas in the country, be confined and fed in camps or be repatriated to their home countries if peace was to be achieved. This was manifest in the adamant attitude of Tushabe, a Ugandan resident in the Settlement, when he said, “I wonder why I should negotiate or make any land concessions to a refugee. Refugees should be denied our farming land” (Interview: Tushabe at Kabatamba 20/11/2015). Such sentiments among Nationals are certainly a stumbling block to the success of dialogue and reconciliation.

However, as mentioned before, it should be noted that while the host Government is seen as a key player in ameliorating the refugee livelihoods, the Government, in reality, is not likely to do much given its track record on project implementation. Therefore, the key question is, in absence of Government support or little support from the Government, what can be done to enable refugees meet their aspirations? And who should do it? What effective mechanisms could be used to reduce the problems of land conflict and food security? The answer to all aforementioned questions lies in the affected communities themselves. Development experts and scholars (Turyamureeba 2012) argue that any development initiated from the top is not likely to be sustainable because external officials from the Government or international development agencies have little knowledge of the local realities. Indeed, if the local community, with technical support, can organize themselves, they can brainstorm better solutions to their problems. The funders would then come in to just fund an organised group with a goal to achieve. In the case of Nakivale Refugee Settlement, local groups could include peace committees formed to focus on reconciling refugees and nationals and arbitration of land conflicts. This group could also promote cooperative use of land since this initiative has not been tried before in the Settlement. In fact, one of the strategies of the local organisation that was formed after my validation workshop is to promote cooperative use of land.

7.5.3 Mitigating and preventing food insecurity in the Settlement

7.5.3.1 Humanitarian food aid

On behalf of World Food Program (WFP), Samaritans' Purse distributes food to the refugees. Like the UNHCR, WFP does not do ground work in refugee settlements or camps. In the interest of efficiency, the role of WFP is limited to collecting food from donors while implementing partners, especially local NGOs, do the groundwork. All refugees interviewed admitted to having benefited from the monthly humanitarian food aid. While the new arrivals were receiving 12kgs of maize flour, the old cases (those who arrived before 2012) were receiving 6kgs per month because they were assumed to have somewhat stabilised. However, neither the new arrivals nor the old cases were satisfied with the amount of food rations they were receiving. In fact, the food rations for the old cases had reportedly been reduced by half. Mukunda, a female participant from Burundi, explained: "About five years ago, we used to receive 12kgs of maize flour 2kgs of beans, three bottles of cooking oil, salt and sometimes sugar. But currently we only receive 12kgs of maize flour and half a bottle of cooking oil" (Interview: Mukunda at Juru A, 02/02/2016). This reduction in food aid began during the 2008 global financial crisis which seriously affected major economies that used to donate to WFP. In fact, the UNHCR and WFP (2014) admit that the economic slump and donor fatigue have led to a reduction of per capita food aid of up to 40% in many African countries, including Uganda. In Nakivale Refugee Settlement, the economic downturn reduced the amount of food aid and led to long delays of food aid. For example, the study found that at the end of November 2015, refugees were receiving food for October 2015 (Interview: Bwengye at Isangano 23/01/2016). In addition, as intimated before, refugees had no choice but to receive the same type of food year after year. Nutritious food, such as soybeans, that would boost the health of malnourished refugee children was no longer on the menu; and yet, according to FAO (2006:01) and World Food Summit (1996), "Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life". This implies that the refugees, especially new arrivals, who entirely depended on humanitarian food aid, were certainly food insecure. This was because not all of them were receiving nutritious food or food of their choice. Neither were they receiving adequate food in terms of quantity or capable of buying food throughout the year. Therefore, while the humanitarian food aid was well intentioned in that it sought to

boost the food security status of the refugees, many recipients felt that they were not receiving enough food, qualitatively and quantitatively, and that the food they were receiving was not being distributed on time.

7.5.3.2 Government and NGO food security interventions

As intimated in Chapter One, food security has four pillars: access, availability, utilisation and stability (UNHCR 2008). The availability of these pillars depends on many factors, such as access to affordable cooking energy, water, passable roads and other community developmental programmes that aim at boosting household income. Such income, in turn, facilitates access to food in market stores. In Nakivale Refugee Settlement, access to cooking energy was a key factor linked to food utilisation. Participants revealed that sometimes, even when they had food to cook, there was no firewood or charcoal to cook the food. (Interview: FGD at Basecamp 22/11/2015). Because nearby bushes that previously provided firewood were now depleted, the search for firewood had become as crucial as the search for food itself. NGOs, such as Nsamizi, had started training refugees in making energy-saving stoves; but very few refugees had benefited from this intervention. Actually, only two of the total refugee participants in this study admitted to having benefited from the Nsamizi intervention (Interview: Gakuba at Kabahinda B, 05/02/2016; Kabanda at Isangano, 06/02/2016). On the other hand, the Government had extended electricity to the Settlement but it was mainly used to power NGO and UNHCR offices. Refugees did not have access to electricity because they could not afford it. Only the few rich refugees could afford to pay for electricity. In addition, the few rich refugees had big generators and solar panels which they used to run their businesses like night clubs and for lighting in their homes. Generally, less than 5% of Ugandans (Muhumuza 2015) use electric energy for cooking; the majority still use firewood and charcoal, basically for two reasons. First, the national electric grid does not reach many villages upcountry; secondly, the average cost of a unit of electricity (1KWh) is UGX 640. Assuming that an average family requires 10 units of electricity per day, which cost UGX 6,400/= (\$200), this implies that given the general poverty levels, the average Ugandan household cannot afford electricity.

The same can be said of a passable road network throughout the year and access to safe drinking water. The road network in and around the refugee settlement is so poor

that, on many occasions, we had to leave their car and walk in order to reach certain participants. No wonder, therefore, that it is usual for motor vehicles transporting food to get mired in mud, especially during rainy seasons. In the whole of Isingiro District, in which the refugee settlement is located, there was only one tarmac road connecting Uganda with Tanzania - it runs from Mbarara town via Kabingo town council to the Kikagata-Tanzania border. This road does not pass via the Settlement. The rest of the road network in Isingiro district, including all main and feeder roads in the Nakivale Refugee Settlement were either graded with murrum or regularly repaired by the local community, using hand hoes and spades. In fact, one day during the study, myself and the team spent 20 minutes participating in “burungibwansi” in Ruchinga Village in the Settlement. In Uganda, “Burungibwansi” is similar to “umuganda” in Rwanda. It refers to communal work on a community project, such as road maintenance or securing a village well. Traditionally, whoever happens to pass by during “burungibwansi” must participate. Impassable roads are a stumbling block to food availability because they hinder food distribution to where it is needed most.

Similarly, the presence or absence of piped safe water affects household food security. Like firewood, water is necessary for both drinking and cooking food. In addition, a network of piped water can easily be used to establish an irrigation system which can, in turn, improve food production, especially during the dry season when food production is normally very low. In the refugee, Settlement, piped water was limited to a few areas, mainly Base Camp and some refugee villages while the rest of the Settlement lacked piped safe drinking water. None of the villages dominated by Nationals in the Settlement had piped water. (Interview: FGD at Basecamp 12/02/2016). Although Nationals were allowed to fetch water from water taps in the refugee villages, some of the actions of the UNHCR contradicted its new approach that aimed at empowering the host communities as well, in order to foster coexistence with refugees. (It should be noted that while Ugandans living in the Settlement perhaps technically referred to as host community, they may also be referred to as competitors of refugees because apart from political positions, they compete on almost all other aspects of life, socially and economically.)

7.5.3.3 National Agricultural Advisory Services (NAADS) in the Settlement

In order to enhance household food security, the Government, through the Ministry of Agriculture, initiated the National Agricultural Advisory Services (NAADS) programme in 2001. The prime purpose of NAADS was to avail rural farmers with advisory services such as useful information, better farming technologies, improved seeds and more productive animal breeds. All farmers in and outside the refugee settlement were supposed to benefit from NAADS. However, participants in the Settlement revealed that, in fifteen years, NAADS officials visited the Settlement only once. Even then, they distributed seeds and goats to a few households only and entire villages were left out. Actually, many Ugandans in the Settlement who missed out on NAADS services thought that they were left out because they were not supporters of the ruling party, NRM. In the opinion of one such Ugandan, “When those people came, they visited and distributed goats and seeds only to villages that had voted for the ruling party in the last elections; the rest of us who were suspected to be opposition party, Forum for Democratic Change (FDC) strongholds, never received anything” (Interview: Seluwada at Kityaza, 08/12/2015). This implies that although the NAADS program was an appropriate intervention conceptually, its implementation was ineffective. Generally, there was a general perception that NAADS had fallen short of the expectations of the majority. In their study, Kwapong and Nkonya (2015) also found that the NAADS program had failed to deliver mainly due to non-cooperation from farmers, misappropriation of funds, political interference, costly provision of extension services, inefficiency in the recruitment and procurement processes, lack of modern farming skills, inadequate staffing, poor monitoring and supervision, low salaries and poor facilitation of NAADS staff.

7.5.4 Nsamizi and food security in the Settlement

Started in 2009, Nsamizi was directly funded by the UNHCR. Nsamizi was reported as the only NGO that had a livelihood component in its interventions in the Settlement. Broadly, Nsamizi had four components: livelihoods, environment, sanitation and access to cooking and lighting energy. All these components are linked and directly promote household food security. Nsamizi was guided by two models. One of the models was non-agricultural support in which refugees were facilitated to engage in non-farm activities such as carpentry, tailoring, salon operation and movie production.

The other model was agricultural support in which refugees were facilitated to engage a variety of agricultural activities, including fish farming in Kasasa Village and mushroom production (Interview: Nsamizi Officer at Kabingo, 08/02/2016). This sub-Section specifically focuses on the effectiveness of the food security component.

Nsamizi had field offices both in Nakivale Refugee Settlement and at Isingiro District headquarters to coordinate its activities. Nsamizi taught farmers better methods of farming and encouraged them to practice mulching, trenching, agroforestry, afforestation and re-afforestation, using organic manure, planting in line and avoiding burning grass. In addition, they provided inputs, such as fruit tree and timber tree seedlings. They also identified people with land and gave them goats, pigs, chickens, ducks, groundnut and potato seeds. Nsamizi normally sought to serve a total of 20,000 refugees each year, but from 2009 to 2016, only 27,000 refugees benefited from the organization (Interview: Nsamizi at Kabingo 10/02/2016). Given that the refugee population was slightly higher than 100,000, the majority of them did not benefit from Nsamizi's food security intervention. Even those who benefited do not appear to have done so optimally. For example, it was reported that the organisation sometimes delayed the distribution of seeds, disappointing farmers who would have prepared their fields in anticipation of seeds. At times, Nsamizi would deliver seedlings long after the planting season so that the seedlings would wither in the dry season. As a result of all these implementation problems, yields were low (Interview: Kabanda at Isangano, 06/02/2016).

