

MAKERERE



UNIVERSITY

**A LAND TENURE ARRANGEMENT FOR REFUGEES ON
CUSTOMARY LAND**

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**A THESIS SUBMITTED TO THE DIRECTORATE OF RESEARCH AND
GRADUATE TRAINING FOR THE AWARD OF THE DEGREE OF DOCTOR OF
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DECLARATION

This thesis is the result of my original research and has not been submitted, either wholly or in part, to any university or institution of higher learning for the award of a degree or any other academic qualification.



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ABSTRACT

Countries addressing the global refugee crisis are increasingly shifting toward integrating refugees within national systems by granting them access to community land held customarily. Uganda is lauded for its refugee policy that allocates free land to refugees, with the Office of the Prime Minister (OPM) negotiating with landowners to voluntarily settle them. Although this process is intended to be formalized through Memoranda of Understanding (MoUs), implementation frequently falls short, resulting in inadequate representation of the rights, restrictions, and responsibilities (RRR) of all parties and the spatial units involved. These gaps pose tenure security risks for both host communities and refugees. This challenge motivated the central research question: What kind of tenure arrangement can safeguard the rights of customary landholders while ensuring secure access for refugees? The study examined the impact of existing customary land acquisition rules and procedures on tenure security and explored improved practices. It investigated the institutional framework and developed a conceptual model for a tenure arrangement that balances the security needs of both rights holders and refugees. The study followed a single-case design with embedded multiple cases and used mixed methods, including document review, semi-structured questionnaires, key informant interviews, focus group discussions, and expert opinions. It also applied design thinking methodology and Land Administration Domain Model (LADM) specialization to develop the tenure arrangement.

Findings revealed that current customary land acquisition practices significantly affect tenure security for both host communities and refugees, with more severe consequences for host communities due to deviations from the standard principles of Voluntary Land Donation (VLD). The study proposed more transparent, locally contextualized procedures that align with international VLD standards to minimize insecurity for both groups. It introduced new institutions mandated by local legal frameworks to manage communal land in collaboration with OPM, ensuring tenure security remains central. A tenure arrangement compliant with LADM that recognizes all social tenure rights for host communities and refugees was also developed. The study concluded that current acquisition practices compromise tenure security and presented a more transparent acquisition and institutional framework, along with a tenure arrangement that acknowledges all rights holders. It recommends strengthened, standardized land acquisition practices, formally recognized agreements by the relevant Ministries and OPM, and prioritizing the operationalization of land tenure arrangement for refugees

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ACRONYMS AND ABBREVIATIONS

ALC	Area Land Committees
CCO	Certificate of Customary Ownership
CLA	Customary Land Acquisition
CLAs	Communal Land Associations
CoLU	Certificate of Land Use
DLB	District Land Board
DLO	District Land Office
DSM	Department of Surveys and Mapping
ETLR	Evolutionary Theory of Land Rights
FAO	Food and Agricultural Organisation
FFP	Fit for Purpose
FPIC	Free, Prior and Informed Consent
GLTN	Global Land Tool Network
GOU	Government of Uganda
JLAC	Joint Land Administration Committee
IDPs	Internally Displaced Persons
IP/DP	Implementing Partners or Development Partners
ISO	International Organisation for Standardization
LADM	Land Administration Domain Model
LA	Land Administration
LARRP	Land Acquisition, Resettlement and Rehabilitation Policy
LC	Local Council
MLHUD	Ministry of Land Housing and Urban Development
MoJCA	Ministry of Justice and Constitutional Affairs
MOU	Memorandum of Understanding
NDP	National Development Plan
OAU	Organization of African Unity
OPM	Office of the Prime Minister
PAPs	Project-Affected Persons
ReHOPE	Refugee and Host Population Empowerment
RCLA	Refugee-Customary Land Administration
RDO	Region Desk Officer
RWC	Refugee Welfare Council

SDG	Sustainable Development Goals
STA	Settlement Transformation Agenda
STDM	Social Tenure Domain Model
UBOS	Uganda Bureau of Statistics
UDHR	Universal Declaration on Human Rights
UN-Habitat	United Nations Human Settlement Programme
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugee
UNLP	Uganda National Land Policy
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests
VLD	Voluntary Land Donation
VLDF	Voluntary Land Donation Framework
VLDP	Voluntary Land Donation Protocol

LIST OF PUBLICATIONS

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CHAPTER 1: INTRODUCTION

1.1 Background

Countries facing the growing global refugee crisis are increasingly shifting away from refugee camps and forced repatriation towards local integration within host communities. This shift, supported by international refugee agencies, aligns with human rights principles that promote self-reliance and dignity, conditions often undermined by encampment or involuntary return. Uganda exemplifies this approach, hosting approximately 1,858,060 refugees (UNHCR, 2025) under a progressive policy framework that grants refugees rights to land, work, education, healthcare, markets, and water (Khasalamwa-Mwandha, 2021). A critical indicator of local integration is land accessibility, which enables refugees to establish homes, cultivate fields, and participate in local economies (Berke & Larsen, 2022). In Sub-Saharan Africa, most refugees settle on customary land, which makes up an estimated 90% of all land, due to its widespread availability (Wanninayake, 2021; Nimoh et al., 2021; Mushingi et al., 2020). Customary tenure system is typically unwritten, communally governed, and use-based rather than formally registered. The system is further weakened by boundary disputes, inadequate governance, and informal transactions, all of which contribute to tenure insecurity (Arko-Adjei & Akrof, 2019). Customary land is also subject to overlapping rights, either due to the nature of the customary institutions or because of overlap between these and other rules governing land access (Walker et al., 2023). Refugees' access can exacerbate overlapping claims, generating uncertainty and potential tensions within host communities that perceive them as competitors for scarce land resources (Rubakula & Msoka, 2023).

Uganda is internationally lauded for its progressive and inclusive refugee policy, which notably allocates land to refugees for both residential and agricultural use (Adong et al., 2021; UNDP, 2018). Central to this approach is the promotion of refugee self-reliance and their integration into host communities, principles that have positioned the Government of Uganda (GoU) as a global model in refugee management. Approximately 88% of refugees are granted access to land through the Office of the Prime Minister (OPM), predominantly under customary tenure arrangements (UNDP, 2018). This is largely due to the predominance of customary land in Uganda, which constitutes about 80% of the all national land, in contrast to the limited availability of government-owned land (Musunguzi et al., 2020). Despite its centrality, the customary land tenure system in

Uganda is beset by numerous challenges. Customary tenure is often characterized by insecure land rights, lack of documentation and registration, and ambiguous adjudication mechanisms (Owino, 2021; Ashukem, 2020; Mabikke, 2016). Furthermore, it is frequently perceived both legally and in practice as inferior to statutory tenure systems (Mabikke, 2016; Busingye, 2002).

To facilitate refugee settlement, the OPM collaborates with local leaders to identify landowners willing to voluntarily allocate portions of their land (UNDP, 2018). While this approach resembles the Voluntary Land Donation (VLD) model and is expected to uphold safeguards ensuring tenure security, its implementation often falls short. The process is typically formalized through a Memorandum of Understanding (MoU) between the GoU and landowners. However, these MoUs have several limitations: they are open in nature and non-binding, inaccessible to landowners, often drafted in technical language, and may involve inappropriately selected community representatives (UNDP, 2018; Zakaryan, 2018). Moreover, there is considerable concern regarding whether the principle of Free, Prior and Informed Consent (FPIC) is consistently and adequately upheld (Doyle et al., 2019). Additional procedural shortcomings include adequate representation of rights, restrictions, and responsibilities (RRR) of all parties, as well as the spatial units involved, unmet government commitments to host communities, and the absence of robust mechanisms to guide the reversion of land to original owners following refugee repatriation. These gaps not only undermine the legitimacy and sustainability of the land allocation process but also pose risks to host community land security. This insecurity relates to the incidence of the former settlement known as Achol-Pii, now located in present-day Agago District, which hosted South Sudanese refugees until the early 2000s. At that time, refugees were relocated to Kywangali and Kiryandongo refugee settlements, after which Achol-Pii was converted into an army barracks, and the land on which it was established has never been returned to the original landowners to date (Zakaryan, 2018). Nagujja et al. (2023) warn that unresolved tenure insecurity among host communities can escalate tensions, erode social cohesion, and ultimately undermine the self-reliance and livelihoods of refugees. They emphasize the urgent need for tenure arrangement that can secure access to land for refugees while concurrently safeguarding the land rights of host communities under customary tenure systems.

1.2 Rationale

Currently, GoU through the Office of the Prime Minister (OPM) facilitates the acquisition of customary land from host communities to settle refugees, a process which is subject to several limitations. This gap has resulted in growing uncertainty over land rights for both host communities and refugees. This uncertainty is compounded by increasing competition for land, driven by rapid population growth among host communities and refugees, as well as rising land values. As land becomes scarcer and more economically significant, the inadequacies of the current acquisition processes become more pronounced. These pressures strain relationships between customary landowners, refugees, and the state, and heighten the risk of land-related disputes. Without clear, secure, and equitable tenure arrangements, the sustainability of Uganda's refugee integration model may be undermined. To address these challenges, there is a pressing need to develop a tenure arrangement that protects the rights of customary landowners while ensuring secure and legitimate access to land for refugees.

This study is grounded in the Evolutionary Theory of Land Rights (ETLR), which posits that increasing population pressure and land value drive demand for more secure property rights, often prompting institutional or governmental efforts to formalize tenure (Platteau, 1996). Applying the ETLR framework to refugee access to customary land in Uganda highlights the complex dynamics in tenure security of host communities and refugees. As refugees increasingly access communal customary land, population pressures intensify, leading to land scarcity for both groups. This scarcity prompts customary landholders such as clan and family heads to advocate for the formalization of communal land rights into individualized tenure. Moreover, critics argue that formalization and individualization of communal rights can disempower vulnerable groups by consolidating rights under a single individual, thereby extinguishing collective informal claims (Lokhandwala, 2022; Doss & Meinzen-Dick, 2020). Formalization risks undermining the communal use rights of the majority, potentially compromising their tenure security, especially if individual rights are commercialized. ETLR offers a foundational basis to enhance tenure security not only through individualized titles but through recognition and representation of informal land rights despite their level of legality or formality.

1.3 Problem Statement

In a clearly defined, formal tenure system, refugee integration via land access is feasible. However, in Sub-Saharan African where customary tenure prevails and land rights are informal and poorly documented, land access becomes a complex barrier to integration. Despite recognition of these challenges, there is limited understanding of how existing customary land acquisition procedures concretely undermine tenure security for both refugee and host communities' landholders. These concerns stem from either unclear guidelines or discriminatory land acquisition procedures that fail to safeguard the land rights of host communities (Nagujja et al., 2025). The situation is further compounded by the nature of customary land tenure, which is often characterized by unclear or undocumented rights, weak adjudication mechanisms, and poorly defined procedures for land transfer. These factors contribute to the dissatisfaction of host communities with the process of land acquisition for refugee use. Consequently, customary landowners remain uncertain about the long-term implications of offering their land, including whether they will ever regain access, whether their rights are permanently extinguished, or whether refugees may eventually assert claims over the land. Host communities fear is evidenced by the common example of the former Achol-pii which was converted to an army barracks and land never returned to the original donors (Zakaria, 2018). Refugees lacking formal tenure, face eviction, exclusion and conflict risks, threatening their accessibility, livelihood and peaceful co-existence with host communities.

If unresolved, such tenure insecurity may escalate to disputes, undermine livelihoods, and weakness the sustainability of Uganda's refugee integration model. There is therefore an urgent need for a tenure arrangement that balances the rights and needs of both customary landowners and refugees. Such an arrangement must offer tenure security to landholding communities while ensuring predictable, legitimate, and secure access to land for refugees. Without this, the continued acquisition of customary land by government agencies risks triggering land-related disputes, misuse or mismanagement of land, and long-term displacement or dispossession of vulnerable communities.

To fill this gap, this study examines the impacts of current customary land acquisition rules and procedures on tenure security for both groups, and develops improved protocols, institutional

reforms, and a conceptual tenure model that promotes equitable, secure, and sustainable land access within the context of refugee integration.

1.4 Study Objectives and Research Questions

An exploration of a tenure arrangement that supports secure and equitable access to customary land for refugees while safeguarding the tenure rights of host communities in Uganda.

1.4.1 Specific Objectives

To assess the impact of existing rules and procedures of acquisition of customary land on the tenure security of customary land rights holders and refugees.

- i. To explore improved rules and procedures of customary land acquisition that mitigate tenure insecurity for refugees and host communities.
- ii. To investigate and strengthen the institutional framework governing the acquisition and administration of customary land for refugees use.
- iii. To develop a conceptual model of a land tenure arrangement that enhances tenure security for both refugees and customary land rights holders.

1.4.2 Research Questions

- i. How do current rules and procedures for customary land acquisition affect the tenure security of customary land rights holders and refugees?
- ii. What improved rules and procedures can minimize tenure insecurity for both host communities and refugees in the context of customary land acquisition?
- iii. What institutional arrangements are needed to support equitable and secure acquisition and administration of customary land for refugee settlement?
- iv. What way can represent a land tenure that best balances refugees' secure access to land with the tenure rights of customary landholders?