And yet, Nsamizi expected every household that received 10kg of seeds to render the same amount of produce after harvesting. A household that failed to give back the expected amount would not be assisted again. As one beneficiary complained, "They can't give you twice if you don't pay back; and that is being inconsiderate because they don't investigate the reasons why some of us fail to pay; we have legitimate reasons" (Interview: Kataha at Kabahinda A 27/01/2016). Indeed, had Nsamizi professionally evaluated the performance of its interventions, it would have established that its beneficiaries were failing to meet its conditions partly because of implementation challenges and partly due to soil exhaustion in the Settlement. This would have helped the organization to devise remedial measures and to motivate and empower the beneficiaries to increase food production.

Worse still, it was alleged that instead of distributing seeds free of charge to target beneficiaries, Nsamizi field workers sold the seeds to refugees and Nationals. This led one settlement resident to conclude, “These people are not doing humanitarian work; they are just doing business. When you secretly approach them, they will sell you some of the seeds and yet they get them from donors freely” (Interview: Ahumuza at Misera, 01/01/2016). However, all Nsamizi officials who participated in the study vehemently denied the corruption reports and argued that perhaps refugees whose expectations were not met falsely thought that Nsamizi officials diverted the aid (Interview: Nsamizi at Kabingo 10/02/2016). In addition, like other NGOs who were active in the Settlement, did little to extend its activities to the host community, devoting only 20% of its activities and funds to the host community (Interview: Nsamizi at Kabingo 10/02/2016). In other words, of the 27,000 beneficiaries of Nsamizi from 2009 to 2016, only 5,400 were host community members, although there were as many as 40,000 Ugandans living in the Settlement. This was happening in spite of the increasing emphasis by UNHCR and other humanitarian organizations on the inclusion of Nationals in refugee aid programs as a means of promoting peaceful coexistence between refugees and their host communities. Therefore, while Nsamizi seemed to be rendering valuable humanitarian services to the Settlement residents, it failed to meet the expectations of the majority of its potential beneficiaries. But Nsamizi was not the only organization that faced challenges in implementing its interventions in the refugee settlement.

7.5.5 Challenges faced by interventionists in Nakivale Settlement

This sub-section focuses on the challenges encountered in Nakivale Refugee Settlement by various actors attempting to implement the refugee policy as espoused by the UNHCR and the Government of Uganda in various documents including the Refugee Act 2006 and the UNHCR’s self-reliance strategy. As detailed in Chapter One, Uganda has one of the most liberal refugee policies in the world. Unlike other countries which confine refugees in camps, the refugee policy in Uganda allows refugees to live in settlements which are akin to typical Ugandan villages. Refugees are given land to encourage them to be self-reliant through agricultural production. Refugees are also free to enjoy virtually all the freedoms and rights of Ugandan citizens. Most importantly, the refugee policy aims at empowering the refugees and

their host communities economically as one way of reducing xenophobia and fostering peaceful coexistence. However, as already indicated earlier on in this chapter, to a large extent, there was a stark difference between the ideal envisaged by the refugee policies of UNHCR and Uganda and the reality in Nakivale Refugee Settlement. Therefore, this Section explores the challenges that obstructed interventionists from attaining the envisaged ideal socio-economic situation in the refugee settlement: self-reliance and peaceful coexistence.

7.5.5.1 Limited funding

All policy implementers interviewed, including the field officers from the Office of the Prime Minister, UNHCR officers, NGO workers and Isingiro District land officers, cited limited funding as a major hindrance in their daily work. The study found that the Isingiro District Lands Office was underperforming because they lacked money to supervise and administer all the land in the district, most especially the Nakivale Refugee Settlement land. The District Lands Office had no money to buy enough computers for officers and fuel for site visits. In an interview, one District Land Officer bluntly told me, “As you can see, I am using my personal computer to do Government work. We are largely not facilitated to perform. Imagine the annual funding of 5.7m (\$2,000)! Can it really do anything?” (Interview: District Land Officer at Kabingo, 04/02/2016). The Area Land Committees (ALCs) were also conspicuously absent on the ground because of lack of transport. They rarely inspected contested land to resolve land conflicts in the Settlement. Similarly, operatives of WFP, UNHCR and OPM’s Department of Refugees complained of inadequate funding which forced them to employ fewer community workers than were necessary. Moreover, the few community workers that were employed were neither adequately trained for their work nor sufficiently facilitated with motorcycles and fuel (Interview: OPM Officer 20/11/2015; UNHCR Officer, 6/02/2016; Samaritan’s Purse officer, 8/02/2016). The long delays in food distribution and the drastic reduction in food aid were all attributed to inadequate funding, partly resulting from donor apathy. Ultimately, practically every organisation or actor in the Settlement was constrained by limited funding, although this was not the only cause of the failure to attain self-reliance and peaceful coexistence in the Settlement.

Further, at the time of the study, there was only one micro credit institution, Juru United Farmers Cooperatives Savings and Credit Society Limited (JUFA). However, JUFA did not accept settlement land as collateral security; they only accepted motorcycles, cars and other valuable assets as collateral security, making it hard or impossible for poor subsistence farmers in the Settlement to access loans. Banks did not accept settlement land as collateral security due to associated conflicts and lack of ownership certificates from the National Lands Office. Therefore, Nationals who owned land in the Settlement proposed that the Government should give them certificates of land ownership to enable them get agricultural loans from local creditors. In addition, they further proposed that the Government should bail out or financially support local banks, and in turn, encourage them to give soft loans to farmers.

7.5.5.2 Inadequate coordination and consultation

The study found that another cause of the failure to attain food security and peaceful coexistence in the Settlement was insufficient coordination and consultation among the key stakeholders. Owing to transport and communication challenges, the ALCs never organized, consulted or sensitised the rural folk, including the Nationals who lived in the Settlement. Neither did they approach the office of the Commandant to ensure that the land rights of the Ugandans in the Settlement were protected. They reportedly held their regular meetings at their respective sub-counties, but did not make site visits to establish the underlying causes of land conflicts in the Settlement so as to be able to devise solutions to them. (Interview: Local Councillor at Ruchinga 28/01/2016). On the other hand, the Settlement Commandants were accused of failure to coordinate their activities with those of the local authorities and of acting unilaterally in matters that affected the livelihoods of the Nationals (Interview: Local Councillor at Ruchinga 28/01/2016). Even the WFP and Nsamizi did not appear to be participatory in the way they implemented their interventions in the Settlement, often deciding on the kind of aid to offer without consulting the intended beneficiaries (Interview: Gakasana at Kabazana, 07/12/2015). Consequently, they supplied food, such as maize flour which was disliked by some refugees. Worldwide, it is generally believed that interventions that do not prioritise the input of the affected people normally fail (Turyamureeba 2014). The target beneficiaries understand what they want and what they do not want better. Therefore, the success of any interventions largely depends

on the consultations and input of the target beneficiaries, the bottoms-up, participatory approach.

7.5.5.3 Nature and type of refugees in the Settlement

The study found that the majority of refugees in Nakivale Refugee Settlement were uneducated subsistence farmers (as shown by the above table on education levels at the beginning of this chapter). As already indicated in the introductory section of this chapter, refugees had limited skills in farming, and all of them were using rudimentary farming methods and tools. Very few had vocational skills in construction, tailoring, education and health (Interview: Summaritan's Purse officer at Basecamp, 09/02/2016). It was, therefore, not easy for such refugees to contribute to national development, let alone ensure their own food security. They required capacity-building through sensitisation and training, but given the prevailing funding limitations, this was not easy either. Moreover, most refugees reportedly entered Uganda with no assets or property and many new arrivals needed urgent psychosocial and economic support which was not readily available due to inadequate funding and field personnel. Large influxes of refugees, especially from Burundi and South Sudan, exacerbated the economic burden of hosting refugees.

7.5.5.4 Xenophobia and the increasing refugee population

The study found that xenophobia was a major factor that hindered the resolution of land conflicts between refugees and the host community. It was reported that, unlike in the past, refugees were increasingly being seen as a big burden on the host community. This is largely because, as refugee and Ugandan population numbers grow, resources per capita become scarce, and competition for them intensifies. (Interview: District LCV Councillor at Kabingo 18/12/2015). Although Nationals were benefiting from schools and health centres built by the UNHCR for refugees, they still detested the fact that the refugee population was increasing and exerting more pressure on land. Moreover, rather than siding with the Nationals, the Commandant purportedly defends refugees, which angers the Nationals. Although the Commandant's mandate is limited to protecting refugee rights, the Nationals still expect him to sympathise with them. Therefore, resolving a land conflict in favour of a refugee, which often means the displacement of a Ugandan, creates more resentment

against refugees. It is against this backdrop that Ugandans, especially those in Kaaza Village, violently attack refugees, prompting police intervention.

7.5.6 Conclusion

Numerous actors responded to different crises in Nakivale Refugee Settlement. However, the study focused on those that responded to food insecurity and land conflicts. These were the UNHCR, WFP, OPM, Samaritan's Purse and Nsamizi. The OPM (Government) was represented by the Office of the Settlement Commandant whose role was to repel land-grabbers and allocate farming land to refugees. The OPM seemed not to recognize the Nationals living in the Settlement as bona fide residents, which further complicated the situation. It was largely because of this that the Commandant disregarded the boundaries drawn in the Settlement by the Ngoma Ngime Task Force. The disagreement on the status of Nationals in the Settlement made dialogue and reconciliation difficult and all this was happening amidst increasing land scarcity due to growing refugee population numbers and decreasing land and food aid per person. Even Nsamizi and government programmes, such as NAADs, that would have enhanced farmers' food production capacities, did not create a positive impact partly because they were not participatory and partly due to political interference and corruption. Therefore, while most of the interventions were well-intentioned and appropriate, they were ineffective in that they did not create the desired change, largely because of limited funding, inadequate consultation or limited stakeholder participation, lack of necessary knowledge and skills among the refugees, increasing refugee numbers and xenophobia.

7.6 Section F: General Analysis

7.6.1 Introduction

This is basically an analysis Section. It highlights key issues and provides deeper analysis using evidence from literature and the field findings. Major issues analysed include: the need for special African refugee body, financial constraints, cheating the system, land access and self-reliance strategy, right to work and freedom of movement, skills and competencies of refugees and interventions. Other issues analysed are: social services and three durable solutions to the refugee syndrome.

7.6.2 Underfunding

As stated before, the refugee predicament in many countries, including Uganda and Nakivale Refugee Settlement in particular, is exacerbated by dwindling donor funds. It is argued that donor countries often withhold funds until the UNHCR meets certain conditions (Loescher. 2001; Whitaker 2008, p.243). Such conditions are perhaps to prioritise certain groups of refugees, which may not necessarily be commensurate with the UNHCR's guidelines and principles. Consequently, some refugees are deliberately given much more attention than others in worse situations especially in Sub-Saharan African countries. In Africa, the African Union lacks the financial capacity to translate its refugee instruments into reality, arguably not because of Continental poverty but because of mismanagement of existing resources. Every time there is a refugee crisis in Africa, donor countries in the developed world are called upon through the UNHCR and WFP appeals to donate to save African lives at risk.