1.5 Significance of the Study

This study improved, cleared and polished the problem of refugees' access to customary land and the complexities surrounding land acquisition and administration in host communities. By drawing on the lived experiences of host community members, local leaders, officials from the Office of

the Prime Minister (OPM), and both refugees and host populations, the research generates knowledge, empirical, and practical contribution as follows.

1.5.1 Knowledge and Empirical Contributions

The major knowledge contribution of this study is the exploration of an innovative tenure arrangement that responds directly to the central question of how refugees can access customary land in a secure and harmonious manner. The proposed arrangement addresses host community fears that the government might permanently take over their donated land, while also easing government concerns that host communities may reclaim the land unpredictably, triggering potential conflicts. The model further responds to environmental concerns by integrating land use planning measures. Crucially, it ensures that refugees' land use rights are documented through legally binding agreements. Under this arrangement, each refugee would hold proof of secure land access via a sub-land user agreement with the Office of the Prime Minister (OPM), while the main land use agreement would remain between the host community and OPM. This arrangement draws on the principles of the Land Administration Domain Model (LADM) framework, which clearly defines administrative, party, and spatial units to manage rights, responsibilities, and restrictions among multiple stakeholders. By emphasizing transparency, conflict resolution, and the fair representation of both refugees and customary landowners, the proposed model advances more inclusive, resilient, and sustainable land governance.

Empirically, this study provides valuable empirical evidence on the impacts of customary land acquisition rules and procedures on tenure security for both refugees and host communities in Uganda. Drawing on direct quotations from respondents, it presents rich, first-hand narratives that illuminate the complex realities and challenges inherent in customary land acquisition processes. By integrating qualitative insights with quantitative data, the research offers a robust comparative perspective on tenure security as experienced by both refugees and host community members. A central finding is the clear disjuncture between the formal rules that are meant to govern customary land acquisition for refugees and the realities on the ground. Contrary to earlier studies that depict these acquisitions as community-driven and consensual, this research demonstrates that many transactions deviate from established norms and often fail to protect the land rights of customary

owners. This inconsistency has increased tenure insecurity and eroded trust among stakeholders, exposing critical gaps in both policy implementation and the existing literature.

The study systematically maps the stages of customary land acquisition, pinpointing specific moments when tenure security is most at risk particularly due to informal agreements, inadequate documentation, and the exclusion of key actors. It also disaggregates impacts across different subgroups within refugee and host communities, highlighting the disproportionate vulnerabilities faced by women, youth, and economically marginal households. Importantly, this research makes a significant conceptual and empirical contribution to the limited body of scholarship on refugee land access under customary tenure systems. It highlights the urgent need for tenure arrangements that protect the rights of both host communities and refugees, proposing clear reforms to address systemic shortcomings.

The study further proposes an improved institutional framework for administering customary land acquisition in refugee-hosting areas. This framework calls for a stronger, legally supported role for the Ministry of Lands, Housing and Urban Development (MLHUD) and greater community participation to ensure legitimacy and transparency. It underscores the critical importance of legal documentation, the voluntary nature of land donations, and special protections for vulnerable groups. Additionally, it proposes an expanded role for Area Land Committees (ALCs) in mediating disputes and strengthening local conflict resolution capacity. By advancing a rights-based, participatory, and institutionally robust approach to land acquisition and governance, this research offers a practical and innovative roadmap for addressing tenure insecurity in refugee-hosting contexts. Its findings have far-reaching implications for land administration policy, humanitarian practice, and the broader discourse on land justice and forced displacement in Sub-Saharan Africa.

1.5.2 Practical Contribution

This study makes a significant methodological contribution by introducing innovative approaches to understanding tenure security through rich empirical inquiry. Moving beyond conventional reliance on statistical generalizations, the research adopts a deeply qualitative approach that foregrounds the lived experiences and voices of both customary land rights holders and refugees. This methodology enables a more nuanced and holistic understanding of how communities

experience and navigate the complexities of customary land acquisition and its implications for tenure security.

A key methodological innovation is the application of the Land Administration Domain Model (LADM) to conceptualize and represent the intricate relationships among stakeholders and the various rights, restrictions, and responsibilities attached to customary land. By organizing these relationships into classes and subclasses within the LADM framework, the study provides a structured, interoperable model that enhances the clarity and manageability of complex land tenure systems. This approach not only improves understanding but also facilitates data sharing and integration across institutional and geographical contexts. One of the study's major contributions lies in its granular, context-specific analysis of the dynamics of customary land acquisition. This deep dive into actual practices uncovers critical points of vulnerability in tenure security, offering a strong empirical foundation for targeted interventions. By mapping out these vulnerabilities, the study enables policymakers, legal practitioners, and land administrators to craft more precise and responsive reforms. Moreover, the research conducts a comparative analysis between current customary land acquisition practices and established good practices. This comparison reveals significant gaps and areas of misalignment, serving as a basis for proposing practical, actionable reforms. The recommendations derived from the study are grounded not only in empirical evidence but also in an assessment of feasibility and contextual relevance, ensuring their utility for real-world implementation.

The study's practical contributions are further reinforced through a validation process that incorporates feedback from both subject-matter experts and the intended beneficiaries—community members directly affected by land acquisition processes. This inclusive approach enhances the credibility, adaptability, and legitimacy of the proposed changes, increasing their potential for successful adoption and long-term sustainability. This research offers a robust, evidence-based framework for rethinking and improving customary land acquisition in refugee-hosting contexts. It contributes methodologically by integrating the LADM into social tenure analysis and substantively by uncovering the ground realities of tenure insecurity. The study's dual focus on empirical insight and practical reform, yields a comprehensive, scalable model for

advancing equitable and sustainable land governance, with relevance across diverse customary tenure contexts.

1.6 Justification of the Study

Despite growing interest in refugee rights and land tenure, research on refugees' access to customary land remains limited particularly regarding informal land use rights akin to those granted to community members through social identities shaped by tradition and local norms. Most existing studies focus on statutory or leasehold rights, typically extended to foreigners contingent on formal agreements such as business plans. However, the intricate realities of customary land systems especially where the social land rights of refugees and host communities intersect, have received insufficient scholarly attention. This has left a significant gap in understanding the nuanced dynamics of tenure security in such pluralistic contexts.

As global refugee displacement intensifies and tenure dynamics in host countries become increasingly complex, there is an urgent need to examine how customary land is acquired and allocated, particularly when state agencies intervene. Without careful consideration, such interventions risk shifting from voluntary land contributions to coercive practices, including expropriation and compulsory acquisition. This study is both timely and relevant, aligning with ongoing discourse on land policy reform and humanitarian strategies aimed at fostering peaceful co-existence between refugees and host communities.

The findings offer critical insights for policymakers and land administrators by illustrating how customary land acquisition processes can be adapted to support the land access needs of refugees while safeguarding the tenure security of host communities. In many refugee-hosting areas, insecure tenure contributes to heightened risks of eviction, livelihood instability, and social conflict. By exploring vulnerabilities in the customary land governance landscape especially where refugees occupy land informally, this study proposes evidence-based recommendations to strengthen land rights for all affected groups in countries with open-door refugee policies. Addressing these issues is key to promoting social stability and reducing host-refugee tensions. Methodologically, the study adopts a novel mixed-methods approach, combining qualitative insights with quantitative data to produce a holistic analysis of the challenges surrounding land

tenure among refugees and host populations. A core innovation is the application of the Land Administration Domain Model (LADM) to conceptualize and represent the rights, restrictions, responsibilities, actors, and administrative procedures involved in customary land systems. This enables the development of interoperable and standardized frameworks that enhance transparency and comparability across different land governance contexts.

The study advances an interdisciplinary perspective that connects land administration theory, refugee studies, and social justice. Understanding how customary land acquisition affects both host and refugee communities is essential for achieving durable solutions for refugee integration. Sustainable integration cannot occur where refugees are perceived as threats to host communities' land rights. By offering practical and context-sensitive solutions, this research contributes to reducing socio-economic tensions and enhancing secure land access for refugees, thereby promoting peaceful co-existence and strengthening social cohesion in refugee-hosting regions.

1.6.1 Policy Relevance

This study contributes meaningfully to the global agenda on sustainable development, particularly addressing SDG 1 (No Poverty) and SDG 10 (Reduced Inequality). These goals emphasize the eradication of extreme poverty and the reduction of inequality through equitable access to economic resources, basic services, and land. Specifically, the study aligns with Target 1.4 of SDG 1, which advocates for equal rights to economic resources, ownership, and control over land and property, particularly for the poor and vulnerable. Progress on this target is measured by Indicator 1.4.2, which assesses the proportion of people with secure tenure rights to land, either legally documented or perceived as secure. By examining tenure security among refugees and host communities, this research contributes directly to advancing these global benchmarks.

Tenure security is foundational for sustainable socio-economic development. It enables improved livelihoods, reduces hunger, fosters peace and stability, and combats land degradation. Accordingly, the study also supports SDG 2 (Zero Hunger) and SDG 15 (Life on Land). SDG 2 seeks to end hunger, ensure food security, and promote sustainable agriculture, while SDG 15 focuses on halting land degradation, protecting ecosystems, and promoting sustainable use of

terrestrial resources. Both goals are critically linked to secure access to land for vulnerable populations, especially in rural and displacement contexts.

Furthermore, the study is closely aligned with SDG 16 (Peace, Justice and Strong Institutions), which promotes inclusive societies, access to justice, and accountable institutions. By highlighting the importance of inclusive land governance that considers both host communities and refugees, the study supports efforts by national governments and international agencies to ensure equitable treatment and opportunity for all. It underscores the need for refugee-responsive governance frameworks that promote peaceful co-existence and reduce potential land-based conflicts. Contribution to Broader Global and Regional Frameworks Indicator 1.4.2 also intersects with other global and regional land governance frameworks. The study contributes evidence relevant to the implementation of key instruments including:

- i. The New Urban Agenda,
- ii. Voluntary Guidelines on the Governance of Tenure (VGGT),
- iii. Framework and Guidelines on Land Policy in Africa,
- iv. The 2030 Agenda for Sustainable Development,
- v. The UN Decade on Ecosystem Restoration (2021–2030),
- vi. UN-Habitat’s Global Land Tool Network (GLTN),
- vii. The International Land Coalition (ILC),
- viii. The New Alliance for Food Security and Nutrition (G8 Initiative),
- ix. USAID’s Land Tenure and Governance Program, and
- x. The Responsible Land Investment Principles (FAO, UNCTAD, World Bank).

By offering empirical insights into the dynamics of customary land access and tenure security, the study provides a practical evidence base for policymaking. It supports governments in aligning national legal frameworks and policy reforms with international commitments. Alignment with Uganda’s Development Agenda At the national level, the study supports Uganda’s development vision and land reform agenda. It is well-aligned with Uganda Vision 2040, which outlines the country’s long-term transformation to a middle-income economy. The Vision emphasizes secure land tenure as essential for agricultural development, infrastructure expansion, and poverty reduction. The study further aligns with Uganda’s National Development Plans (NDPs) as follows:

- i. NDP II (2015/16–2019/20) emphasized building an inclusive and sustainable economy, with land governance and tenure security as key components—especially for rural areas.
- ii. NDP III (2020/21–2024/25) builds on these efforts, promoting formalization of land rights and improved land resource management to support inclusive economic growth.

Additionally, the study supports the objectives of the National Land Policy (2013), currently under review. This policy provides the foundation for improving land governance, reducing disputes, ensuring equitable access, and strengthening tenure security, especially for marginalized groups such as customary landowners, women, youth, and refugees. It also resonates with other national frameworks and legal instruments, including:

- i. The Land Act (1998) and the Land Amendment Act (2020),
- ii. The National Land Use Policy (2009),
- iii. The Uganda Land Fund,
- iv. The Uganda National Land Tenure Reform Programme,
- v. The Uganda Women’s Land Rights Movement,
- vi. The National Action Plan on Land Grabbing, and
- vii. The Uganda Land Commission.

By focusing on tenure security for both refugees and host communities, the study adds value to Uganda’s broader efforts to modernize its land governance system, ensure social justice, and promote inclusive development. The findings serve as a resource for ongoing policy dialogue and reform at both national and international levels.

1.7 Conceptual Framework

The conceptual framework for this study is grounded in the evolutionary theory of land rights, which provides both the theoretical foundation and the rationale for the study’s significance. This framework systematically illustrates how the research questions were developed, clarifies their relevance, and highlights the study’s contribution to the broader knowledge base, as presented in Figure 1-1. The conceptual model is anchored in the management of refugee crises, which are typically addressed through encampment, resettlement, repatriation, or local integration which is

the focus of this study. While integration can be assessed using various indicators, this research concentrates on refugees' access to land, with particular emphasis on communal customary land.

As both refugee and host community populations increase, so does the demand for land, leading to greater land scarcity and heightened concerns among host communities regarding the allocation of land for refugees. These concerns are compounded by the lack of proper documentation of customary land, which contributes to tenure insecurity, as well as by certain practices of the Office of the Prime Minister (OPM) that host communities perceive as unsatisfactory. These factors together generate a critical question: how can refugees access communal customary land without compromising the tenure security of host communities? This study therefore seeks to address this question by exploring what type of tenure arrangement can equitably balance secure land access for refugees with the protection of host communities' land rights during the acquisition of customary land.

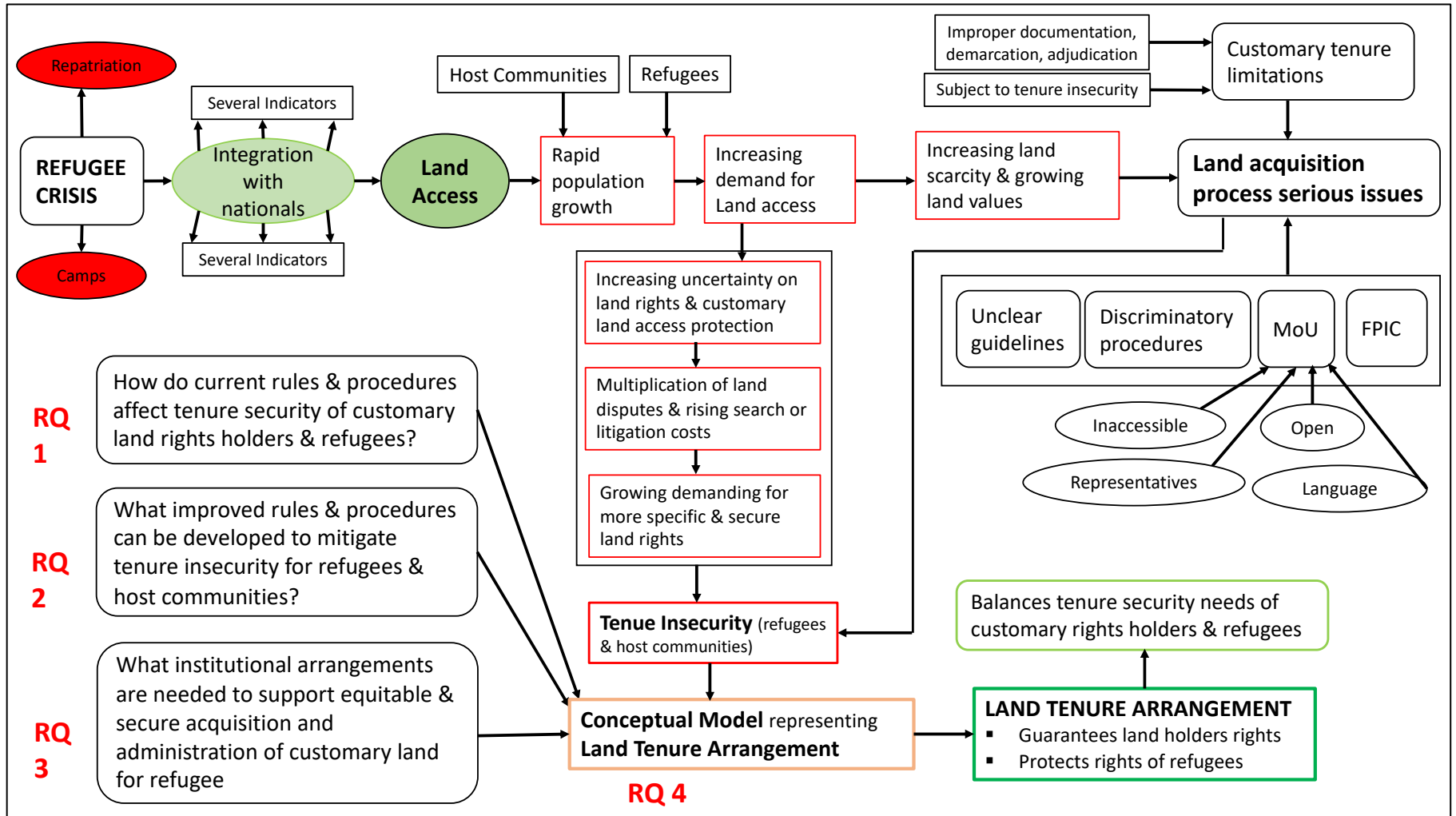


Figure 1-1: Conceptual Framework for the study

1.8 Structure of the Thesis

The structure of this thesis outlines the methodological approach used to address each research question and provides an overview of how the report is organized.

Chapter one introduces the study, including the background and rationale, the research gap, and the objectives and questions guiding the inquiry. This chapter also discusses the empirical, practical, and theoretical significance of the study, introduces the conceptual framework, addresses ethical considerations, and provides a summary of the overall structure of the thesis.

Chapter two presents a comprehensive literature review, examining the global refugee crisis, the transition from encampment to local integration, and the varied practices of land acquisition. It emphasizes the implications of these practices for tenure security, particularly within customary land tenure systems.

Chapter Three expands on the theoretical underpinnings, outlines principles of good practice and governance, introduces the Land Administration Domain Model (LADM), and synthesizes the literature to justify the development of a context-specific tenure arrangement.

Chapter four details the research methodology, including the philosophical orientation, design, site selection, sampling strategies, data collection and analysis methods, conceptual model development, and limitations of the approach.

Chapter five addresses the first research objective by analyzing the impact of existing rules and procedures for acquiring customary land on tenure security. It presents demographic findings and draws on both statistical and qualitative data to explore the effects on host communities and refugees.

Chapter six builds on these findings to address the second objective, proposing improved acquisition procedures aligned with voluntary land donation (VLD) standards and identifying gaps between current and recommended practices.

Chapter seven introduces an enhanced institutional framework for land acquisition and administration in refugee-hosting areas, grounded in good governance principles and international best practices.

Chapter eight presents a conceptual model based on the LADM, defining rights, responsibilities, and relationships among key actors, as well as relevant administrative and spatial units.

Chapter nine concludes the thesis by synthesizing key findings, offering policy recommendations, and identifying areas for future research aimed at strengthening tenure security for both refugees and host communities.

CHAPTER 2: GLOBAL REFUGEE RESPONSE AND TENURE SECURITY CHALLENGES ON CUSTOMARY LAND

2.1 Introduction

This chapter offers a comprehensive examination of the global refugee crisis and its implications for settlement and access to land, situating these within the broader discourse on integration, property rights, and tenure systems. It begins by framing the refugee crisis as a pressing global concern, then traces the evolution of refugee response frameworks from traditional encampment approaches to the contemporary emphasis on local integration. The chapter further examines how durable solutions for refugees have evolved over time and highlights the promotion of refugee rights and ethical considerations through local integration initiatives. It then discusses how refugee-hosting states are increasingly embracing local integration as a viable and sustainable solution. Against this backdrop, the chapter analyses tenure security as a major concern in Africa, with a particular focus on customary tenure systems and their defining characteristics. It interrogates the unique challenges that customary tenure arrangements present for refugee access to land and how these shapes the dynamics of local integration. Finally, the chapter critically evaluates potential strategies for enhancing tenure security for both refugees and host communities, acknowledging their limitations, and presents the theoretical framework that underpins this study.

2.2 Refugee Crisis: A Global Concern

The refugee crisis represents one of the most pressing humanitarian and governance challenges of the 21st century. Conflicts, political instability, environmental disasters, and socio-economic inequalities continue to displace millions of people across borders, creating complex emergencies that strain international protection systems and test the resilience of host states and communities alike. This section conceptualizes the term refugee and situates the refugee crisis within a global context.

2.2.1 Who is a Refugee?

The concept of a refugee is inherently dynamic and has continued to evolve in response to changing global contexts. The foundational legal definition originated with the 1951 Geneva Convention Relating to the Status of Refugees, which initially contained temporal and geographical

limitations. These restrictions were later removed by the 1967 Protocol, extending the Convention's applicability to refugee situations worldwide and establishing the 1951 Convention and the 1967 Protocol as the primary international legal instruments governing refugee protection. Under Article 1(A)(2) of the 1951 Convention, a refugee is defined as "someone unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion" (UN General Assembly, 1966).

Beyond these core international instruments, various regional frameworks have emerged to address specific contexts and historical realities. Notably, the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa broadened the definition of a refugee to include individuals compelled to leave their countries owing to "external aggression, occupation, foreign domination, or events seriously disturbing public order" (UNHCR, 2019; IOM, 2019; Wood, 2019). This regional extension, developed during the post-colonial era, reflected Africa's distinct political and historical circumstances and aimed to support stability among newly independent states. However, given that all African states have now achieved independence and the apartheid regime has ended in South Africa, the contemporary relevance and practical application of the OAU Convention's expanded definition merit critical reassessment. Similarly, the 1984 Cartagena Declaration on Refugees and the 2004 European Union Council Directive further adapt refugee protection to regional realities, demonstrating that refugee definitions are neither static nor universally uniform but responsive to evolving socio-political contexts.

Beyond formal legal frameworks, academic and institutional perspectives continue to broaden the understanding of what constitutes a refugee. Haddad (2004), for example, defines a refugee as "an individual who has been significantly forced outside their domestic political community indefinitely," emphasizing displacement from one's political and social order. UNHCR (2025) refines this understanding by describing a refugee as any person who, being outside their country of origin, requires international protection because of a well-founded fear of persecution or a serious threat to life, physical integrity, or freedom due to armed conflict, violence, or grave public disorder. Likewise, Dung and Avwunudiogba (2021) stress that refugees flee their home countries

for reasons including political or religious persecution, war, or ethnic and tribal violence, often motivated by a credible fear of such threats. Importantly, contemporary scholarship increasingly recognizes that forced displacement may also arise from environmental factors and natural disasters such as droughts, famines, or pandemics, thereby expanding the boundaries of refugee discourse in the twenty-first century.

At the national level, Uganda's 2006 Refugees Act integrates the definitions from both the 1951 Geneva Convention and the 1969 OAU Convention, while further expanding grounds for protection to include persecution resulting from failure to conform to gender-discriminatory cultural practices (Ahimbisibwe & Belloni, 2020). This inclusion illustrates how domestic legal frameworks continue to adapt refugee definitions to emerging threats and intersecting vulnerabilities, especially the linkages between displacement and gender-based persecution. Together, these evolving definitions and frameworks demonstrate that the concept of a refugee remains fluid, shaped by changing political, social, and environmental dynamics. They also highlight the enduring challenge of designing comprehensive protection systems that respond adequately to diverse drivers of forced displacement.

2.2.2 Increasing Global Refugee Crisis

The world is currently experiencing an unprecedented surge in the number of forcibly displaced persons, a trend that continues to challenge states, international organizations, and host communities alike (Silove et al., 2017). According to UNHCR (2016), if prevailing patterns persist, one in every hundred individuals globally will be forced to seek refuge outside their country of origin. Recent figures confirm this projection: UNHCR (2025) estimates that approximately 122.6 million people worldwide are now displaced as a result of armed conflict, persecution, and other severe humanitarian crises. Many of these individuals flee under dire circumstances, often with nothing more than the clothes they wear and a few portable possessions.

Historical and contemporary data illustrate the escalating scale of forced displacement. By the end of 2018, roughly 70.8 million people were forcibly displaced globally, including 25.9 million refugees (Dung et al., 2021). Of these, 6.34 million were located within Africa alone. UNHCR (2015) had already reported a then-record 65.3 million displaced persons, the highest number since

the Second World War, with 16.1 million recognized under UNHCR's protective mandate (Bazirake, 2017). In Uganda specifically, records from the Office of the Prime Minister (OPM, 2025) trace the country's role as a refugee host back to 1942, when approximately 8,000 Polish refugees arrived during World War II. The following decades saw Uganda host refugees from neighboring Sudan and Rwanda, with numbers growing steadily over time. By June 2019, Uganda had become home to 1,267,043 refugees from more than 38 countries, with the vast majority (99%) originating from eight primary countries: South Sudan, the Democratic Republic of Congo (DRC), Burundi, Somalia, Rwanda, Eritrea, Ethiopia, and Sudan. By August 2024, Uganda's refugee and asylum-seeker population had further increased to 1,626,056, comprising 1,584,489 refugees and 41,567 asylum seekers, predominantly from South Sudan (57%) and DRC (31%) (OPM & UNHCR, 2024).

Several interrelated factors continue to drive this escalating displacement. Schwöbel-Patel and Ozkaramanli (2017) highlight ongoing internal conflicts, environmental change, natural disasters, and shifts within the global political economy as primary contributors to the crisis. Wood (2019) argues that while foundational instruments like the 1951 Geneva Convention and the 1969 OAU Convention provide important legal frameworks for refugee protection, they fall short of adequately addressing contemporary displacement drivers such as climate change and the effects of global economic restructuring. In Africa in particular, the roots of the refugee crisis lie in historical injustices and persistent post-independence governance challenges. Political violence, civil wars, ethnic conflicts, and fragile state institutions have generated large-scale displacement since the mid-twentieth century (Dung et al., 2021). These dynamics continue to fuel forced migration across the continent, amplifying the urgency of coherent regional and global responses.