At national level, the Uganda Government arguably lacks money to sufficiently remunerate workers in the refugee department and yet they do enormous work to ensure refugee welfare and security. This explains why the UNHCR tops up the salaries of Uganda Government employees in the refugee department. The Government also reportedly lacks resources to mechanise agriculture to boost food security and to develop basic infrastructure in the refugee settlements and the host communities (Bagenda, et al. 2003; Jones 20012; Svedberg 2014). However, it should be noted that Uganda arguably has resources to offer refugees a reasonable standard of living but they are also mismanaged and embezzled. Consequently, most roads in the Settlements and the host communities are impassable, especially during the rainy season. This hinders the free movement and interaction of refugees with the local communities and the marketing of locally produced food commodities, thereby hindering access to food and the success of the self-reliance strategy. This is particularly serious in a country where the social services in the host communities are not better than those in refugee settlements, with some members of host communities eating one meal a day and sometimes sleeping hungry the same as the refugees.

In fact, as intimated before, some members of the community envy refugees. Most people in the local communities are so poor that it is difficult to differentiate them from the refugees. This is common throughout Africa. For example, while touring an area

inhabited by Eritrean refugees in the Sudan, a Sudanese Minister wondered whether the people he saw were the refugees, and asked the local governor for clarity. “No, Your Excellency, these are the hosts,” the governor replied (Chambers 1986: 246). And yet, Chambers (1986) further notes, humanitarian agencies are traditionally more concerned with refugees than with the host communities.

The consequence of neglecting host communities has been incessant conflicts between those communities and refugees (Ahimbisibwe 2013). The conflicts revolve around access to, and ownership of land, and competition for the social services provided by the humanitarian agencies. As intimated before, refugees receive better public services from humanitarian agencies than host communities receive from the Government. Although social services have been integrated through the Self-Reliance and the ReHopE Strategies, the host community members still feel neglected by their government and humanitarian agencies because the food rations and land in the gazetted settlement are strictly for refugees.

7.6.2.1 The impact of underfunding on social services in refugee settlements

As already reported in the findings Section, there was general inadequacy of medical specialists and supplies, such as specialised medical equipment and drugs in Nakivale Refugee Settlement. This was partly due to the fact that specialised doctors prefer to live and work in urban centres such as Kampala where they access clean water and other facilities which are unavailable in refugee settlements. For instance, Jones (2002) notes that the health conditions in the Oruchinga settlement in western Uganda are unbearable as there is only one health centre, courtesy of Red Cross. The situation is not different in other refugee settlements in Sub-Saharan Africa. Infants, as always, are victims of such pathetic health conditions. As a result, mortality figures in the camps are disturbingly high. Ketel (2002:2), reporting on behalf of UNHCR in the Central African Republic writes, “... at the time of the mission the overall situation in Mboki refugee area was depressing... The mortality rate was such that during the mission’s work in the area there were daily reminders of people’s distress in the shape of numerous traditional mourning.”

Moreover, women and children make the biggest percentage of refugees in Uganda. Men normally stay back and participate in the civil war. “...Walk around Dzaipi transit

centre in northern Uganda and you will see thousands of children running about, tents full of pregnant women, young mothers and newborns, and elderly women resting against trees. What you do not see are many men.” (Beck 2014: 01)

This implies that the dependence burden is high as children and pregnant mothers need more resources and care, which the government of Uganda arguably lacks due to mismanagement of the natural wealth such as land and mineral wealth.

7.6.3 Cheating the system

Moreover, the beneficiaries who cheat the system complicate the problem further. Rather than spending time boosting refugee livelihoods, the UNHCR officials allegedly often complain that they spend a lot of time attempting to stop the beneficiaries from cheating the benefactors (Itaru 2003). The cheats, as alleged, are mainly refugees and government officials. As noted before in the findings Section, some refugees employ several cheating tactics including registering more than once under different names, with the intention of receiving multiple aid rations from UNHCR. Even some of those who are not living in the designated settlements, fraudulently register with UNHCR and regularly visit the Settlements to receive humanitarian aid, although according to Government and UNHCR policy, non-settlement dwellers are not entitled to food aid. On the other hand, Government officials who are supposed to allocate the Settlement land to refugees are alleged to have occasionally allocated large plots of land to some refugees and Nationals in exchange for a bribe, especially in Nakivale Refugee Settlement (Bagenda, et al. 2003; Ahimbisibwe 2013; Beck 2014).

However, it should be noted that cheating has implications. To begin with, it partly implies that refugees are desperate for more services and would do anything humanly possible to acquire such assistance. Equally, if the host community were better-off, they would not masquerade as refugees implying that they are also badly-off. But of course, there is an element of moral decadence attached to cheating. A beneficiary community that strongly believes in certain strong moral values would arguably not resort to cheating the benefactor. It becomes even worse when it's reported that government officials or officials from the humanitarian agencies are the ones diverting refugee aid to enrich themselves. Such officials, probably lack empathy and morality and should therefore be subject to scrutiny.

7.6.4 Land access and the self-reliance

Although the policy of allocating land to refugees was intended to boost food security and self-sufficiency among refugee households (UNHCR 1999:12), this policy has encountered innumerable challenges. As the population grows exponentially, the land diminishes in the same proportion since most Ugandans survive by cultivating land. As a result, per capita land for refugees also declines as some impoverished Nationals disguise themselves as refugees to access refugee benefits such as land and humanitarian aid (Chambers 1986). Indeed, a study by Ahimbisibwe (2013) and Svedberg (2014) found that land per capita was shrinking very fast in Nakivale Refugee Resettlement due to the infiltration of Nationals. Besides, the land given to refugees is too small to boost household food security. On average, they are given 0.22 square acres per person or approximately 100m x 50m for a household of not more than six people (Government of Uganda 1999; Betts 2012). With this amount of land, unless other economic opportunities are available to the beneficiaries, they cannot raise their socio-economic status beyond mere survival. Besides, land is becoming increasingly infertile due to over-cultivation and unsustainable agricultural production methods. Moreover, most of the refugees are in isolated settlements and some occupy naturally unproductive land. For example, in the 1960s the local King gave away Nakivale land to refugees because it was infected with tsetse flies and deemed unproductive (Baganda, et al. 2003; Ahimbisibwe 2013).

However, this is not exclusive to Uganda; it is a common practice all over the developing countries to allocate the most unproductive land to refugees (Blavo 1999). Refugees travel day and night, lack basic essentials such as drinking water en route, sneak through forests and mountains bare-footed, cross rivers where some drown while others are claimed by crocodiles, bury their colleagues and relatives on the way, face border security and harassment and when they arrive in the host country, they are normally put in transit camps with horrible conditions pending transfer to a final destination. Surprisingly, the geographical areas selected for refugee settlements are normally the worst parts the host country. For instance, Somali refugees in Yemen are located in the most unbearable place in the country. "If one could choose the worst location for a refugee camp in the world, Kharanz Camp definitely qualifies. It's one of hottest areas in Yemen, the road is rough, security is unpredictable and the camp is

isolated” (Jawahir 2002:56).

Therefore, based on the above revelations, it can be argued that although many refugee-host States are kind to refugees, they do not normally give them the best productive areas; all the refugees can get is utilised and sometimes infertile land usually located in remotest areas of the host country with impassable roads especially during the rainy season. For example, the road network in the Nakivale Refugee Settlement needs a four-wheel drive car during the rainy season otherwise the car can easily get mired in mud. This explains why, during the data collection, I would sometimes use the motorcycle to reach the seemingly hard to reach areas in the Settlement.

7.6.5 Right to work and freedom of movement

As espoused in many local and international legal documents, refugees in Uganda are legally allowed freedom of movement in the country (Refugee Act 2006), although they are practically not allowed to move freely out of the isolated settlements without permission from the Settlement Commandant. (Kaiser, Werker and Hovil 2002; Dryden-Peterson and Hovil 2004; Omata and Kaplan 2013). However, despite restrictions, refugees escape and travel without permission to neighbouring villages and towns to look for employment and food. It should be noted that unlike camps in other countries, refugee settlements in Uganda are porous; those who seek permission from the Commandant just do it for formality purposes, otherwise it would still be hard to identify those who leave the Settlement without permission because the Settlements are porous and there is free entry and free exit. This enables even non-refugees to enter and live in the Settlement. In addition, some refugees who have mastered the local language(s) disguise themselves as Nationals to access benefits which are exclusively for Nationals. Others reportedly escape from designated refugee settlements and settle in urban centres where the authorities arguably have less control over them. In the host communities, they are sometimes overworked; they work as housemaids, casual labourers and even prostitutes. Ultimately, restrictions on the movement of refugees perpetuate the latter’s social and economic isolation, which compromises the self-reliance strategy.

7.6.6 Skills and competency of refugees

Refugees in Uganda reportedly lack some skills necessary for development of many sectors such as tourism, agriculture, road design and construction, health and education. Most refugees come from rural South Sudan, Rwanda and eastern DRC where illiteracy levels are among the highest in Africa and therefore prerequisite skills that are essential for the transformation of any society (Jones 2002; Kalyango 2006; Beck 2014). Moreover, developed countries, such as Canada, the U.S.A and Australia, normally select some of the few highly educated and skilled refugees for relocation to those countries, leaving Uganda with the most illiterate and unskilled refugees. For instance, when the US Government selected and resettled about 6,000 refugees from Nakivale Refugee Settlement in 2010, the selection criteria included being needy, skilled and without any links to al-Qaida or any terrorist group (Ssengendo 2010). Therefore, hosting such kinds of refugees needs more resources to invest in skills development in addition to dealing with their needs in the emergence phase. This should not be limited only to refugees but also the host community members, because national development should include everybody who is able to make a contribution. As already reported in the findings Section, the majority of refugees in Nakivale Settlement were visibly and reportedly young, below 30 years of age. This implies that there is great potential because if such refugees could be targeted for skills development, they would change the current narrative which tends to describe refugees as more of a liability than an asset. Skilled and empowered refugees would not even ponder resorting to negative coping strategies (such as cheating the system, self-integration, prostitution and early marriage, drug abuse, theft and robbery as discussed in the findings Section). Human capital investment and development in the refugee communities would also drastically reduce other social vices such as gender-based violence, child labour (as housemaids with little or no pay), sexual abuse and related sexually transmitted diseases as reported by Whelan and Blogg (2007).

7.6.7 Three durable solutions to the refugee syndrome

While the UNHCR normally promotes resettlement of refugees in a third country of asylum, the Government's long-term policy priority remains the repatriation of refugees to their respective home countries (Mayer 2006). However, the Government generally and publicly recognises three major durable solutions to the refugee problem: voluntary return to the country of origin, local integration in the host communities and

resettlement in a third country of asylum (Bagenda, et al. 2003; Mayer 2006; Ssengendo 2010). It should be noted that some governments may theoretically support the aforementioned three durable solutions in order to avoid a diplomatic clash with the UNHCR but clandestinely promote their self-crafted priorities. For example, as noted above, many countries including Uganda are most comfortable with the repatriation of refugees instead of naturalising them as citizens. This explains why, worldwide, the average length of refugees in exile has increased to 26 years. In Uganda, for instance, the refugees who fled the Rwanda's genocide in 1994 have lived in the country for over 20 years but cannot secure citizenship. This suggests that the State of Uganda is not comfortable with naturalizing refugees.