2.2.3 Common Problems Faced by Refugees

While the factors that compel individuals to flee are well documented, the hardships refugees encounter upon arrival in host countries remain equally profound and multifaceted (Mahlangu, 2016). One critical barrier is the tightening of border controls, which severely limits safe and legal avenues for flight. Almustafa (2021) emphasizes how new visa regimes can abruptly deprive refugees of safe passage. For example, in July 2013, following a regime change, Egypt introduced restrictive visa requirements for Syrians who had previously entered the country without a visa

(Ahmed et al., 2025; Almustafa, 2021). This policy shift stranded many Syrians and left them without legal recourse to protection. Recognition as a refugee is another challenge that determines access to legal protection and basic rights. Almustafa (2021) highlights the Lebanese government's refusal to officially classify Syrians as refugees, instead labeling them as "displaced persons," in contrast to UNHCR's classification. This discrepancy undermines access to critical protections and entitlements guaranteed under international refugee law.

Mental health is another area of significant concern. Refugees frequently endure severe psychological distress resulting from past trauma, compounded by precarious living conditions in host communities (Silove et al., 2017; Strang & Quinn, 2019; Mahlangu, 2016). Structured psychotherapies delivered by lay counsellors have demonstrated some promise in addressing traumatic stress, but such interventions are often limited in scope and sustainability. Meaningful mental health support must therefore integrate psychotherapy with general mental healthcare, rehabilitation, and targeted interventions for particularly vulnerable groups. Legal and bureaucratic hurdles further constrain refugees' ability to rebuild their lives. Carciotto and Ferraro (2020) argue that even where employment is legally permitted, refugees often face restrictive administrative requirements that hinder access to work permits. Structural barriers such as language difficulties, discrimination, and inconsistent enforcement of existing policies exacerbate these challenges, frequently leaving refugees trapped in informal economies with limited opportunities for economic self-reliance.

Empirical studies illustrate how these intersecting barriers manifest in everyday life. Mahlangu's (2016) research on Congolese refugees in South Africa revealed complex layers of hardship, including high unemployment, widespread corruption, difficulties obtaining documentation, exposure to discrimination and human rights abuses, as well as crime and hostility from local populations. Linguistic barriers further complicate integration. Notably, only 53% of respondents in Mahlangu's study indicated a willingness to return to the DRC if peace and stability were restored, reflecting deep uncertainty about future prospects and safety.

Together, these challenges underscore the critical need for adaptive policies that safeguard refugee rights, ensure access to secure livelihoods, and promote peaceful coexistence with host

communities. Robust integration strategies are indispensable for addressing tenure security concerns, minimizing conflict, and building pathways toward sustainable solutions at both national and global levels.

2.3 Evolution of Refugee Responses Concept from Encampment to Local Integration

Over time, global refugee management has undergone a significant transformation. Initially dominated by encampment and prolonged warehousing, refugee responses have progressively shifted toward more sustainable and freedom-oriented solutions. This section briefly traces this evolution, highlighting the movement from restrictive containment to the promotion of local integration as a durable solution.

2.3.1 Encampment: A Restrictive Controlled Measure

The Encampment carries connotations of both impermanence and continuity, describing situations where people reside in temporary structures or enclosed spaces not intended for long-term, continuous habitation (Cohen et al., 2019). Encampment refers broadly to the accommodation practices for refugees and asylum seekers, commonly implemented as a containment strategy by host states (Kreichauf, 2018). Smith et al. (2021) emphasize that refugee camps—often described as “campization” or “encampment”—have historically emerged as pragmatic solutions for donors and national governments, particularly in East Africa. These camps were initially designed to meet refugees’ urgent needs for food, shelter, and protection during crises such as war and famine, typically coordinated by UNHCR in collaboration with humanitarian partners, including non-governmental organizations (UNHCR, 2014; Martin, 2014). The physical structures that constitute encampments vary widely, ranging from tents on pallets to shanties or lean-to shelters built with salvaged materials. These shelters may be simple one-room units or more complex multiroom compounds (Cohen et al., 2019).

In the European context (the Global North), encampment often takes the form of asylum centres, European Accommodation Centres for Asylum Seekers, or other collective reception facilities near national borders, where refugees and migrants await status determination and possible admission into asylum systems. Within these centres, refugees frequently endure precarious, substandard living conditions in makeshift tents or temporary buildings, reinforcing the temporary and insecure

nature of encampment as a response strategy. The term “refugee camp” is applied in three main contexts. Kreichauf (2018) notes that it refers, first, to large, institutionalized settlements in the Global South, especially in African and Middle Eastern countries; second, to informal encampments such as makeshift settlements and tent cities acting as transit hubs for displaced people—examples include Calais in France or Idomeni in Greece; and third, to hotspots, detention centres, or transit camps situated at border zones where legal ambiguity, minimal infrastructure, and poor services result in insecurity and degraded living standards. These camps often hold an exceptional legal status and are characterized by reliance on temporary structures like tents or repurposed containers. Cohen et al. (2019) argue that decisions on where displaced people stay represent pragmatic choices among limited and imperfect alternatives, depending on individual circumstances at a given time. They highlight three primary factors compelling people to resort to encampment: failures in formal shelter systems, a perceived sense of safety and community within camps, and the pursuit of a measure of autonomy and privacy in otherwise constrained contexts.

2.3.2 Warehousing: A Mechanism of Refugee Containment

Warehousing the long-term confinement of refugees in designated spaces with limited rights and opportunities remains a prevailing practice in countries such as Italy and Hungary (Vianelli, 2022; ECRE, 2020). This approach treats refugees as homogenous groups to be assisted in standardized ways, prioritizing their physical survival while neglecting broader human rights concerns. Hyndman and Giles (2011) describe this as “don’t-die survival,” wherein humanitarian interventions ensure refugees’ right to life but fail to uphold their rights to work, move freely, and access education. The absence of national legal protections further leaves refugees dependent on international donors and UN agencies, making them vulnerable to policy shifts and aid fluctuations.

Beyond its dehumanizing effects, warehousing reveals economic interests in the management and transfer of refugees. While it nominally safeguards the humanitarian “right to life,” it simultaneously suspends fundamental rights, including freedom of movement, employment, and cultural participation. This constitutes a violation of multiple provisions under the Universal Declaration of Human Rights (UDHR): Article 13(1), which guarantees freedom of movement; Article 23(1), which affirms the right to work and employment freedom; and Article 27(1), which

ensures cultural participation and access to the benefits of scientific advancement. Encampment policies, therefore, represent a significant infringement on the dignity and autonomy of displaced populations.

2.3.3 The Shift from Encampment to Integration

Recognizing the limitations of encampments, some host countries are adopting refugee integration policies. Opono and Ahimbisibwe (2023) note that countries such as Kenya, Uganda, South Africa, and Botswana have transitioned towards integration models, granting refugees greater freedom of movement and opportunities for social, economic, and political participation. Successful refugee integration is contingent on multiple factors, including access to employment, housing, education, and healthcare; social connections (social bridges, bonds, and links); enabling conditions such as language acquisition and legal protection; and foundational rights such as citizenship and legal residency. Yunus (2023) further underscores the need to extend integration efforts to include equitable access to education.

The 1951 UN Refugee Convention, under Article 34, mandates host countries to facilitate the assimilation and naturalization of refugees to the greatest extent possible. This legal provision forms the basis for local integration as a durable solution in international refugee law. UNHCR's 2014 "alternatives-to-camps" policy aligns with this shift, advocating for refugee protection and assistance mechanisms that do not rely on the setting up of camps. Instead, the policy promotes solutions that enable refugees to exercise important rights, achieve self-sufficiency, and integrate into host communities with dignity and independence (UNHCR, 2014). Effective integration requires meaningful engagement with refugees and host communities to assess needs, address concerns, and establish sustainable frameworks for coexistence. Key strategies include aligning integration policies with national planning frameworks, promoting economic self-reliance among refugees, and ensuring mobility rights.

2.3.4 Cases of Refugee Integration in Africa

Refugee integration in Africa is deeply rooted in indigenous ethics, especially the principles of Ubuntu, shared responsibility, and communal land rights. Ubuntu is a foundational African moral philosophy that emphasizes interdependence, relational ethics, and collective humanity (Ewuoso

& Hall, 2019; Nicolaides, 2022). Captured in the maxims “I am because we are” and “A person is a person through other persons,” Ubuntu underscores the values of interconnectedness, compassion, and mutual care (Mugumbate & Chereni, 2019). Rooted in Bantu-speaking communities, the term Ubuntu—from *ubu* (being) and *ntu* (personhood)—frames human rights as moral duties, resonating with African traditions of hospitality and protection for people in distress, including refugees (African Union, 2012; Ekoh & Warri, 2023).

In Uganda, Ubuntu is locally expressed as *Obuntu Bulamu*, signifying belonging, unity, and shared social obligations (Bannink Mbazzi et al., 2020). Related philosophies, such as *Ujamaa* in Tanzania, similarly reinforce collective welfare and solidarity grounded in African heritage (Guma, 2019). Ubuntu not only challenges Western-centric models of refugee protection but also offers an Afrocentric ethical framework that places a moral obligation on both communities and governments to support forcibly displaced persons as part of an extended kinship network (Ekoh & Warri, 2023). By promoting dignity, mutual respect, and resilience, Ubuntu encourages inclusive local integration while countering stigma and marginalization. At the legal level, the international human rights framework complements these indigenous ethics. The Universal Declaration of Human Rights (UDHR) explicitly affirms the right to seek asylum under Article 14 (Assembly, 1948), and conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (1979) and the Convention on the Rights of the Child (1989) strengthen protections for vulnerable refugee groups. These commitments establish clear obligations for states to uphold refugee rights and facilitate durable solutions such as local integration. Empirical evidence demonstrates that several African countries have operationalized these principles through diverse local integration strategies that extend beyond legal status to practical measures of inclusion (Grant, 2016). For example:

- i. The Gambia provides Casamance refugees from Senegal with refugee identity cards granting freedom of movement, the right to work, and access to healthcare and education through UNHCR support.
- ii. Ghana allowed many Liberian refugees to live outside formal camps, promoting informal integration by enabling them to build livelihoods while maintaining social ties.

- iii. Uganda is often cited as a leading example: refugees live either in organized settlements or self-settle in urban and rural areas, with land allocated for housing and agriculture to foster self-reliance.
- iv. Angola has resettled Congolese refugees on agricultural land, supporting economic independence and community development.
- v. Côte d'Ivoire permitted Liberian refugees to integrate directly within local communities, rather than isolating them in camps.
- vi. Tanzania has implemented waves of naturalization for refugees, notably through the Ujamaa scheme, which aligns with the nation's philosophy of collective self-reliance.

These cases illustrate that local integration in Africa is not uniform but rather a continuum shaped by national contexts, policy priorities, and socio-economic realities. While some states focus on legal recognition and pathways to citizenship, others prioritize access to land, employment, or social inclusion as practical means to promote self-reliance and peaceful co-existence.

2.3.5 Towards Refugee Integration with Nationals

Countries confronted with growing refugee crises are increasingly considering sustainable integration of refugees into local communities as a viable long-term solution. Hovil and Maple (2022) explain that this approach, known as local integration, is one of the key options for addressing refugee challenges. Jacobsen (2001), Crisp (2004), Fielden (2008), and Hovil and Maple (2022) agree that local integration is formally recognized under international refugee law through Article 34 of the 1951 Refugee Convention, which stipulates that “the Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees.” Crisp (2004) defines local integration as a process through which the situation of refugees is resolved in a satisfactory and permanent manner, enabling them to lead normal lives in their first country of asylum. He further emphasizes that local integration involves a legal dimension, as refugees gradually acquire broader rights and entitlements from the host state.

The 1951 Convention acknowledges local integration primarily at the point when refugees achieve naturalization in the host country. However, Hovil and Maple (2022), Fielden (2008), and Crisp (2004) argue that full local integration can occur even without formal naturalization, as demonstrated in many states that have embraced various forms of integration. Similarly, Hovil and

Maple (2022), Easton-Calabria (2021), and Jacobsen (2001) point out that, although local integration is widely viewed as the most sustainable solution to protracted refugee situations, its implementation has often been limited or deliberately avoided at national, regional, and international levels, with voluntary repatriation and resettlement frequently prioritized instead. Jacobsen (2001) identifies two main reasons for governments' reluctance to implement sustainable local integration: security concerns and the perceived resource burden. Hovil and Maple (2022) further observe that many states see local integration as a form of burden-shifting by the international community and a challenge to national sovereignty. Crisp (2004) expands on this by outlining five factors contributing to resistance: heightened fears of the economic and environmental impacts of large refugee populations in countries already struggling to serve their own citizens; reluctance to accommodate substantial refugee numbers; perceptions that refugees pose security threats at local, national, and regional levels; rising popular hostility toward refugees; and increasingly restrictive asylum climates driven by fears of losing control over borders.

Despite this resistance, Hargrave et al. (2020) highlight that some countries have implemented local integration policies successfully and have been commended for their progressive approaches. Fielden (2008) notes that in many states, refugees have achieved varying degrees of self-sufficiency through both de facto and de jure forms of local integration, contributing to economic development and the revitalization of under-populated areas through agriculture. Easton-Calabria (2021) reinforces that local integration can strengthen refugees' contributions to national economies by enabling land access and livelihood activities such as farming, which enhance self-reliance and reduce dependency on aid. In the African context, sustainable local integration is often measured by the degree to which refugees can access land, which remains critical for achieving genuine self-reliance and long-term socio-economic stability.

2.4 An Evolution of Durable Solutions for Refugee Responses.

Durable solutions provide pathways to stability and inclusion for refugees by addressing the root causes and consequences of displacement. According to UNHCR (2022), a durable solution enables refugees to rebuild their lives in safety and dignity. Grounded in the principle of shared responsibility, these solutions reflect a commitment to long-term, sustainable outcomes for forcibly displaced populations. Durable solutions typically involve permanent settlement through

one of three approaches: voluntary repatriation, resettlement to a third country, or local integration in the host country (Gardi, 2021).

2.4.1 Voluntary Repatriation: Returning Home with Dignity

Crisp and Long (2016) observe that the principle of voluntary repatriation is strongly upheld under Article 5 of the 1969 Organization of African Unity (OAU) Refugee Convention, which stipulates that the voluntary nature of repatriation must be respected in all circumstances, and that no refugee shall be repatriated against their will. The Convention further requires that the country of asylum, in collaboration with the country of origin, make adequate arrangements to ensure the safe return of refugees who choose to repatriate. Voluntary repatriation is defined as the return of refugees to their country of origin when conditions permit a safe, dignified, and sustainable reintegration (Hynie, 2018; UNHCR, 2022). It is widely regarded by refugees and humanitarian organizations alike as the preferred solution, as it allows individuals to return to familiar cultural and social contexts and rebuild their lives at home. However, this solution must always be voluntary, free from coercion, and based on accurate and objective information about conditions in the country of return (Gardi, 2021). Easton-Calabria (2021) notes that while voluntary repatriation shifts the responsibility for refugees back to their country of origin, making it attractive to host states and donors. It is not always feasible, particularly when conflicts remain unresolved or conditions fail to stabilize, resulting in protracted displacement situations. Crisp and Long (2016) further point out that states often view the strict requirements for voluntary repatriation, such as ensuring safety and dignity, as burdensome and difficult to fulfill in practice.

To facilitate informed and genuine repatriation, UNHCR collaborates closely with host countries, countries of origin, and international partners to develop supportive measures such as “go-and-see” visits, legal assistance, education, and family reunification initiatives. In the past, these mechanisms have enabled hundreds of thousands of refugees to return to countries like Angola and Somalia. However, for repatriation to be truly durable, reintegration must be supported through robust mechanisms that ensure returnees’ safety, access to livelihoods, and legal recognition upon arrival.

2.4.2 Resettlement: Seeking Safety in a Third Country

Resettlement involves transferring refugees from their country of asylum to a third country that has agreed to provide them with permanent protection and legal status (Hynie, 2018; UNHCR, 2022). This solution is typically pursued for refugees who face prolonged displacement and cannot return due to ongoing conflict, persecution, or barriers to naturalization and local integration in their country of asylum. Refugees selected for resettlement undergo a rigorous screening process and receive various forms of assistance, including cultural orientation, language training, vocational education, and employment support. However, despite its significance, resettlement remains a limited option of the 20.4 million refugees under UNHCR's mandate globally, less than one percent are submitted for resettlement annually. Pathways to successful resettlement include humanitarian visas, community sponsorship, family reunification programs, work visas, and educational opportunities (Gardi, 2021). The fundamental objective of resettlement is to guarantee refugees' life, liberty, security, health, and other basic human rights in a third country, providing them with a stable and sustainable future.

2.4.3 Local Integration: A Path to Inclusion in the Host Country

Local integration refers to the process by which refugees attain legal, economic, social, and cultural inclusion within the host country, allowing them to rebuild their lives as active members of society (Hynie, 2018; UNHCR, 2022). This approach necessitates coexistence between refugees and host communities, facilitating the equitable sharing of resources and opportunities while minimizing social tensions. While local integration has often been pursued when voluntary repatriation is not viable, it remains a complex and gradual process. It requires host countries to grant refugees legal status, access to employment and education, freedom of movement, and pathways to citizenship or permanent residency (Khasalamwa-Mwandha, 2021). At the same time, it imposes significant demands on both refugees and host communities, necessitating policies that foster social cohesion, economic participation, and cultural adaptation.

Opono and Ahimbisibwe (2023) highlight several key enablers of successful refugee integration, including access to land for agriculture, vocational training, financial support through grants and loans, and entry into the labor market. These factors are essential for improving refugees' self-reliance and fostering long-term stability. Gardi (2021) further notes that groups most likely to

prioritize local integration include refugees born in the host country, those unable to return to their country of origin in the near future, and individuals with strong social or economic ties to the host community. Durable solutions for refugees (whether voluntary repatriation, resettlement, or local integration) are essential for restoring dignity, security, and self-sufficiency to displaced populations. Each pathway presents unique opportunities and challenges, requiring a coordinated, multi-stakeholder approach involving host governments, international organizations, and local communities. As global displacement continues to rise, there is a pressing need for policies that expand access to durable solutions, ensuring that refugees are not left in protracted limbo but are instead empowered to build stable, productive lives in safe environments.

2.5 Promotion of Refugee Rights and Ethics through Local Integration

The promotion of refugee rights and ethical standards through local integration draws on international, regional, and national legal frameworks that collectively safeguard the dignity and well-being of refugees. While global instruments establish the foundational principles of protection, regional and national frameworks contextualize and operationalize these standards, ensuring that refugees can exercise their rights meaningfully within host societies.

2.5.1 International and Regional Legal Foundations for Refugee Rights

Globally, refugees' fundamental human rights are protected through core international instruments such as the 1948 Universal Declaration of Human Rights (UDHR) and the 1951 UN Refugee Convention. Article 14 of the UDHR recognizes the right to seek and enjoy asylum from persecution, while the Refugee Convention obligates states to restore refugees' dignity and secure basic rights essential for integration, including freedom of movement, access to work, and equal treatment under the law (Grant, 2016; Assembly, 1948, 1951). The UNHCR plays a central role in upholding these protections, supporting states in fulfilling their international obligations. Regional frameworks adapt these universal principles to specific contexts. The 1969 OAU Refugee Convention expands the definition of refugees to include those fleeing external aggression or public disorder, reflecting Africa's unique historical and political realities. Similarly, the 1984 Cartagena Declaration on Refugees in Latin America broadens protection to cover victims of generalized violence and massive human rights violations, while the 2004 European Union Council Directive harmonizes minimum protection standards across EU member states (RLP,

2018; African Union, 2012). By addressing context-specific causes of displacement, these instruments reinforce the ethical imperative to protect refugees' rights in diverse settings.

2.5.2 Local Integration as a Rights-Based Durable Solution

As Ager and Strang (2008) emphasize, local integration should be central to durable solutions, as it directly promotes refugees' civil, economic, and social rights within host communities. Successful local integration hinges on refugees' access to employment, public services, housing, education, freedom of movement, and legal identity (Burkin et al., 2013). These rights enable refugees to achieve self-reliance, reduce dependency on aid, and contribute productively to local economies, particularly through sectors like agriculture (Easton-Calabria, 2021). National legislation operationalizes these rights within domestic contexts. For example, Uganda's 1995 Constitution, the 2006 Refugee Act, and the 2010 Refugee Regulations guarantee recognized refugees fundamental rights aligned with international norms, including the right to move freely, work, and live with dignity—subject only to reasonable restrictions for legitimate state interests (RLP, 2018). By embedding these rights into law, host states create pathways for meaningful social and economic participation, fulfilling ethical obligations and advancing shared development goals. Promoting refugee rights through local integration reflects a rights-based commitment rooted in international law and ethical principles. By implementing robust legal frameworks and fostering enabling environments, states help refugees rebuild their lives as full members of their host communities, thereby upholding human dignity and strengthening social cohesion.

2.6 Local Integration and Access to Land

Local integration of refugees is a multidimensional process determined by social, economic, and policy factors as outlined in section 2.6.1. However, access to land is a critical component in enabling refugees to achieve economic productivity and thereby supporting successful integration (Jacobsen, 2001).

2.6.1 Indicators of Local integration

Crisp (2004) outlines three essential dimensions of local integration as a durable solution for refugees. First, local integration is a legal process whereby refugees are progressively granted a broader range of rights and entitlements by the host state. These include the right to seek

employment, engage in income-generating activities, own and dispose of property, enjoy freedom of movement, and access public services such as education, healthcare, and markets. Second, local integration is an economic process, enabling refugees to improve their capacity to establish sustainable livelihoods, achieve greater self-reliance, and reduce dependence on state or humanitarian aid. Third, it is a social process that facilitates refugees' ability to live among or alongside host communities without fear of systematic discrimination, intimidation, or exploitation by local authorities or citizens.

Research has identified multiple key indicators that signal the effectiveness of local integration. These include social connections (Strang & Quinn, 2019), economic opportunities (Aksoy et al., 2020), mobility patterns (Alfeo et al., 2019), local governance structures (Tjaden et al., 2023), social innovation (Campomori et al., 2023), and land accessibility (Berke & Larsen, 2022). Collectively, these indicators highlight the multi-dimensional nature of integration and its reliance on both structural opportunities and social dynamics. Ager and Strang (2008) developed a widely cited conceptual framework that clarifies how these elements interact within local integration processes. Their model identifies four domains: markers and means, social connections, facilitators, and foundations. The first domain, markers and means, includes tangible outcomes such as employment, education, health, and access to housing and property, which serve as clear indicators of successful integration. The second domain, social connections, encompasses social bridges, bonds, and links that mediate between foundational principles and practical indicators, fostering mutual trust and belonging (Strang & Quinn, 2019). Facilitators such as language skills and cultural knowledge are instrumental in supporting these processes, while the foundations domain comprises refugees' legal rights and pathways to citizenship. Strang and Quinn (2019) emphasize that robust social connections—bonding ties within refugee communities and bridging ties with host communities—are critical for integration and mental well-being. Their absence often results in isolation and poorer mental health outcomes among refugees.

Penninx (2004) identifies three conditions that must be met for local integration to be effective. First, there must be transparency in the admission of refugees and clarity regarding their legal and residential status. Second, integration policies must be comprehensive across relevant dimensions and domains. Third, integration strategies should actively involve multiple stakeholders at various

levels of governance. These conditions depend heavily on existing institutional arrangements within host societies, which shape the type and extent of integration policies adopted. Economic participation is another vital pillar. Aksoy et al. (2020) argue that employment and education opportunities are fundamental for fostering self-reliance. Favorable labor market conditions and positive public attitudes toward immigrants facilitate integration, while unemployment and xenophobia pose significant barriers. Alfeo et al. (2019) highlight that mobility patterns are a practical measure of integration; when refugees' movement and social interactions mirror those of the host community, integration is generally stronger. Tjaden et al. (2023) underscore the influence of local governance structures: inclusive policies encourage integration, whereas restrictive or exclusionary frameworks deepen marginalization. Campomori et al. (2023) further note that community-driven social innovation, such as cooperatives or self-managed spaces, can create opportunities for refugees and local residents to collaborate, strengthening social cohesion and local resilience. Together, these insights demonstrate that local integration is a complex, dynamic process that requires supportive legal frameworks, economic opportunities, social ties, and inclusive governance. When these elements align, integration can promote not only refugee well-being but also broader societal stability and development.

2.6.2 Land Accessibility: A Critical Indicator of Local Integration

Land accessibility is a critical determinant of successful refugee integration, extending beyond basic housing to underpin economic self-sufficiency and social cohesion. Secure access to land enables refugees to cultivate food, generate income, establish stable livelihoods, and forge meaningful connections with host communities, thereby facilitating social integration (Adong et al., 2021). Despite its significant role, the topic of land accessibility for refugees remains relatively under-researched and under-explored. Across contexts, access to land is fundamental for achieving sustainable refugee integration (Agblorti & Grant, 2019). Integration outcomes are commonly assessed through indicators such as self-reliance, peaceful co-existence, and improved livelihoods, each closely tied to secure land rights. Land access empowers refugees to engage productively with host communities, apply their skills, and contribute to local development (Berke & Larsen, 2022; Adong et al., 2021). Meaningful social and economic interactions foster peaceful co-existence by shaping positive attitudes and strengthening community relations (Khasalamwa-Mwandha, 2021; Agblorti & Grant, 2019; Basemera & Lwanga, 2021). However, these

interactions can be compromised by land conflicts or restricted access, which undermine household incomes and contribute to local insecurity (Miura & Tabata, 2022).

A sustainable livelihood, defined as the combination of capabilities, assets, and activities necessary for a means of living (Chambers & Conway, 1991), depends significantly on secure access to land as a form of productive capital (Lyatuu & Urassa, 2016). Such livelihoods are resilient when they can withstand shocks and enhance future well-being (UNDP, 2010). However, institutional frameworks, policies, and social norms governing land and resource access can either enable or constrain these livelihoods (UNDP, 2010). Land disputes, scarcity, and unclear tenure arrangements reduce productivity, limit refugees' participation in local markets, and ultimately weaken their self-reliance (Ahimbisibwe, 2013). To overcome these barriers, clear, coherent policies and administrative frameworks are essential for securing refugees' land rights and advancing sustainable integration (Nagujja et al., 2023). Evidence from refugee-hosting countries shows that refugees often face significant restrictions on land access due to legal, policy, and socio-political constraints. Uganda, however, stands out as an important exception: it provides refugees with plots of land in designated settlements, enabling subsistence farming and livelihood development (NRC & REACH, 2019, 2023; UNDP, 2018; Nagujja et al., 2023; Berke & Larsen, 2022). Nonetheless, even in Uganda, challenges persist including land scarcity, soil degradation, and potential tensions between refugees and host communities over land use and resource allocation. Addressing these issues is critical to ensuring that land accessibility meaningfully contributes to sustainable refugee integration and long-term resilience.