7.6.8 Refugee physical security

Refugees are normally associated with insecurity and terrorism (Kron 2010). In Kampala, there is a popular belief that the Al Shabab terrorists disguise themselves as refugees, live in Somali refugee communities and plan attacks from there. In 2010, seventy-six world cup soccer fans were killed in a terroristic attack orchestrated by Somali-based Al Shabab terrorists. Since then, all Somalis in Kampala are generally deemed as threats to national security (Kron 2010). In the neighbouring Kenya, following the Al Shabab attack on Carissa University College, the Government threatened to close the world's largest refugee camp in eastern Kenya. The Kenyan government suspected that the terroristic attack was planned in Kakuma Refugee Camp. In Kenya, Somali refugees are scapegoats; in Kampala, the security operatives sometimes round them up and take them for questioning, without any apparent cause for alarm and in apparent violation of refugee rights. Of course, not all Somalis are terrorists; the majority are innocent and have nothing to do with Al Shabab terrorism. Therefore, as Bagenda, et al., (2003) observe, the reinforcement of the encampment system, where refugees are confined in one place, is partially intended to contain the security threat associated with refugees. However, the effectiveness of this policy remains open for debate.

Likewise, in the realm of security, since 1987, the Government of Uganda has faced a challenge of armed conflicts. In western Uganda, the Allied Democratic Forces (ADF) are still active and there is fear that they might recruit from refugee settlements in western Uganda. In northern Uganda, until 2003, the Lord's Resistance Army (LRA),

led by the elusive Joseph Kony, terrorised everybody, including refugees in refugee settlements. Consequently, the Government, in partnership with UNHCR, relocated some refugees to the relatively safe settlements of western Uganda. In the final analysis though, the government is not able to guarantee physical security for refugees (Hovil and Morehead 2002; Human Rights Watch 2003; International Crisis Group, Lomo and Hovil 2004).

7.6.9 Interventions in Nakivale Settlement

Following the decline in the food rations that refugees receive from UNHCR and WFP, food insecurity, land scarcity and conflicts have escalated in Nakivale Refugee Settlement. Subsequently, various actors, including NGOs and the host Government, have intensified their interventions to mitigate land conflicts and reduce food insecurity. For instance, Nsamizi, the leading NGO in the food security sector in the Settlement, opened shop in 2009, has been training farmers in better farming methods and providing them with improved seeds. On the other hand, the host Government, through the office of the Settlement Commandant, has in the last ten years been fighting against encroachers on the Settlement land and ensuring that land is distributed to refugees in a fair and transparent manner to avoid land conflicts. However, while many interventions were appropriate and well intentioned, they did not yield the desired results because they were either poorly implemented or simply unpopular among the intended beneficiaries because of violence, corruption, inadequate consultations, lack of necessary skills among the refugees, limited funding, land scarcity and rapid population growth. These may not necessarily be the only factors for ineffectiveness; it is recommended that further studies be conducted to establish more facts about land conflicts, food security and interventions. This is due to the fact that despite the interventions, the majority who participated in the study still called for more to be done, especially in areas of food security and physical security of refugees targeted by security agents from their home countries. In fact, rather than leaving the issue of protection of refugees in Africa in the hands of the UNHCR, the African Union should rethink its strategy to ensure that refugees in Africa receive the special care they deserve.

7.6.10 The need for a special African refugee organisation

It should be recalled that the African Union (AU) has no specific organisation tasked

with the mandate to protect refugees in Africa. This implies that the current UN's refugee agency, the UNHCR has to overstretch its resources and personnel to cover many parts of the world. If each region or Continent had a special refugee body, the UNHCR would just play an overseeing role. So far, the only popular regional refugee agency is the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). This was established in December 1949 to provide assistance specifically to the displaced Arab Palestinians in the Middle East. Africa needs such an agency, an equivalent of the UNHCR or UNRWA to ease the plight of refugees in Africa. This implies that Africa would also need a special budget for refugees or disaster preparedness. If the AU had a special budget for refugees and the refugee body, say, "African High Commissioner for Refugees" (AHCR), perhaps the refugee situation in Africa and Nakivale Settlement in particular would be better than it is currently.

7.6.11 Protecting refugees

Internationally, the UNHCR is seen as the parent of all refugees including those in Nakivale Refugee Settlement. In fact, the UNHCR is tasked with the mandate to implement the UN refugee policy in partnership with refugee hosting countries. However, the desire by States to protect their sovereignty poses a challenge to UNHCR and its non-governmental implementing partners. Consequently, NGOs prefer to remain neutral amidst refugee rights violation in fear of being expelled. The UNHCR officials also allegedly avoid raising sensitive questions regarding the plight of refugees in high level meetings for fear of damaging relations with host governments. A case in point is the plight of Rwandese refugees in Uganda and Nakivale Refugee Settlement in particular. Although refugees have consistently alleged that State agents from Rwanda normally infiltrate the Settlement and kidnap some refugees perceived to have participated in the 1994 genocide, the NGOs and the UNHCR have reportedly not done much in terms of raising the issue in tripartite (Uganda, Rwanda and UNHCR) meetings and also urging the government of Uganda to investigate such matters (BBC 2013; Kasasira and Musis 2014). Generally, governments tend to perceive some actions of NGOs as political, therefore spy on and seek to limit their work. For instance, the Sudan revoked the licences of foreign agencies accusing them of interfering in Sudanese internal affairs and working to destabilise the country (Martell 2009). The situation is exacerbated by ambiguities in

international law and norms. While international law calls for respect of refugee rights, it does not advocate punitive action against states that violate refugee law. Moreover, as Bellamy (2010) observes, the UN admits that the primary responsibility of individual States is to protect their populations. The UN Security Council, following Chapter Seven of the UN Charter, rarely intervenes in the name of Responsibility to Protect (RTP). A case in point is the UN's failure to intervene in the Syria, South Sudan and Darfur conflicts, which have generated millions of refugees in the neighbouring countries.

7.6.12 Conclusion

Basically, this has been an analytical Section. Major issues analysed include: underfunding, cheating the system, land access and self-reliance strategy, right to work and freedom of movement, skills and competency of refugees. Other issues analysed are: social services, and three durable solutions to the refugee syndrome. Uganda is one of the few countries in Africa that provide refugees with free cultivable land, which boosts their self-reliance capabilities. This is in sharp contrast with Kenya who confines refugees in camps, turning them into dependents, mostly on humanitarian aid. However, whereas Uganda remains a favourite destination for most refugees in the region, the country faces numerous endemic setbacks that hinder the successful implementation of the refugee policy. It can be restated that the key ingredient of Uganda's refugee policy, the Settlement policy as opposed to the Encampment policy, is hampered by increasing land scarcity and the surging numbers of refugees, especially from South Sudan. Moreover, the Government arguably lacks resources to develop the refugee settlements in terms of socio-economic infrastructure, such as a passable road network, hospitals, electricity and schools.

CHAPTER EIGHT: CONCLUSIONS AND RECOMMENDATIONS

8 Introduction

This chapter is presented in three Sections. The first Section recapitulates the overarching research question and the specific research questions of the study so as to ascertain that the research questions have been appropriately and adequately answered. The Section also highlights the research design and methods that were used to collect both primary and secondary data. The second Section summarizes the findings of the study by research question. Finally, the third Section presents the recommendations of participants, both refugees and Nationals, and my own perspectives and recommendations.

8.1 Objective of the Study, Design and Methodology

Between October 2015 and March 2016, a field study was conducted in Nakivale Refugee Settlement, one of the oldest and largest refugee settlements in Africa - almost the size of Durban City. Interest in the study arose out of the reported food insecurity and severe land conflicts that had persisted despite the ongoing efforts aimed at restoring peace and security in the refugee settlement and the host communities. The overarching research objective was: to establish the relationship between land conflict and food security in the Nakivale refugee Settlement?

In terms of design and methodology, the study used exploratory, analytic and practical designs to obtain qualitative primary data in addition to secondary data. In a participatory framework, I collected data by means of interviews, focus group discussions, transect walks, observation and mapping exercises. During fieldwork, the investigator adhered to all the ethical standards of socio-scientific research, with content and thematic approaches used to analyse the data.

8.2 The Specific Research Questions

- I. What are the forms and causes of land conflicts in Nakivale Refugee Settlement?
- II. What relationship exists between land conflicts and food security in Nakivale Refugee Settlement?

- III. What coping mechanisms have refugees adopted to address land shortage and food insecurity problems in Nakivale Refugee Settlement?
- IV. To what extent have interventions been effective in addressing land conflicts and food insecurity in Nakivale Refugee Settlement's host communities?
- V. What are the challenges faced by interventionists in Nakivale Settlement?

8.3 Summary of findings

The study found that both refugee participants and Ugandan residents in the Settlement who participated in the study belonged to three economic categories: the rich, the poor, and the extremely poor and vulnerable. It was clear that while there were a few economically privileged Ugandans and refugees in the Settlement, there were also many poor and extremely poor and vulnerable refugees and Nationals who could afford only one meal a day. The majority of the refugees interviewed were farmers at home and in Uganda. The study also found that apart from key informants who included officials from various organizations, the education level of most participants was basic. While many refugee participants did not cite land shortages and resultant conflicts as the major factor that pushed them into exile, some Ugandans admitted to have migrated into the Settlement because of land shortages in their home areas. Nationals also were attracted by the reported availability of cheap and fertile land in the Settlement. On the other hand, refugees were attracted to Uganda and Nakivale Refugee Settlement in particular because of Uganda's refugee settlement policy that allows refugees to practice subsistence farming, which is not the case with neighboring countries, such as Kenya and Tanzania. It was also discovered that refugees and Ugandans in the Settlement attracted their friends at home to come and live in the Settlement.

Besides, the study found that land conflicts remained a serious menace in Nakivale Refugee Settlement despite the government's commitment to resolve them. That is why this thesis has discussed the deep-rooted causes of land conflicts in the refugee settlement, the parties involved and their respective interests. The parties involved were: land-grabbers, the Settlement Commandant, crop cultivators, pastoralists, lessors and lessees, encroachers, environmentalists, refugees and Nationals. These were reported as either sources or perpetrators of land conflicts. Other independent causes of land conflicts discovered were: a high population growth rate, inadequate

pieces of land allocated to refugees, especially new arrivals, the presence of vacant land, especially land vacated by outgoing refugees, contested land ownership and ambiguous land boundaries, economic inequality, jealousy and antipathy among Nationals, translating into xenophobia. Significantly, as refugee and Ugandan population numbers grow, the land available per person diminishes, thereby increasing competition for it and the potential for land conflicts.

Further, the study found that land conflicts and food security in the Settlement were in a strong reciprocal relationship. Violent land conflicts act as a deterrent to further investments in food production. Serious and long-term agricultural investors feared to lease contested land. Moreover, none of the parties to a land dispute that was in courts of law would legally be allowed to exploit the land in question until the court resolved the matter. Moreover, land cases could go for up to five years before a judgment was made, making the land unproductive for a long period, which directly contributed to food scarcity. In addition, family land conflicts lead to fragmentation of family land with associated dangers, such as reduced production and subsequent household food insecurity. In addition, the study found that violent land conflicts lead to maiming and death of farmers which scared away some potential farmers. Such violence leads to destruction of farmers' houses, crops and livestock. This directly reduces household income and food security. Apart from land conflicts, other factors contributed to food insecurity. These included underfunding of the agricultural sector, soil exhaustion, underproductive farming methods and tools, lack of access to affordable loans, impassable roads, lack of affordable electricity and unemployment. Most of these reduced household income, which translated into food insecurity.

Refugees employed a variety of coping strategies to overcome the effects of reduced humanitarian aid and land scarcity. Broadly, these strategies are either positive or negative. The positive strategies include business, rural-urban migration, farming, education and resettlement, intermarriage, paid employment and psychosocial support. Others are borrowing money, and casual labour, networking, receiving remittances, spirituality and religion. The negative coping mechanisms included cheating the system and self-integration, prostitution, early marriage, drug abuse, and theft and robbery.

Although the study identified numerous actors responding to different crises in Nakivale Refugee Settlement, it focused on the effectiveness of those that responded to food insecurity and land conflicts. These were the UNHCR, WFP, OPM, Samaritan's Purse and Nsamizi. The OPM was represented by the office of the Settlement Commandant whose role is to repel land-grabbers and allocate farming land to refugees. The OPM regards Ugandan in the Settlement as illegally occupying settlement land; and that is why he refused to recognize the boundaries drawn by the Ngoma Ngime Land Commission in the Settlement, which further complicates and prolongs the conflict. The disagreement on the status of Nationals in the Settlement made dialogue and reconciliation difficult. All this was happening amidst declining food aid and increasing land scarcity due to growing refugee and Ugandan populations. Unfortunately, Nsamizi and government programmes, such as NAADs, that would have enhanced farmers' capacities to produce more food, did not create a positive impact partly because they were not participatory in their approaches and partly due to political interference and corruption. That is why these well-intentioned and appropriate interventions failed to achieve the desired food security and peaceful coexistence in the Settlement. The main factors that militated against the success of the interventions were limited funding, inadequate consultation, unskilled refugees, increasing refugee numbers and xenophobia on the part of Ugandans, especially those in the Settlement. In sum, the interventions in land conflicts and food security, reportedly, largely failed to meet the beneficiaries' expectations

8.4 Section Three: Participants' Recommendations

Refugee participants recommended that the OPM should give them more land, arguing that the land allocated to them was too little to sustain their families. Some families, especially new arrivals, had as many as eight members and could not survive on the small plots of farming land allocated to them. That is why refugees encroached on protected land around the lake in the Settlement. Due to increasing population numbers, new refugees were entirely reliant on humanitarian food aid because the land they were allocated was too little to sustain them. In fact, new refugees proposed that the land that had been given to old refugees should be reduced and part of it given to new arrivals.

In addition, in order to reduce land conflicts between refugees and Nationals, refugees recommended that the Commandant should never settle new refugees on land whose ownership is contested or claimed by Ugandans. This followed an incident in which a group of Nationals living in Kaaza Village attacked refugees who had just been settled there by the Commandant.

For their part, the majority of Ugandans living in the Settlement recommended that the government should introduce the encampment policy which means that refugees are confined in camps where they rely entirely on humanitarian aid instead of being allocated farmland in settlements. This recommendation reflects the Ugandans' antipathy, sometimes verging on xenophobia, toward refugees whom they regard as encroachers on Ugandan land and as both a social problem and a security threat.

Further, Nationals recommended that, if the Government cannot confine refugees in camps, they should demarcate boundaries of the refugee settlement clearly. This recommendation must have been triggered by nasty incidents that erupted when the Commandant settled refugees in villages, such as Kityaza, that were predominantly occupied and claimed by Ugandans, and therefore regarded as being outside the refugee settlement.

Similarly, all residents alongside the lake in the Settlement proposed that NEMA should clearly demarcate the protected land along the lake shores in order to avoid inconveniencing developers with unnecessary demolitions. In cases, where demolitions were mandatory, participants recommended that NEMA should always warn the affected people in advance and follow proper procedures, including issuing court demolition orders to those concerned.

Interestingly, while most government officials insisted that the Nationals living in the Settlement should leave, the same Nationals recommended that the government should only evict them after identifying and allocating to them alternative land for them or after duly compensating them for the land they are now occupying in the Settlement so that they can buy land elsewhere. This followed an incident in which the late Dr. Stephen Malinga, the then Minister in charge of refugees, decreed that Nationals living in the Settlement should vacate within ninety days, a move that was only halted by a court injunction. Nationals recommended that the government, represented by the Settlement Commandant, should stop threatening national with eviction, and, instead,

recognize their land rights in the Settlement. In addition, Nationals recommended that their local leaders should do more to represent and defend their land rights in Nakivale Refugee Settlement. They further called for more consultations among local leaders, the district leaders and the central government to devise measures to prevent land conflicts in the Settlement.

Regarding food security, both Nationals and refugees recommended that fertilizers be provided because the Settlement land was exhausted due to over-cropping. Refugees further suggested that improved crop varieties and other farm inputs from Nsamizi and other humanitarian organisations should be brought to enable refugee farmers to plant in time to avoid crop failure. Refugees advised that the food rations be increased because the monthly 6kg of maize flour per person was grossly inadequate. Refugees, especially those from the Horn of Africa, also strongly advised that the WFP should consult them on the type of food they want or give them money so that they can buy the type of food they preferred.

In addition, refugees recommended that the OPM should allow them to build permanent houses and to plant perennial crops, such as coffee, cotton and bananas, in order to increase their household incomes and thus boost their food security. Permanent houses would also act as safe storage facilities and thus reduce food losses due to spoilage in leaky temporary shelters. Unlike Côte d'Ivoire that allows non-indigenous people to plant perennial crops, other countries, like Uganda and Liberia, bar refugees from planting perennial crops, fearing that the crops would cement their claim to the land and result into considerable loss in case of repatriation (NRC 2012). It is for similar reasons that refugees are discouraged from constructing permanent houses in Nakivale Refugee Settlement.

Similarly, Nationals living in the Settlement recommended that poverty alleviation programmes, such as NAADS, should be intensified to enable the host community enhance household income. This directly translates into food security because stable income enables the community members to buy food. Through NAADS, they would benefit from more productive breeds of goats, sheep and cows. Likewise, Nationals proposed that small credit schemes, locally known as SACCOs, should be increased in the Settlement.

Besides, Nationals suggested that refugees should be sensitized about Ugandan laws and be cautioned not to take the law into their own hands. This followed incidents where refugees cut tails off, and killed, cows belonging to Nationals, accusing them of encroaching and destroying their crops. This was contrary to the established national procedures which demand that an aggrieved person reports his grievance to the police or a court of law instead of retaliating. In this regard, refugees recommended that UNHCR should consider employing agricultural officers to determine the value of crops destroyed by stray animals belonging to Ugandans in order to determine fair compensation.

Both Nationals and refugees called for an end to corruption, especially in NGOs and the police. This was in reaction to incidents where NGOs' fieldworkers purportedly sold humanitarian aid food that was supposed to be distributed free of charge. This also applied to OPM community workers who were allegedly conniving with certain refugees or Nationals for certain favours. Most importantly, both Nationals and refugees recommended that there should be an end to corruption within the police force. This followed incidents in which errant police officers purportedly wrongly sided with offenders who bribed them. It is against this backdrop that participants recommended strong action against corrupt officers in the Settlement.

In terms of physical security, nearly all refugee participants called for international intervention in their respective home countries to restore security. Many of them, especially Congolese and Burundians, expressed willingness to return home as soon as their countries stabilised.

Similarly, both Nationals and refugee participants recommended that security in the Settlement be enhanced, especially for NGO and OPM staff to avoid incidents similar to those in Rwamwanja Refugee Settlement that claimed the life of the Commandant. During the land eviction exercise in Rwanmwanya Refugee Settlement in 2014, a mob overpowered the security forces and lynched the Commandant. Besides, the participants were reacting to the rampant violent conflicts and the increased security threats caused by home governments' agents who allegedly infiltrated the Settlement. In fact, Rwandese refugees reported mysterious disappearances of their colleagues. Although they did not have concrete evidence to support their allegations, they strongly suspected the agents of Rwanda Government to be behind the

disappearances. Besides, Rwandan participants further recommended that refugees from Rwanda should be interviewed to ascertain exactly why many of them did not like to be repatriated back home. This followed previous incidents of forceful repatriation of Rwandan refugees after which those who remained in the Settlement were fearful that they would be forcefully repatriated as well. Therefore, to avoid a repeat of such incidents, Rwandan refugee participants called for consultations and a cautious policy towards repatriation of refugees.

Refugees, especially Oromo and Rwandans, further recommended that the Government of Uganda Refugee Eligibility Committee (REC) should drop any bias against Oromo and Rwandan refugees. Refugees reported that their colleagues were being denied refuge in Uganda because they were suspected to be economic migrants, which was reportedly unverified. In December 2015, out of 366 asylum seekers 281 were granted the refugee status while 85 were rejected (OPM 2015). According to the refugee participants, this high rejection rate was due to bias, especially against Oromo and Rwanda refugees. That is why they demanded changes in the screening criteria. Moreover, in many cases, REC interviews would be delayed excessively, forcing potential refugees to remain asylum seekers for a long time during which they were not entitled to a full humanitarian package from UNHCR. While the prema-facie (group) refugee status took 1-7 days to process, individual cases took up to 90 days which meant uncertainty and food insecurity for the asylum seekers. (For example, the Burundian and South Sudanese refugees who would arrive in their hundreds were granted the prema-facie - group refugee -status on arrival without delay because there was no time for individual screening. The WFP would immediately start giving them a full food aid package.) For Oromo refugees from Ethiopia, it would even take more than 90 days and some of them would acquire refugee status only at the second attempt or after appealing.

Lastly, while the Nationals were against the integration of refugees in national villages, some refugee participants preferred being integrated or naturalised in Uganda to repatriation. It is against this background that refugees recommended for a change in Ugandan laws to allow for easy acquisition of citizenship, especially for fellow African refugees. Indeed, while it is easy for other migrants, it remains legally hard for refugees to become Ugandans even if they live in the country for over ten years. Uganda's

refugee policy is silent on local integration even for refugees who have been the country for over 30 years. Thus, participants urged Parliament to pass an Act providing for refugees to acquire Ugandan citizenship under certain conditions.

8.5 Researcher's reflections and perspectives

Nakivale Refugee Settlement will most likely gradually become a camp. (The difference between a camp and a settlement is that while a settlement resembles a typical Ugandan remote village with predominantly rural farmers and retail shops, a camp is where refugees are confined in one gazetted place and not given farm land and are mostly fed by humanitarian organisations.)