2.6.3 Uganda's Refugee Policy: Free Land Access for Refugee

Uganda has been ranked among the states with the best policy on local integration for self-reliance by allocating refugees free land for settlement and agricultural use as a support mechanism for self-sustainability and dependency. This policy is supported by international and national instruments as illustrated in Figure 2-1. Refugees' access to land use is regulated by the 2010 Refugees Regulations which states refugees shall have no right to sell, lease, or otherwise alienate the land that has been allocated to them strictly for their individual or family utilization (The Republic of Uganda, 2010). Uganda exemplifies that land accessibility is equally critical in the Global South as it is in the Global North through its National Development Plan (NDP) and the

Settlement Transformation Agenda (STA) (UNHCR, 2019). The STA consolidates refugee-related initiatives under the Office of the Prime Minister (OPM), ensuring a coordinated and integrated response. Implemented in phases, STA I (2016–2021) was incorporated into NDP II, while STA II (2021–2025) aligns with NDP III (The Republic of Uganda, 2019). The STA is structured on six key pillars that advance refugee integration:

- i. Land Management – Promoting the sustainable and efficient use of settlement land.
- ii. Sustainable Livelihoods – Enhancing refugee self-reliance through employment and entrepreneurship.
- iii. Governance and Rule of Law – Safeguarding refugee rights and promoting legal certainty.
- iv. Peaceful Co-existence – Strengthening social cohesion between refugees and host communities.
- v. Environmental Protection – Conserving natural resources in refugee-hosting areas.
- vi. Community Infrastructure and Social Services – Expanding access to education, healthcare, and economic opportunities within refugee settlements.

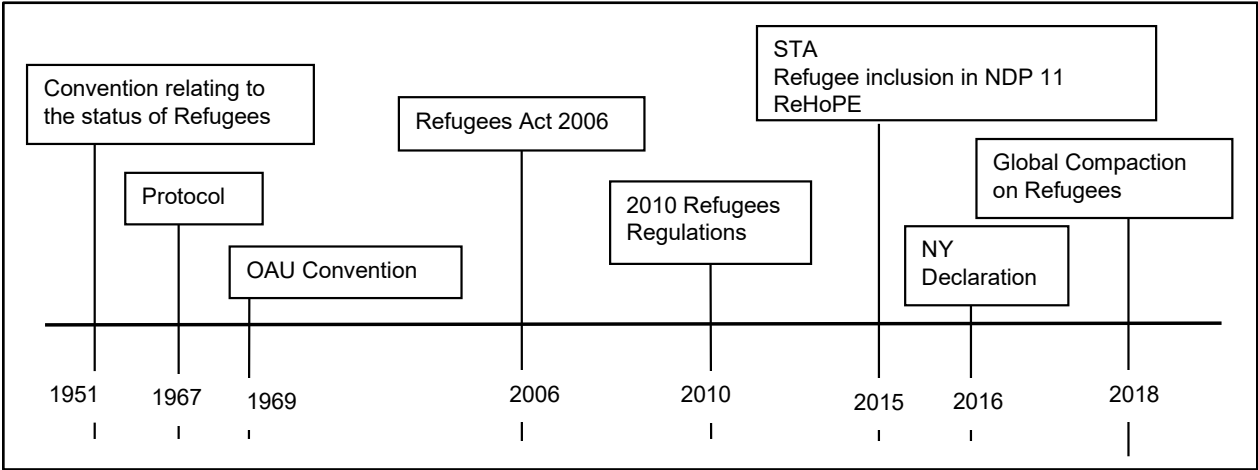


Figure 2-1: International and National frameworks on refugee management in Uganda

The Government of Uganda, in collaboration with humanitarian partners, actively monitors and refines its refugee policies to ensure long-term sustainability, recognizing refugee integration as a sustainable solution. Kambela (2020) argues that local integration remains the most viable long-term strategy for refugee protection. Easton-Calabria (2021) further observes that integration underpins all durable solutions whether local settlement, third-country resettlement, or voluntary

repatriation, by fostering peaceful co-existence, which is central to sustainable integration (Khasalamwa-Mwandha, 2021). This process depends on equitable sharing of social and economic resources with host communities while minimizing conflict.

However, despite its clear benefits, many host governments remain hesitant to pursue full refugee integration, often withholding citizenship rights due to security concerns and perceived resource burdens (Hovil & Maple, 2022). For example, Kamugisha et al. (2024) found that 66.5% of 432 refugee respondents considered land critical for food security, yet 67.6% reported access only to plots smaller than 20×30 meters, while just 11.1% had access to land larger than one acre. Such limited access constrains refugees' ability to attain self-sufficiency. Supporting this, REACH (2023) notes that many refugees resort to selling or bartering their General Food Assistance to lease additional land for cultivation. Uganda's refugee model is widely recognized as progressive and sustainable, offering a potential blueprint for other refugee-hosting countries. Betts et al. (2019) highlight three defining features of Uganda's integration approach:

- i. Regulatory Framework – Refugees are permitted to work and choose their place of residence.
- ii. Land Allocation Model – Refugees receive plots within settlements for subsistence farming.
- iii. Refugee-Host Interaction Model – Uganda promotes integrated social services and market access for both refugees and host communities (The Republic of Uganda, 2010).

2.6.4 Legal Framework on Refugees' Access to Land: A Missing Global Gap.

International, regional, and national legal frameworks broadly recognize refugees' access to land as an extension of their rights to livelihoods, housing, and local integration. However, the extent of implementation varies considerably across countries, with legal ambiguities and policy gaps often hindering effective access. Internationally, the Universal Declaration of Human Rights (UDHR, 1948) affirms fundamental property and livelihood rights. Article 17 protects the right to own property without arbitrary deprivation, while Article 25 establishes the right to an adequate standard of living, encompassing housing and subsistence. The International Covenant on Economic, Social, and Cultural Rights (ICESCR, 1966) reinforces these guarantees: Article 11 underscores the right to an adequate standard of living, including food and housing—closely tied

to access to land for subsistence farming—while Article 6 affirms the right to work, supporting refugees’ engagement in land-based livelihoods. Despite these broad protections, international instruments lack explicit guidance on how states should secure refugees’ access to land, resulting in varied national interpretations and inconsistent implementation.

Regionally, the African Charter on Human and Peoples’ Rights (ACHPR, 1981) provides a normative basis for land rights. Article 14 protects property rights, including land access; Article 22 recognizes the right to economic and social development, which encompasses land-based livelihoods; and Article 23 upholds asylum rights in alignment with African customary and statutory law. The Kampala Convention (2009), while primarily addressing internally displaced persons (IDPs), emphasizes land allocation as part of durable solutions for displacement and urges states to allocate land for resettlement and self-reliance. Yet, its implementation remains weak in many African countries. Although these international and regional frameworks set important standards, national-level implementation often falls short, leaving refugees in precarious circumstances. Many host states restrict refugees’ land access due to legal or policy gaps, resource limitations, or concerns about the implications of local integration.

Uganda, however, is recognized as a leading example of progressive practice, allocating plots within designated settlements for refugee cultivation and settlement. Uganda’s legal and policy framework articulates the state’s obligations to protect the rights of all individuals, including refugees (Amatsimbi, 2024). The 1995 Constitution guarantees fundamental rights and prohibits discrimination (The Republic of Uganda, 1995). Article 189(1) designates the Office of the Prime Minister (OPM) as the lead institution for refugee management, ensuring clear institutional coordination. Chapter Four safeguards individual rights but limits landownership for non-citizens to leasehold tenure, shaping the legal contours of refugees’ access to land. The Refugee Act (2006) domesticates Uganda’s obligations under the 1951 Refugee Convention and codifies refugee rights and responsibilities (The Republic of Uganda, 2006). It provides for identity documents, travel permits, non-discrimination, access to justice, education, and freedom of religion, while operationalizing the OPM’s role through its Department of Refugees (The Republic of Uganda, 2019). The Refugee Regulations (2010) allow refugees in designated settlements to use land for housing, farming, or grazing but prohibit selling, leasing, or transferring it.

The National Land Policy (MLHUD, 2013) aligns national objectives with global frameworks, addressing forced displacement, resettlement, and cross-border environmental concerns, and prioritizing land rights for marginalized groups. Yet, the policy lacks explicit provisions for allocating and securing tenure for refugee settlements (MLHUD, 2013). Similarly, the Land Act (1998) supports decentralized land governance, strengthens customary tenure security, and outlines dispute resolution mechanisms. However, it does not extend explicitly to refugee settlements or define institutional roles for managing land designated for refugees. Uganda's Settlement Transformative Agenda (STA), within the National Development Plan, recognizes the importance of sustainable land management in refugee-hosting areas (World Bank, 2016). However, it too lacks a clear, actionable strategy for securing refugees' land rights in practice.

A persistent gap across international and regional frameworks is the absence of clear compliance benchmarks, leading to inconsistent interpretation and weak enforcement. For example, while the 1951 UN Refugee Convention promotes local integration, it does not specify clear criteria for successful implementation. Likewise, the 1969 OAU Convention prioritizes refugee protection but does not address urban refugee integration, creating legal gaps for refugees living outside settlements. Many states with refugee protection laws fail to apply them fully, especially for urban refugees, who often face exclusion from land access and livelihood opportunities. As Addaney (2017) notes, Uganda's integration model primarily applies to rural settlements, with limited mechanisms for urban refugee inclusion. This study focuses on northern Uganda, where such rural dynamics are most pronounced. A key challenge remains the disconnect between legal frameworks and the lived realities of refugees and host communities. National policies often fail to respond adequately to refugees' socio-economic needs, producing unintended and counterproductive outcomes. For example, Mozambican refugees in South Africa have faced restrictive policies that force them to bypass legal constraints to meet basic needs. Additionally, unclear tenure arrangements and competition over resources can trigger land conflicts between refugees and host communities, worsening local tensions. These gaps underscore the urgent need for stronger, more coherent national policies aligned with international obligations. A context-sensitive approach is vital one that bridges legal frameworks with local realities, secures equitable land access, and promotes sustainable livelihoods for refugees and host communities alike.

2.6.5 Refugees' Requirements for Sustainable Integration

Protracted refugee situations where voluntary repatriation is unlikely in the near future necessitate sustainable integration into host communities and local markets, either within countries of asylum or through third-country resettlement. In Africa, land holds profound socio-economic and cultural value, making it central to local integration efforts (Hargrave et al., 2020; Donge & Pherani, 1999). Local integration is not simply an alternative to repatriation or resettlement but a structured institutional response for managing long-term refugee protection. It comprises three interlinked dimensions: Legal integration, which requires refugees to be granted rights and entitlements, including access to property and essential services; Economic integration, which enables refugees to establish sustainable livelihoods and reduce dependency on humanitarian aid (Crisp, 2004); and Social integration, which promotes peaceful co-existence with host communities. Achieving sustainable integration depends heavily on secure access to land, as it underpins self-reliance, community cohesion, and economic independence (Agblorti & Grant, 2019; Nagujja et al., 2023).

Self-Reliance

The UNHCR (2005) defines self-reliance as the social and economic capacity of individuals, households, or communities to meet their essential needs sustainably and with dignity, covering food, shelter, education, and healthcare. Strengthening refugee livelihoods reduces long-term dependence on aid and fosters economic empowerment. However, while self-reliance is a pathway toward durable solutions, it is not itself a durable solution (Easton-Calabria, 2021). Land accessibility is pivotal in achieving self-reliance. Secure access enables refugees to cultivate crops, generate income, and participate actively in local economies (Adong et al., 2021). It also supports social integration by creating spaces for interaction with host communities, skill development, and local economic contribution (Berke & Larsen, 2022). The Refugee Self-Reliance Initiative (2021) proposes five core strategies to enhance refugee self-reliance: easing access to documentation for economic participation; improving economic inclusion through policy reform; strengthening refugee-led organizations' roles in integration; increasing funding for civil society support; and designing self-reliance programs that address age, gender, and diversity. Seff et al. (2021) outline a self-reliance index with four key assessment areas: Housing, where secure shelter indicates higher self-reliance; Food security, as regular access to sufficient food signals economic stability;

Safety, since security enables participation in economic and social life; and Assistance dependence, where reduced reliance on aid reflects progress toward self-reliance.

Peaceful Co-Existence

Sustainable integration requires harmonious relationships in which refugees and host communities share social and economic resources without significant conflict (Khasalamwa-Mwandha, 2021). Such co-existence is shaped by daily social, cultural, and economic interactions that influence attitudes and community relations (Agblorti & Grant, 2019). However, conflicts over landownership, use, and access can disrupt these relationships. Tensions often arise when host communities perceive refugee settlement as a threat to their resources, livelihoods, or cultural identity (Basemera & Lwanga, 2021). Khan (2024) identifies five drivers of host community concerns: economic competition for land and jobs; social tensions from cultural differences; political issues, such as inconsistent policies; cultural disruptions that may challenge local traditions; and environmental pressures like land degradation and resource depletion. To support peaceful co-existence, HEKS/EPER (2024) recommends two key measures: facilitating regular dialogue between refugees and host communities to build trust, and promoting joint economic initiatives, such as cooperative agriculture, to strengthen social cohesion. In this context, land access policies should prioritize mechanisms that foster social integration and encourage collaboration, rather than isolation (Atukwatse & Chidiebere, 2022).