This may not happen as a consequence of a shift in government policy but as a result of natural evolution. As the refugee population grows, so will the land per capita, since land is fixed. Actually, at the time of the study, in early 2016, OPM was only giving land for construction because farmland was not easily identifiable. Should the Settlement receive an additional 100,000 refugees, the resulting population density would automatically qualify the Settlement for camp status. This could even force the Government to rethink its current settlement policy and adopt the encampment policy that is already in place in both Kenya and Tanzania.

Actual refugee numbers in Nakivale Refugee Settlement and the country as a whole may by far exceed the official numbers. In early 2016, the official total refugee population was close to 600,000 and Kampala City alone had 40,000 refugees. However, policy makers estimate the number to be higher because some refugees, fearing forced repatriation, do not declare themselves to the authorities. Because Uganda's international boundaries are porous and divide many ethnic groups and families between Uganda and neighbouring countries, non-Ugandans, including refugees, can easily cross into the country and pose as Ugandans.

On the issue of providing farmland to refugees, Uganda is certainly generous. Many countries do not give farmland to refugees. In South Africa for example, once you are registered as a refugee or an asylum seeker, you are perhaps provided with physical security by the Government, and NGOs may also provide you with other forms of support, but not farmland. In Uganda, farmland is, therefore, an added advantage or

a bonus. The provision of farmland is meant to enhance refugee livelihoods and household income and promote self-reliance. This policy has earned Uganda an international reputation as one of the countries with the most liberal refugee policies.

Over time, Nakivale Refugee Settlement became a popular destination not only for refugees but for Nationals as well, rendering almost inevitable the eruption of land conflicts between refugees and Nationals as the numbers of both groups grew. Nationals perceived refugees as intruders, and would do anything humanly possible to deny them land usufruct. Although the Government claimed to have reserved the Settlement exclusively for refugees, Nationals, especially those who claim to be autochthonous to the area, insist that they have a legitimate claim to the land. In fact, some Nationals even managed to acquire land titles to the land they occupy, although the titles were later cancelled by the Government, triggering a legal battle. Evicting all Nationals from the Settlement had been the Government's objective, but political considerations have delayed the eviction as the ruling party is reluctant to risk losing the political support of the Ugandans in the Settlement, regardless of the legality or otherwise of their land tenure in the Settlement. Moreover, eviction would entail compensation which the government may not be ready to pay.

UNHCR's new policy initiative that aimed at empowering the host communities alongside refugees was commendable as it was likely to reduce xenophobia among host communities. Nationals had developed negative sentiments against refugees because humanitarian organizations had for a long time consistently ignored the interests of Nationals many of whom were as needy as, or in a worse situation than, the refugees. Indeed, host communities became resentful of refugees partly because the latter were benefiting more from UNHCR and humanitarian NGOs than their hosts. Realizing that this situation was not sustainable, UNHCR, whose mandate was limited to aiding refugees, eventually extended its operations to cover Internally Displaced Persons (IDPs) and refugee host communities, which is commendable given that some host communities in sub-Saharan Africa are actually poorer than the refugee they host.

8.6 Researcher's recommendations

In order to bring social services closer to the national population living in the Settlement, all parishes in the Settlement should be combined to constitute a new sub-

county. At the time of data collection, Nakivale Refugee Settlement was shared by five sub-counties: Rugaaga, Rushasha, Kashumba, Ngarama and Isingiro Town Council. Therefore, each of the aforementioned sub-counties, including the town council, should cede the land that is in the Settlement to create an independent national administrative unit called Nakivale sub-county. Possibly, this could enhance social service delivery among natives of the Settlement. This could also bring NAADs and Operation Wealth Program (OWP) closer to the electorate.

In a bid to reduce land conflicts in the Settlement, I recommend that the authorities should actually measure the pieces of land they allocate instead of simply estimating the area. This should be followed by land registration and assigning plot numbers to keep proper records showing the location and size of land owned by each refugee. Actually, measuring the land, establishing its boundaries and introducing plot numbers would most likely reduce encroachment and resultant conflicts facilitating conflict resolution. Indeed, lack of land records was perpetuating conflicts.

Besides, the Government, in collaboration with the UNHCR and other development partners, should develop a master plan for the Settlement. A detailed urban plan is necessary to avoid the emergence of slums. The Settlement should be divided into two parts: one part of the Settlement, especially alongside the lake, should be earmarked for farming, while the second part should be reserved for human settlement. It is neither logical nor prudent to allow unplanned developments in a settlement as big as greater Durban City. There should be better accommodation that befits humans, not the dilapidated shelters that dominate the Settlement. Some, if not many of the refugees had better houses at home. Some were Ministers and other high ranking officials at home. In fact, at the time of data collection, a certain refugee from Burundi was reported as a former Minister's aide. Others were driving expensive cars such as "Hummer". Such people do not deserve to be in Nazi-like camps. Flats with modern apartments should be built in the Settlement to accommodate all refugees irrespective of their status. Everybody deserves habitable shelter at least. Therefore, part of the \$350 million earmarked for the ReHopE program should be used to modernize settlement accommodation. The most vulnerable members of the host community should also be allowed to live in such houses constructed in the Settlement.

Further, I recommend that there should be mechanisation of agriculture to increase food production and self-reliance in the Settlement. The Government and the UNHCR should provide tractors and other modern farming tools to enhance mass food production. To achieve this, there should be a new approach. Plots of farmland should be allocated to groups rather than to individuals, in an area or areas earmarked for agricultural production, while another area or other areas should be strictly for housing. For example, one zone could be reserved for banana plantation, another for coffee plantation and another for tree plantation. Refugees and host communities would therefore be allowed to work in those huge plantations in the Settlement. Those who work in such farms would earn wages. The profits accruing from the sale of farm produce would be ploughed back into developing such farms.

Relatedly, there should be project diversification. Relying on agriculture alone may not be sustainable and economic diversification should be encouraged. Therefore, part of the money generated from the aforementioned group-owned plantations should be invested in vocational training to develop the human resource capacity of the Settlement population. Refugees and Nationals in the Settlement could be trained in sustainable agricultural methods, post-harvest handling, agricultural value addition and marketing, waste management and recycling. They could also be trained in farm mechanization, tailoring, car repair, entrepreneurship and many other non-farm skills to enhance greater skill diversity and employability of the beneficiaries. This would hopefully mitigate the adverse effects of reduced humanitarian food aid. Skilled refugees can easily survive shocks caused by delayed or reduced food aid.

Last but not least, local and district planning should be coordinated and refugee leaders should be involved. Planning for health, education and local infrastructures ensures that refugees jointly own such projects with Nationals, thereby increasing the chances of project success. The aim of planning with refugee leaders should be to ensure a symbiotic relationship where refugees and host communities mutually benefit from each other in terms of synergies and production. Activities that enhance trust and build confidence between refugees and host communities should be supported as one way of reducing suspicion, hatred and xenophobia. Confidence-building and reform should also apply to the police and the judiciary. These two institutions were repeatedly cited as inefficient in dispensing justice to both refugees and the host

communities. Therefore, curbing corruption in these institutions is critical if justice associated with land access and ownership is to be professionally administered.

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List of Interviewees (only pseudo names are listed)

Interview: Kataha at Kabahinda A 27/01/2016

Interview: Summaritan's Purse officer, 08/02/2016

Interview: Ahumuza at Misera, 01/01/2016

Interview: Ali at Basecamp I 18/11/2015

Interview: Ashraf at Basecamp III 15/02/2016

Interview: Atwiine at Kabazana 11/01/2016

Interview: Bakunda at Misera 25/02/2016

Interview: Barigye, at Kabahinda, 03/02/2016

Interview: Bateraho at Kabatamba,18/01/2016

Interview: Bayini at Basecamp II, 09/02/2016

Interview: Bizimungu at Kashojwa B, 09/12/2015

Interview: Bwengye at Isangano 23/01/2016

Interview: Byamukama at Kityaza,17/01/2016

Interview: Byamungu at Kashojwa, 06/12/2015

Interview: Byaruhanga at Kabirizi 28/11/2015

Interview: Digida at Kaaza, 09/01/2016

Interview: District lands officer at Kabingo, 04/02/2016

Interview: District LCV Councilor at Kabingo 18/12/2015

Interview: Donkala at Ruhoko,15/02/2016

Interview: FGD at Basecamp, 02/12/2015

Interview: FGD at Basecamp 10/01/2016

Interview: FGD at Basecamp 12/02/2016

Interview: FGD at Basecamp 18/12/2015

Interview FGD at Basecamp 22/11/2015

Interview: FGD at Juru Zone 18/12/2015

Interview: FGD at Juru zone 22/11/2015

Interview: FGD at Rubondo 27/01/2016

Interview: Gakasana at Kabazana, 07/12/2015

Interview: Gakuba, at Kabahinda B, 05/02/2016;

Interview: Gatluk at Basecamp I 13/12/2015

Interview: Habimana at Kaaza 27/11/2015

Interview: Hajala at Basecamp II, 05/02/2016

Interview: Hamza at Kankingi C 25/11/2015

Interview: Hamza, at Kankingi C, 07/02/2016

Interview: Hana at Kabahinda B Burundian 27/01/2016

Interview: Hanifah at Kabatamba, 02/02/2016

Interview: Hanifah, at Kabatamba, 02/02/2016

Interview: Kabanda at Isangano, 06/02/2016

Interview: Kangwagye and

Interview: Kangwagye at Kabwera 27/11/2015

Interview: Kataha at Kabahinda A 27/01/2016

Interview: Kobusingye at Ruchinga, 07/01/2016

Interview: Kwizera at Nyarugugu 19/11/2015

Interview: Local Councilor at Ruchinga 28/01/2016

Interview: Mahoro at Kabirizi 12/01/2016

Interview: Maimuna at Kabwera 12/02/2016

Interview: Mbiire at Misera 13/01/2016

Interview: Mbonye at Kabazana 28/11/2015

Interview: Mugisa at Nyarugugu 13/12/2015

Interview: Muhamadi at Isangano, 02/02/2016

Interview: Muhayemungu at Isaaza Burundian, 06/12/2015

Interview: Mukunda at Juru A, 02/02/2016

Interview: Murara at Basecamp II 13/02/2016

Interview: Muruho 16/01/2016

Interview: Nasasira at Kabwera 27/11/2015

Interview: Nayebare at Kabatamba, 06/01/2016

Interview: Nsamizi at Kabingo 10/02/2016

Interview: Nsamizi officer at Kabingo, 08/02/2016

Interview: Nshaba at Kabatamba, 01/02/2016

Interview: Nshime at Kinkingi C 17/01/2016

Interview: Nyamwiza at Kaaza 26/11/2015

Interview: Nyensi 10/01/2016

Interview: Nzabandora at Nyarugugu, 06/01/2016

Interview: Nzarwehi at Ruhoko 19/01/2016

Interview: Nzeyimana at Misera 20.12.2015

Interview: OPM at Mbarara, 9/02/2016

Interview: OPM officer 20/11/2015

Interview: OPM officer at Basecamp 20/11/2015

Interview: OPM Official at Mbarara, 9/02/2016

Interview: RWC1 at Juru 20/12/2015

Interview: Rwankoba at Kibare 20/01/2016

Interview: Sadiq at Basecamp III, 12/01/2016

Interview: Saiddat at Basecamp II, 03/02/2016

Interview: Seluwada at Kityaza, 08/12/2015

Interview: Shekevu 11/02/2016

Interview: Summaritan's Purse officer at Basecamp, 09/02/2016

Interview: Tushabe at Kabatamba 20/11/2015

Interview with UNHCR official, Basecamp, 04/02/2016

Interview: UNHCR officer Basecamp, 06/02/2016

Interview: Uwimana at Kashojwa 20/11/2015

Interview: Vyansobeye at Ruhoko, 15/01/2016

Interview: Zonal lands official at Mbarara, 06/12/2015

Interview: Zuliati at Basecamp III, 04/02/2016

Observation at Basecamp 17/11/2015

Observation at Basecamp 24/11/2015

Observation at Basecamp 27/01/2016

Observation at Nyarugugu village 15/11/2016

PRA workshop at Kityaza, 08/02/2016

PRA workshop with nationals at Kityaza, 08/02/2016

PRA workshop with refugees at Basecamp, 06/02/2016

Validation workshop at Basecamp 20/12/2016

LIST OF APPENDICES

Appendix 1: [Interview guide](#) (for nationals living in the settlement)