Livelihoods and Economic Sustainability

Access to sustainable livelihoods is essential for durable local integration (UNDP, 2018). A livelihood combines the capabilities, assets, and activities needed for a means of living (Chambers & Conway, 1991). It is considered sustainable when it can endure external shocks, adapt to change, and improve future well-being (UNDP, 2010). Land plays a crucial role in this process by shaping refugees' access to economic opportunities, productive capital, and social mobility (Lyatuu & Urassa, 2016). Institutions, policies, and social norms governing land tenure and market access significantly affect refugees' capacity to secure and maintain livelihoods (UNDP, 2010). The FAO (2023) recommends four measures to strengthen refugee livelihood sustainability: investing in agricultural value chains instead of short-term aid; integrating climate resilience into livelihood programs; addressing power dynamics that restrict refugees' economic access; and fostering

shared economic activities between refugees and host communities. Taken together, these insights underscore that sustainable refugee integration requires a comprehensive approach centred on self-reliance, peaceful co-existence, and livelihood security. Secure land access is fundamental to this process, enabling economic independence, social cohesion, and long-term resilience. Nonetheless, persistent policy gaps, conflicts, and socio-political barriers continue to undermine effective integration. Addressing these challenges demands stronger legal frameworks, inclusive economic policies, and community-driven initiatives to ensure that refugees can transition from aid dependence to meaningful contributors within host societies.

2.7 Tenure Security as a Major Concern in Africa

In Africa, tenure security remains a persistent challenge, particularly within customary land tenure systems that dominate rural settings. Across the continent, diverse social, legal, and cultural contexts shape how land tenure and tenure security are conceptualized and implemented, with customary tenure systems often governed by unwritten norms and collective practices. Understanding these parameters is critical for addressing the vulnerabilities that undermine livelihoods, fuel conflicts, and constrain sustainable land management in many African communities.

2.7.1 Concept of Land Tenure

Land tenure refers to the legally or customarily defined relationships among people and land, including related natural resources such as water and forests (FAO, 2002). As a social institution, land tenure encompasses the rules and norms societies establish to govern land-related behaviour. These rules determine the allocation of property rights by specifying who may use, control, and transfer land, for how long, and under what conditions, while also outlining corresponding responsibilities and limitations (FAO, 2002). Payne and Durand-Lasserve (2013) similarly describe land tenure as the system that determines who can use which resources, for how long, and under what conditions. Knight (2010) relates land tenure with the manner in which land is held or owned by individuals or groups. Mabikke (2016) emphasizes that land tenure involves institutional frameworks through which societies develop or adapt rules to regulate ownership, use, and transfer. Accordingly, tenure systems define how property rights are distributed within societies and shape the broader socio-economic landscape. They are deeply embedded within the social,

political, and economic fabric and are inherently multidimensional, involving legal, institutional, technical, economic, and political dimensions. Depending on the context, tenure relations may be formally codified and enforced through statutory law or governed by customary practices. However, in many contexts, tenure arrangements remain ambiguous, creating vulnerabilities that can be exploited or result in disputes.

Tenure security is the certainty that land rights are recognized and protected against external threats such as eviction or competing claims (FAO, 2002). Insecure tenure presents significant barriers to achieving food security and sustaining rural livelihoods. Although tenure security cannot be measured directly, it is shaped by people's perceptions and experiences, which are influenced by the type and duration of land rights held. For instance, short-term use rights may suffice for seasonal cultivation but are inadequate for long-term investments like tree planting or irrigation, which require stable, enduring access. This has led some scholars to argue that private ownership particularly freehold tenure provides the most comprehensive form of tenure security, as it typically imposes no time constraints (FAO, 2002). UN-Habitat (2018) distinguishes secure tenure by two dimensions: legally recognized documentation and perceptions of tenure security. Legal documentation involves officially recording and publishing information on land rights, their holders, and the location of land in forms recognized by governments. Perceived tenure security refers to an individual's sense of protection against involuntary loss of land, irrespective of the formal status of documentation, and can vary between optimism and pessimism (UN-Habitat, 2018). UN-Habitat (2014) further emphasizes that secure tenure also relies on trust and perception. Security can be maintained through various mechanisms, provided that land rights are clearly defined and protected. While undocumented land rights often expose holders to greater threats, documented rights do not automatically guarantee security if implementation and enforcement are weak (UN-Habitat, 2018).

Security of tenure can derive not only from formal legal recognition but also from other protections, such as safeguards against eviction, the right to transfer or inherit land, and the ability to use land as collateral to access credit under certain conditions (UN-Habitat, 2003). Both land tenure and tenure security play pivotal roles in effective land management. They influence economic behaviour, or undermine social stability, and are vital to poverty reduction efforts.

Addressing the complexities of tenure systems is therefore essential for sustainable development and inclusive economic growth. Unger et al. (2017) highlight that definitions of tenure security vary widely, underscoring the need to contextualize the concept within specific socio-legal and regional settings. There is no single, universal definition; instead, tenure security's meaning and implications differ across cultures, legal frameworks, and land use practices. The significance of secure tenure extends beyond individual or household benefits: it protects communities from forced evictions, land disputes, and elite capture; fosters an environment conducive to private and public investment; strengthens the land tax base; and enhances mechanisms for capturing land value. Strengthened property rights also contribute to poverty reduction by expanding economic opportunities for marginalized and vulnerable populations.

Lahoti (2021) and Uwayezu & de Vries (2018) identify three key dimensions of tenure security:

- i. De jure (legal) tenure security — Derived from formal property registration and titling, this protects landowners against unlawful evictions and ensures legal recognition of property rights.
- ii. De facto tenure security — Rooted in social, legal, administrative, religious, and political institutions, this recognizes “legitimate” land rights even when formal registration is absent.
- iii. Perceived tenure security — Based on an individual's perception of their likelihood of facing eviction, disputes, or spatial disintegration.

Chimhowu (2019) equates tenure security with the formalization and statutory recognition of rights, arguing that secure land tenure supports sustainable land management, enhances productive investment, and enables efficient land markets. Deininger et al. (2016) further emphasize that secure tenure allows land markets to function effectively, enabling landlords to lease out land without fear of losing ownership permanently. Additionally, secure tenure permits landowners to use land as collateral, thereby improving access to credit, which supports economic growth and financial inclusion. Taken together, these insights demonstrate that land tenure and tenure security are fundamental to sustainable land management, economic stability, and social equity. While legal recognition of property rights provides vital safeguards, social legitimacy and individual perceptions also play a crucial role in shaping land use behaviour and investment decisions.

Strengthening tenure security therefore contributes to poverty reduction, broadens economic opportunities, and enhances the functionality of land markets, making it a critical pillar of socioeconomic development and good land governance.

2.7.2 *Indicators of Tenure Security*

The lack of a universally agreed definition of tenure security has led to varied interpretations and measurement approaches, making it imperative to establish robust indicators that guide effective policy formulation and intervention strategies. Tenure security encompasses legal and formal recognition, perceived security, socioeconomic factors, all of which collectively determine the stability and sustainability of land tenure systems as listed in Table 2-1.

Table 2-1: Indicators of tenure security by different organisations

#	Description of Tenure Security Content	Indicators	Sources
1	Perception	Perception of risk (hh/individual/plot/settlement)	UN-Habitat, USAID, ALPI
2	Evictions	Number of evictions	OHCHR, USAID, UN-Habitat (A), ALPI
3	Documentation	a. Documentation to prove legality or legitimacy of rights. b. Acceptance of alternative forms of documentation to prove rights.	UN-Habitat, LGAF
4	Legal protection against forced eviction	Legal provisions exist against forced evictions.	UN-Habitat, UN-Habitat(A), OHCHR
5	Disputes, due process and capacity	a. Due process protections for expropriation are accessible and functioning. b. (disputes, time taken before court etc.)	LGAF, UN-Habitat, UN-Habitat(A), OHCHR, ALPI, Blueprint
6	a. Allocation of land rights to people with equity, b. Protection and recognition of	a. Households affected by land conflicts b. Working days taken to resolve a land dispute c. Perceived dispute cost d. Pending land related cases in courts e. Population satisfaction on public institution service delivery	LEAP, 2007; IFAD, 2009; African Union Commission (AUC), 2010; Millenium Challenge Corporation

	<p>people and their land rights</p> <p>c. Legitimization of public and social institutions</p> <p>d. Access to public and social institutions</p>	<p>f. Risk to government expropriation</p> <p>g. Public institution corruption</p> <p>h. HH with legally recognized proof of land rights</p> <p>i. Legal provision ensuring equal access to land between man and woman</p> <p>j. Population satisfaction of customary institutions service delivery</p> <p>k. Eviction risk by community members</p> <p>l. Corruption of customary institutions</p> <p>m. Proportion of land related cases pending in customary courts</p>	<p>(MCC); Land rights and access index; World Bank Doing Business</p>
7	<p>a. People use and enjoy their land rights</p> <p>b. People are aware and empowered on their land rights and restrictions</p>	<p>a. Proportion of land acquired through different modes (OPM, purchase, rent, walk in etc)</p> <p>b. Type of land investment</p> <p>c. Agricultural land rent and sale prices</p> <p>d. Proportion of land sales and rent</p> <p>e. Proportion of HH who can lease out land</p> <p>f. Proportion of refugees who have acquired loans (financial credit) using land as collateral</p>	
8	<p>a. Restrictions and land rights are balanced.</p> <p>b. Rights to land are recognized, protected and enforced</p> <p>c. Land information is well managed and sustained</p>	<p>a. Extent of land recorded in land information system</p> <p>b. Proportion of recognized land sales</p> <p>c. Proportion of land inherited</p> <p>d. Types of existing restrictions in different instruments such as (refugees act, refugees regulation, constitution, Land act)</p> <p>e. Types of customary restrictions and HH affected</p> <p>f. Proportion of HH aware of restrictions</p> <p>g. Extent of land owned by communal land associations (CLAs) accessed by refugees</p>	

Legal and Formal Indicators

Despite the importance of land titles in guaranteeing tenure security, the majority of landowners in many developing countries remain without formal land documentation. For instance, in Uganda, 95% of landowners lack titles, primarily due to the high costs of formalization, lack of awareness, and cultural attitudes towards landownership (Mabikke, 2016). MLHUD (2013) identifies

additional barriers, including population growth, natural resource discoveries, and corruption, which complicate access to land titles. Zakaryan (2018) highlights the prevalence of informal land transactions, where land is often transferred without records, relying instead on landmarks such as trees and rivers - a system that becomes problematic with urban expansion, environmental degradation, or climate change. Childress et al. (2021) confirm that a strong correlation exists between formal land documentation and perceptions of security, whereas the absence of documentation heightens tenure insecurity.

Cross-country comparisons also underscore disparities in land titling implementation. While 38% of Ethiopian households possess formal land documents covering nearly 50% of their owned land, only 12% of Ugandan landowners have formal certificates, with most being Mailo land titles (Deininger et al., 2016). This indicates that despite legal provisions for customary title certificates, their implementation remains limited, leaving many without the benefits of formalized tenure security. Doss and Meinzen-Dick (2020) critique land titling and registration from a gender perspective, arguing that formalization often consolidates land rights under a single name, typically that of male household heads, thereby disempowering women who may have previously had customary or informal rights. This underscores the need for gender-sensitive land tenure policies that recognize and protect women's land rights.

Perceived Tenure Security

Globally, tenure insecurity remains a critical issue, particularly in contexts marked by political instability, market volatility, and accelerated urbanization. The Arab region exemplifies this challenge, with one in four individuals expressing concerns about their property rights (Childress et al., 2021). Valkonen (2021) argues that tenure security is fundamentally about the perceived recognition and protection of legitimate tenure rights by others. While official policies often prioritize the formal registration of land rights, such approaches fail to holistically address the broader socio-political and psychological dimensions that shape perceptions of tenure (in)security. The concept of perceived tenure security is defined as “the holder’s subjective assessment of the probability of losing their land, regardless of whether formal titles are held or not” (Alhola, S., & Gwaindepi). Lahoti (2021) further contends that tenure security transcends legal frameworks, encompassing de facto tenure arrangements and subjective experiences of security. These

perceptions are informed by historical land policies, political patronage, and embedded social networks. Key determinants of perceived tenure security include political and market dynamics, which influence public trust in land governance systems; community cohesion, where robust social and solidarity networks can enhance a sense of security even in the absence of formal documentation; and access to infrastructure and services, whereby the availability of basic amenities and identity documentation significantly contributes to the perception of tenure stability.