10/10/2015

Section1: Bio-data of the participant

1. Name (optional).....
2. Age.....
3. Sex.....
4. Marital status.....
5. Sub-county and district of origin.....
6. Period spent in Nakivale refugee settlement.....
7. Number of household members.....
8. Main economic-activity/occupation before coming the settlement.....
9. Current occupation/ main source of income in Uganda.....
10. Roughly, how much do you earn per month, from all sources? And how much do you spend on food per month?.....
11. Describe your experience/situation that forced you to leave your home sub-county? Any land shortages in your home subcount?.....
12. Why did you choose Nakivale settlement as your destination?.....

Section 2: Causes and forms of land conflicts

13. Do you access and utilise land in the settlement? If no, why?..... If yes, what kind of land rights do you have?.....
14. What is the size of your land in acres.....
15. When did you acquire this land.....
16. Through What criteria/procedure did you acquire your land in this settlement?.....
17. What is the main use of your land currently?.....
18. Do you think at some point someone might dispute your land ownership rights? If yes or no, why?.....
19. Have your family experienced any land inheritance related land conflicts? If yes, describe how and why the conflict arose?.....
20. Have you or your friends or neighbours experienced any boundary conflicts? If yes, explain how and why the conflict arose?.....
21. How do you describe your relationship with refugees in this settlement? Any competition for land or conflicts?.....
22. What are other forms of land conflicts prevalent in this settlement?.....
23. What are the causes of the above-mentioned form (s) of land conflicts?.....
24. What were the causes of the recent land evictions of the people around the lake in the settlement?.....Were you affected? If yes, describe your experience?

Section 3: Links between land conflicts and food Insecurity

25. How did mass land evictions of the people along the lake in the settlement affect food production?.....
26. Describe the relationship between livestock farmers and crop-cultivators in terms of competition for land and food production?.....
27. How do individual or household-versus-household land conflicts affect land usage?.....

28. How do inheritance-land-conflicts affect land usage in this settlement?.....
29. How do warring parties normally react to boundary conflicts?.....
30. Normally, how long does it take for courts or local authorities to resolve land cases? Describe your experience.....
31. On average, how much is spent to resolve a land case judiciously?.....
32. Normally, are there injunctions on the use of contested land pending a decision by local authorities or courts?.....
33. Are there cases of land fragmentation? If yes, how does it affect farm yields?.....
34. How did the previous food riots in the settlement affect the distribution of humanitarian food aid?...
- Section 4: Effectiveness of interventions in land conflicts and food insecurity**
35. What is your view or comment on fairness during land distribution in the settlement?
36. What is your perception of the law enforcement personnel in this settlement?
37. What is your perception of the security personnel in terms of being able to effectively observe human rights or keep law and order even during violent land conflicts or food riots? Elaborate.....
38. Are there land grabbers in this settlement? If yes, what has been done to bring land grabbers to book?.....
39. How do you describe your current food security status?.....
40. Do you normally get farm inputs or advice from the government or NGOs on how best to utilise your land to maximise output? If yes, mention the advice or the kind of farm inputs you normally receive.....
41. Name the NGOs that are involved in promoting farming and household income. What is your perception of these NGOs in terms of service delivery?
42. As nationals, do you normally receive food aid from aid agencies? Elaborate...
43. As a community, what have you gained from hosting refugees?
- Section 5: Recommendations**
44. What do you think can be done to resolve land conflicts in this settlement?.....
45. What can be done to boost food security and self-reliance in this settlement?...
46. What do you think can be done to boost socio-economic development in the settlement?.....
47. Any other comments?.....

END!

Thank you for your cooperation!

Appendix 2: Interview guide (for refugees living in Nakivale settlement)

10/10/2015

Section1: Bio-data of the participant

48. Name (optional).....
49. Age.....
50. Sex.....
51. Marital status.....
52. Nationality/Country of origin.....
53. Period spent in Uganda as a refugee.....
54. Number of household members.....
55. Main economic-activity/occupation before coming to Uganda.....
56. Describe your experience/situation that forced you to leave your home country? Any land shortages there?.....
57. Before coming to Uganda, were you a refugee in another country? If yes, mention the country or countries....Why did you choose Uganda as your country of destination/refuge?.....
58. Current occupation/ main source of income in the settlement
59. Approximately, how much do you earn per month, from all sources? And how much do you spend on food per month?.....

Section 2: Causes and forms of land conflicts

60. Do you access land in the settlement? If yes, what kind of land rights do you have?.....
61. What is the size of your land in acres.....
62. When did you acquire this land.....
63. Through What is the criteria/procedure of acquiring land in this settlement?.....
64. What is the main use of your land currently?.....
65. Do you think at some point someone might dispute your land ownership rights? If yes or no, why?.....
66. Have your family experienced any land inheritance conflict? If yes, describe how and why the conflict arose?.....
67. Have you or your friends or neighbours experienced any boundary conflicts? If yes, explain how and why the conflict arose?.....
68. How do you describe your relationship with nationals in this settlement? Any competition for land or conflicts?.....
69. What are other forms of land conflicts prevalent in this settlement?.....
70. What are the causes of the above mentioned form (s) of land conflicts?.....
71. What were the causes of the recent mass land evictions of the people living around the lake in this settlement? Were you affected? If yes, describe your experience.....

Section 3: Links between land conflicts and food Insecurity

72. How did mass land evictions affect food production?.....
73. Describe the relationship between livestock farmers and crop-cultivators in terms of land competition and food production?.....
74. How does land grabbing affect food production in this settlement?.....
75. How do inheritance-land-conflicts affect land usage in this settlement?.....
76. How do warring parties normally react to boundary conflicts?.....
77. Normally, how long does it take for courts or local authorities to resolve land related cases?.....
78. Are there cases of land fragmentation? How does it affect farm yields?.....

79. Approximately, how much do warring parties normally spend to judiciously resolve land cases?.....
80. Normally, are there injunctions on the use of contested land pending decision by authorities? How does that affect food production?.....
81. How did the previous food riots in the settlement affect the distribution of humanitarian food aid?.....

Section 4: Coping strategies

82. Describe the coping strategies your household put in place to deal with the problem of food insecurity and land shortages?

Section 5: Effectiveness of interventions in land conflicts and food insecurity

83. What is your perception or comment on fairness during land distribution in the settlement?
84. What is your perception of the law enforcement personnel in this settlement especially during land conflicts?
85. What is your perception of the security personnel in terms of being able to effectively manage violent land conflicts or food riots? Elaborate.....
86. Are there land grabbers in the settlement? If yes, What has been done to bring land grabbers to book?.....
87. How do you describe your family's food security status?.....
88. Do you normally get farm inputs or advice from the government or NGOs on how best to utilise your land to maximise output? If yes, mention the advice or the kind of farm inputs you normally receive.....
89. Name the NGOs that are involved in promoting farming and household income in this settlement? Mention the aid agencies do normally give you food aid?.....
90. Describe the kind of food aid you normally receive. How much food aid (in kilograms/sacks) do you normally receive? How often do they normally give you food aid? Or does the food aid normally come on time? What are some of the effects of delayed food aid, if any?.....

Section 5: Recommendations

91. What do you think can be done to resolve land conflicts in this settlement?.....
92. What can be done to boost food security and self-reliance in this settlement?...
93. What do you think can be done to boost the socio-economic development in this settlement?.....
94. Any other comments?.....

END!

Thank you for your cooperation!

Appendix 3: Interview guide (for relevant NGOs and UN agencies)

10/10/2015

Section 1: Bio-data of the participant

1. Name (optional).....
2. Sex.....
3. Title/ position.....
4. For how long have you held this position?.....

Section 2: Refugee policy and implementation

5. For how long has your department/NGO been catering for refugees in Nakivale Settlement?
6. How many refugees do you give food aid in Nakivale settlement?
7. How many refugees do you give aid in the whole country currently?
8. How do you describe your working relationship with: a) the government, and b) implementing partners?
9. Are there refugee policy gaps you think need to be filled? Elaborate?
10. Mention the implementation challenges you normally encounter in your day to day operations.
11. Do you have any special aid packages for the most vulnerable e.g. pregnant women, HIV victims, the elderly etc. if yes describe them?
12. Apart from land, what other economic opportunities are available for refugees?

Section 3: Effectiveness of interventions

13. What plans do you have for the increasing number of refugees given the fact that land in the settlement is reducing very fast? Elaborate..
14. How do you describe the current food security status of refugees in the settlement? Any plans to boost food security in the settlement?
15. Which NGOs/agencies are your official implementing partners in Nakivale settlement?
16. How much food aid (in kilograms/ sacks) do you normally give to refugees? And how often? Any delays?
17. What is your comment about the availability of funds for your organisation? Any fund shortages? Explain? Mention other challenges you normally face especially when dealing with refugees in Nakivale settlement..
18. Apart from food aid and land, what other opportunities are available for refugees?

Section 4: Recommendations

19. What do you think can be done to prevent and resolve the problem of land shortages or land conflicts in the settlement?
20. What can be done to boost food security in the settlement?
21. Any other comments?

END

Thank you for your cooperation

Appendix 4: Interview guide (for relevant government officials)

10/10/2015

Section 1: Bio-data of the participant

1. Name (optional).....
2. Sex.....
3. Title/ position.....
4. For how long have you held this position?.....

Section 2: Causes and forms of land conflicts?

5. What is the total number of nationals living in this settlement?
6. What is the total number of refugees in Nakivale settlement and the country as a whole?
7. What kind of land rights do you give to nationals living in the settlement?
8. How much land (in hectares) do you give each refugee household?
9. What procedure do you follow when allotting land to refugees in the settlement?
10. Why did you evict people living alongside the lake in the settlement? Were they compensated? Elaborate?.....
11. Apart from land, what other economic opportunities are available for refugees?

Section 3: Effectiveness of interventions in land conflict and food security

12. What is being done to accommodate the increasing number of refugees given the fact that land is diminishing? Elaborate?
13. What is being done to bring the alleged land grabbers to book?
14. Describe the peace mechanisms/ infrastructures for peace put in place to deal with the problem of land conflicts in the settlement
15. Describe the performance of NSAMIZE the NGOs that is involved in promoting farming and food security. Any gaps that need to be filled? Elaborate?
16. Describe OPM's relationship with NGOs and the UN agencies operating in the settlement.

Section 4: refugee policy and implementation

17. Mention the operational challenges you normally face? Any funding shortages? Elaborate?
18. On average, for how long does it take for an asylum seeker to get the refugee status?
19. Are there refugee policy gaps that need to be filled? Elaborate?

Section 5: Recommendations

20. What do you think can be done to prevent or resolve land conflicts in the settlement?
21. What can be done to boost food security in the settlement
22. Any other comments?

END

Thank you for your cooperation

Appendix 5: FGD (for nationals living in the settlement)

10/10/2015

Section1: Causes and forms of land conflicts

1. Do you have access to land? If yes, what kind of land rights do you have?
2. What is the procedure for acquiring land in Nakivale refugee settlement?
3. Describe the forms and causes of land conflicts prevalent in the settlement?
4. Describe your relationship with refugees? Any land conflicts?
5. What is your comment about fairness regarding the recent land evictions of the people living alongside the lake in the settlement?

Section 2: Impact of the land conflicts on food security

6. Did the above-mentioned land evictions affect household food security? Explain
7. Describe the relationship between livestock farmers and crop-cultivators. Any land conflicts?
8. Are there cases of land fragmentation resulting from land conflicts? How does it affect food production?
9. How do warring parties normally react during land conflict? Any violence? explain

Section 3: Effectiveness of interventions in land conflicts and food insecurity

10. What peace mechanism have been put in place to deal with the root cause of land conflicts in the settlement? Are you satisfied with the way land conflicts are resolved? Explain?
11. What have you benefited from the refugee - NGOs or UN agencies by virtue of hosting refugees in the settlement? Elaborate?

Section 4: Recommendation

12. What do you think can be done to prevent, manage or resolve land conflict in the settlement?
13. What can be done to boost food security in the settlement
14. Any other comments?

END

Thank you for your cooperation

Appendix 6: FGD (for refugees)

10/10/2015

Section 1: causes and forms of land conflicts.

1. What kind of land rights do you have in the settlement?
2. What is the procedure for acquiring land in the settlement?
3. Describe the forms and causes of land conflicts prevalent in the refugee settlement?
4. Describe your relationship with nationals in the settlement? Any land conflicts?

Section 2: Impact of land conflicts on food security

5. Explain your experience with the recent land mass evictions of the people living alongside the lake in the settlement? How did it affect household food security?
6. Describe the relationship between livestock and crop-cultivators. Any land conflicts?
7. How do land conflicts affect land usage in the settlement?
8. Are there cases of land fragmentation resulting from land conflicts? How does it affect food production?

Section 3: Coping strategies

9. Describe the coping strategies your household put in place to deal with the problem of food insecurity and land shortages?

Section 4: effectiveness of interventions in land conflicts and food insecurity

10. What is your view of the settlement authorities in terms of fairness during land distribution in the settlement? Any corrupt cases?
11. What has been done to bring land grabbers to book?
12. Do you normally get farm inputs or advice from the government or NGOs on how best to utilise your land to maximise output? If yes, elaborate?
13. Name the NGOs that are involved in promoting food security?
14. Which aid agencies or NGOs do normally give you food aid?
15. Describe the kind of food aid (in kilograms/ sacks) you normally receive
16. How often do they normally give you food aid? Any delays? If yes, how does it affect you?

Section 5: current infrastructure for peace in the settlement

17. What mechanism have refugees put in place to address the problem of land conflicts within the settlement? Or how are relations between refugees and local populations negotiated with an aim of preventing or resolving land conflicts? To what extent have they been effective?

Section 6: Recommendations

18. What do you think can be done to prevent or resolve land conflicts in the settlement?
19. What can be done to boost food security in the settlement
20. Any other comments?

END

Thank you for your cooperation

Appendix 7: Table 11: Methodological Matrix

To determine the forms and causes of land conflicts in Nakivale Refugee Settlement	<p>What are the forms of land conflicts in the Settlement?</p> <p>What are the causes of land conflicts in the Settlement?</p> <p>Who are the parties involved?</p> <p>What are their interests in the refugee settlement?</p>	<p>Participatory,</p> <p>Exploratory & Analytic designs</p>	<p>FGDs and PRA work-shops,</p> <p>PRA observatory, Transects walks, PRA Seasonal calendar, PRA Venn diagraming, In-depth interviews</p>	Refugees, host community and OPM officials
To establish the relationship between land conflicts and food security and the coping strategies refugees adopt to address land shortage and food insecurity problems in Settlement	How do land conflicts affect food security in terms of food production, access, transportation and consumption? What are the refugee coping mechanisms?	<p>Participatory,</p> <p>Exploratory & Analytic designs</p>	<p>FGDs and PRA workshops</p> <p>PRA observatory transects</p> <p>Walks, Seasonal calendar,</p> <p>Venn diagraming, Narrative/in-depth interviews</p>	Refugees & host community
To assess the effectiveness of interventions aimed at mitigating land conflicts and enhancing food security in the Settlement	To what extent have interventions been effective in addressing land conflicts and food insecurity? What are the implementation challenges of the refugee policy?	<p>Participatory,</p> <p>Exploratory & Analytic</p>	<p>FGDs, In-depth Interviews and PRA workshops</p> <p>PRA observatory transects</p> <p>Walks, Seasonal calendar</p> <p>Venn diagraming,</p> <p>Narrative/in-depth interviews</p>	Community leaders, OPM staff, district leaders, NGO staff

Appendix 8: Research Approval from Uganda-UNCST



Uganda National Council for Science and Technology (Established by Act of Parliament of the Republic of Uganda)

Our Ref: SS 3900

7th October 2015

Robert Turyamureeba
Durban University of Technology
South Africa

Re: Research Approval:

Food Security and land conflicts in Uganda's Nakivale Refugee Settlement: Causal linkages and interventions.

I am pleased to inform you that on **24/08/2015**, the Uganda National Council for Science and Technology (UNCST) approved the above referenced research project. The Approval of the research project is for the period of **24/08/2015 to 24/10/2017**.

Your research registration number with the UNCST is **SS 3900**. Please, cite this number in all your future correspondences with UNCST in respect of the above research project.

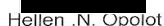
As Principal Investigator of the research project, you are responsible for fulfilling the following requirements of approval:

1. All co-investigators must be kept informed of the status of the research.
2. Changes, amendments, and addenda to the research protocol or the consent form (where applicable) must be submitted to the designated Research Ethics Committee (REC) or Lead Agency for re-review and approval prior to the activation of the changes. UNCST must be notified of the approved changes within five working days.
3. For clinical trials, all serious adverse events must be reported promptly to the designated local REC for review with copies to the National Drug Authority.
4. Unanticipated problems involving risks to research subjects/participants or other must be reported promptly to the UNCST. New information that becomes available which could change the risk/benefit ratio must be submitted promptly for UNCST review.
5. Only approved study procedures are to be implemented. The UNCST may conduct impromptu audits of all study records.
6. A progress report must be submitted electronically to UNCST within four weeks after every 12 months. Failure to do so may result in termination of the research project.

Below is a list of documents approved with this application:

	Document Title	Language	Version	Version Date
1.	Research Proposal	English	N/A	June, 2014
2.	Informed Consent Form	English	N/A	N/A
3.	Question Guide	English	N/A	N/A

Yours sincerely,



Hellen N. Opolot
for: Executive Secretary

UGANDA NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY

cc Deputy Head, Peacebuilding Programme, Durban University of Technology, South Africa

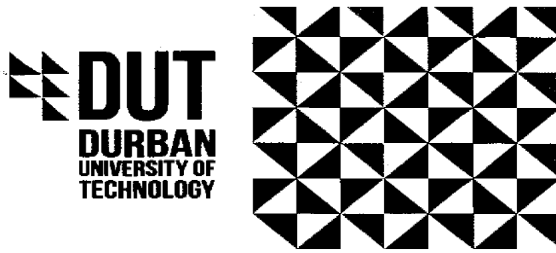
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Appendix 9: Research Ethical Approval from Durban University



10 August 2015

Uganda National Council for Science and Technology
UGANDA


Dear Sir/Madam:

This is to confirm that Mr. Robert Turyamureeba is a PhD candidate at the Durban University of Technology, Durban, South Africa, in the Peacebuilding Programme.

He has completed all requirements for ethical clearance for his research and is approved to conduct research according to the University's requirements. Your permission and assistance is therefore highly appreciated so that he may continue.

The title of his study is: "Food Security and Land Conflicts in Uganda's Nakivale Refugee Settlement: Causal Linkages and Interventions".

Thank you most kindly for your assistance,


Dr. Sylvia Kaze
Deputy Head/Senior Lecturer
Peacebuilding Programme
Durban University of Technology
Durban 4000
South Africa

Tel: +27-373-6860
Email: sylviak@dut.ac.za

PEACEBUILDING PROGRAMME
DURBAN UNIVERSITY OF TECHNOLOGY

Appendix 10: Informed consent form



Informed Consent form

Dear Sir/Madam,

Am called *Robert Turyamureeba*, a PhD candidate at Durban University of Technology (DUT). I am conducting a study titled: *"Food Security and Land Conflicts in Uganda's Nakivale Refugee Settlement: Causal Linkages and Interventions"*. This study is part of the requirements for the completion of my PhD degree at DUT and it is entirely funded by DUT. Therefore, you are not expected to make any financial contribution or to benefit monetarily from this study. You are purposively chosen and requested to voluntarily participate in this study. You are one of about 100 potential participants from all the parishes in Nakivale refugee settlement. I will ask you questions related to land conflicts and food security in your household and the settlement in general. You have the right not to answer certain questions you feel uncomfortable with, or to completely withdraw at any point during the interview, in case you feel ill or unease; it will have no any punitive consequences on you. We are going to have free interaction and no harm or discomfort should be expected. This interview will take approximately forty-five minutes. There is no wrong answer; your time and honesty will be much appreciated. Your participation and answers will be protected by Uganda national laws. Your anonymity is guaranteed and maximum confidentiality will be upheld; all the data you give me will only be used for this study.

Thank you for your cooperation

A black rectangular box used to redact the signature of the researcher.

Robert Turyamureeba (Researcher)

Signature of the participant

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Persons to Contact in the Event of Any Problems or Queries:

Please contact the researcher, (+25677443359), my supervisor: Sylvia Kaye, PhD (+27 72 070 3603) or the Institutional Research Ethics administrator on +2731 373 2900. Complaints can be reported to the DVC: TIP, Prof F. Otieno on: +2731 373 2382 or dvctip@dut.ac.za