Importantly, tenure certainty is inherently subjective, grounded in individual and collective perceptions rather than purely legal assurances (Payne & Durand-Lasserve, 2012). As Valkonen (2021) notes, a crucial distinction exists between the fear of losing one's rights and the actual probability of such loss. Feyertag et al. (2021) emphasize that perceived tenure security extends beyond the legal formalization of land rights to include both experiential realities and legal status, making it sporadic and context-dependent. Musah et al. (2024) highlight that the classification of documentation such as the issuance of a certificate of title remains a relative concept, whose perceived value is mediated by social understanding and trust. Moreover, redistributive land reforms, particularly the reallocation of land from large landholders to small-scale farmers, have a profound influence on perceptions of tenure security, as they reshape historical patterns of land ownership and power (Valkonen, 2021).

Socioeconomic and Cultural Factors

Childress et al. (2021) highlight age-related disparities in perceived tenure security, particularly among youth in the Arab region. Young people (aged 18–25) report an insecurity rate of 22%, increasing to 27% among those aged 26–45, compared to just 9% among individuals aged 65 and above. This reflects both demand-side (employment challenges) and supply-side (limited affordable housing and financing options) constraints. Additionally, urbanization contributes to tenure insecurity, as land speculation and market competition drive property prices upward, disproportionately affecting low-income and marginalized groups. Women, in particular, face significant tenure security challenges due to limited awareness of land rights and cultural norms that restrict their inheritance and ownership rights (Deininger et al., 2016). Nara et al. (2021) confirm that male landowners generally enjoy the strongest land rights and highest tenure security, while women regardless of whether they belong to landowning or settler groups, experience

weaker land rights and greater insecurity. This contradicts the social structure theory, which posits that women from landowning groups should have stronger rights than settlers.

2.8 Unique Accessibility Challenges Associated with Customary Tenure System.

Customary land tenure is a traditional system through which African communities express ownership, possession, and access to land while regulating its use and transfer. Unlike statutory land tenure systems enforced by state law, customary tenure is primarily upheld by local communities, operating through traditional norms and practices (Bae, 2021). Nagujja et al. (2023) highlight that customary tenure is often characterized by undocumented traditional rules, inheritance-based land rights, and membership within a defined social group. However, these characteristics can contribute to tenure insecurity that negatively affect host communities and refugees.

2.8.1 The Uniqueness of Customary Landholding and its Rights

Three key aspects define customary land tenure: its cultural and social significance, communal ownership, and the legal challenges it faces within modern governance frameworks. Customary land tenure is deeply intertwined with the cultural identity, heritage, and social structure of communities. Land is not merely an economic resource but a symbol of communal belonging and ancestral continuity. Syafiq et al. (2015) emphasize that customary landownership strengthens economic rights while providing social, cultural, and political stability, thereby supporting the collective well-being of community members. The intrinsic link between land and cultural identity highlights the need for policies that protect traditional land rights while integrating them into formal governance systems.

A defining feature of customary tenure is communal ownership, where land is collectively held rather than individually owned. Rights and responsibilities over land are typically inherited and governed by oral traditions rather than formal legal instruments (Lea, 2008). In Uganda, customary tenure often relies on undocumented traditional rules, inheritance-based claims, and membership within defined social groups (Nagujja et al., 2023). While this system can ensure equitable access within communities, it may also marginalize women, minors, and disadvantaged groups.

Moreover, its dependence on informal agreements poses challenges for legal recognition and effective dispute resolution.

Despite its central role in local governance, customary land tenure faces significant legal and institutional threats in contemporary settings. Bae (2023) notes that weak statutory protections for customary rights enable land grabbing and dispossession, as seen in Zambia. Li (2020) observes that while legal advocacy has improved the formal recognition of customary land rights, in practice, customary landholders often lack genuine autonomy and control. Additionally, customary tenure frequently intersects with political structures that may undermine community governance; for example, traditional authorities are sometimes co-opted by state mechanisms (Murisa, 2023). In Zimbabwe, disputes over customary land are mainly adjudicated in traditional courts presided over by chiefs rather than civil courts, limiting access to formal legal remedies. The insecurity of customary land rights also has broader economic and ecological implications: Syafiq et al. (2015) argue that weak tenure security hampers economic investment and undermines sustainable land and resource management, threatening livelihoods and environmental resilience. Customary land tenure remains foundational to land governance in many African societies, shaping cultural identity, economic security, and social cohesion. However, limited legal protections and the growing influence of political and market forces pose significant risks to customary landholders. Addressing these challenges requires policies that strengthen legal recognition while preserving the integrity of traditional land rights, ensuring tenure security and autonomy for communities rooted in customary systems.

2.8.2 Customary Tenure System in Uganda

Customary tenure remains the most predominant tenure system in most regions in Uganda apart from the central. Provisions in the 1995 Constitution further complicated implementation. The 1995 Uganda's Constitution recognized four distinct tenure systems: customary, freehold (individualized private ownership), Mailo (similar but not identical to freehold), and leasehold. It also repealed the 1975 decree, which had vested all land in the state, and for the first time constitutionally recognized customary tenure, thereby affirming the land rights of the majority of Ugandans who live on customary land. Customary tenure in Uganda has long been underrepresented in statutory law. Today, rights to control, use, and own customary land derive

from community membership and are sustained through communal obligations. These systems significantly influence equity, local land administration, and dispute resolution processes. Uganda's legal framework now supports customary tenure. Article 237 of the 1995 Constitution, as amended, recognizes customary tenure as a legitimate form of landholding, enabling citizens to obtain certificates of ownership under regulations set by Parliament. The Land Act (1998, amended in 2004 and 2010) defines customary tenure as a system governed by customary rules that:

- i. Apply to specific land areas and defined social groups;
- ii. Are widely accepted as binding and authoritative;
- iii. Regulate land acquisition, use, and transactions;
- iv. Provide for both individual and communal ownership; and
- v. Exist in perpetuity.

The Act establishes procedures for acquiring certificates of customary ownership and for converting customary tenure to freehold tenure. The Uganda National Land Policy (2013) acknowledges international and regional conventions on refugee resettlement and mandates equal recognition of customary tenure alongside other systems. It calls for establishing a registry of customary land rights and outlines strategies to: (i) facilitate the evolution of customary tenure in response to socio-economic and political shifts, and (ii) develop a legislative framework to support customary land rights. Customary tenure accounts for approximately 80% of Uganda's land (MLHUD, 2013), yet only about 15% has been formally surveyed (Nakacwa et al., 2021). Several challenges persist:

- i. **Tenure Insecurity:** Many customary landowners lack legal certainty, exposing them to disputes and encroachments.
- ii. **Restricted Land Markets:** Customary tenure often constrains land market development, limiting owners' economic opportunities.
- iii. **Gender Inequality:** Customary systems frequently favor male ownership, marginalizing women's access to land and inheritance.

Despite legal recognition, customary tenure continues to be treated as inferior to statutory tenure. The 1998 Land Act allows conversion from customary to freehold tenure but does not address how

to revert freehold land back to customary status, reinforcing its perceived lower status. Compared to statutory tenure, customary dispute resolution and mediation mechanisms often remain less robust. Two main customary tenure systems exist in Uganda (Busingye, 2002):

- i. Family or Clan Customary Tenure: Here, land use takes precedence over ownership. Male elders act as custodians, allocating land within family or clan units, typically prioritizing male household members. Although historically equitable within kinship structures, this system increasingly faces fragmentation as land is sold—often under financial distress—and customary rules slowly weaken under socio-economic pressures.
- ii. Communal Land System: Predominant in northern Uganda, this system defines the household or extended family as the main landholding unit. Land is used communally for gardens, grazing, burials, hunting, and other purposes. Among pastoralist communities in the north and parts of the western cattle corridor, user rights cover seasonal farming and grazing, water access, firewood collection, and communal rituals. Control is exercised collectively through families, clans, or communities rather than individuals.

Customary tenure remains prevalent in Uganda’s northern, western, and West Nile sub-regions, which also host significant refugee populations. Historical analyses trace its roots to the pre-colonial period, when all land was held under customary arrangements with access governed by kinship and community ties (Mabikke, 2016; MLHUD, 2013). Land functioned not only as an economic asset but as a vital medium for social and spiritual continuity. Rights were enforced through unwritten customs, with communities regulating transactions to preserve social cohesion. Colonial policies (1894–1962) transformed customary tenure by promoting individualized ownership primarily via leasehold, freehold, and Mailo systems particularly in kingdoms. Elsewhere, customary tenure persisted under increasing regulation as colonial administrations prioritized large-scale agriculture over smallholder systems, introducing new rights that often conflicted with existing customary claims (Mabikke, 2016; MLHUD, 2013). Post-independence land reforms aimed to address these disruptions. Notable interventions include:

- i. The Land Reform Decree (1975): Nationalized all land.
- ii. The Traditional Rulers (Restitution of Assets and Properties) Act (1993): Restored some land rights to traditional institutions.

- iii. The 1995 Constitution: Recognized multiple tenure systems, including customary tenure.
- iv. The Land Act (1998, amended 2004 and 2010): Strengthened legal protections for customary landholders.

Despite this progress, customary tenure remains a dynamic, evolving system influenced by socioeconomic changes. Legal frameworks, policies, and procedures for securing tenure rights remain ambiguous, leaving gaps in implementation. This study focuses on the rights of host community members and refugees residing on customary land, with the aim of identifying effective mechanisms to protect and secure these rights.

2.8.3 Refugees' Access to Customary Land: Associated Tenure (In)Security.

Nagujja et al. (2023) demonstrate that most tenure arrangements in Sub-Saharan Africa do not allow refugees to hold land formally, resulting in insecure access despite a growing trend of granting refugees limited land-use rights. Secure access to land is essential for refugees' self-reliance, peaceful coexistence with host communities, and sustainable livelihoods—critical factors for long-term integration. The authors highlight key characteristics of customary tenure, including unwritten traditional rules, inheritance-based transfers, and land rights linked to social group membership, all of which contribute to tenure insecurity and adversely affect both host communities and refugees. UNHCR (2023) underscores the importance of proper documentation for proving ownership or tenancy rights and recommends that local authorities protect land and property registries from displacement-related loss or destruction.

In Uganda, the available tenure arrangements do not sufficiently facilitate refugees' land access and holding, despite increasing reliance on land as a pathway to self-sufficiency and reduced aid dependency (Nagujja et al., 2023). When the government provides land to refugees, it does so mainly under the customary tenure system. Adong et al. (2021) and UNDP (2018) report that 88.1% of refugees indicated they received land through government allocation under customary tenure. However, this tenure system is prone to insecurity, including persistent land conflicts, overlapping rights, land grabbing, customary norms that do not recognize refugees as legitimate claimants, and the risk of conversion to other tenure systems. The alternative leasehold tenure often comes with terms that are not viable for refugees who are already economically vulnerable.

Nevertheless, Uganda is recognized for its progressive policies on local integration and self-reliance, providing refugees with free land for settlement and cultivation to support livelihoods (Khasalamwa-Mwandha, 2021; Betts et al., 2019; UNDP, 2018; The Republic of Uganda, 2010). Refugees typically access this land through the Office of the Prime Minister (OPM), which allocates plots in designated settlements for habitation and farming upon arrival. Alternatively, some refugees obtain land through private arrangements with local landlords. Yet information on the conditions of access, use, restrictions, productivity, and impacts on host–refugee relations remain largely anecdotal, creating uncertainty for both refugees and host communities. Despite these supportive policies, tenure insecurity persists. The Refugees Regulations (The Republic of Uganda, 2010) allow refugees in designated settlements to use allocated land for housing, cultivation, or grazing but prohibit them from selling, leasing, or otherwise transferring it; use is restricted to personal or family needs only. Refugees living outside settlements may legally acquire or dispose of leasehold interests, as permitted for resident aliens, but they are prohibited from holding freehold land (The Republic of Uganda, 2010).

Local landlords have expressed concerns about limited consultation when the OPM allocates land for refugee use. Berke and Larsen (2022) cite a local leader stating that once land is allocated, the host community has no say over its use. UNDP (2018) also reports host community fears that government officials may grab land once refugees leave or that land may be permanently lost under frameworks such as the Progressive Refugee Solutions (PRS). In addition, unclear ownership and land rights in post-conflict customary communities create further insecurity for both refugees and internally displaced persons (IDPs). These issues have contributed to growing land conflicts in refugee-hosting areas, including disputes between refugees and host governments, and tensions between host communities and refugee populations.

2.8.4 Existing Tenure Security Enhancement Options and their Challenges

Nagujja et al. (2023) and UNDP (2018) identify efforts toward enhancing tenure security for refugees, such as land use agreements and Memoranda of Understanding (MoUs). However, these instruments are largely informal, non-legally binding, and not recognized under statutory law. Land use agreements, in particular, are typically bilateral and informal. According to UNDP (2018), 4.1% of refugees in northern Uganda accessed land through such agreements, while 0.9%

reported land use rights without any formal agreement. These agreements are often verbal, irregular, and rarely provided in written form to refugees (Adong et al., 2021; REACH, 2019). Their informal nature renders them highly precarious—land use agreements can be revoked unilaterally after the land has been cleared, cultivated, or is nearing harvest, often leading to disputes (Yami & Asten, 2018). Moreover, these agreements lack legal grounding in both national and international law, as evidenced by Section 65 of the 2010 Refugees regulations, which prohibits refugees from buying, selling, or leasing land in Uganda (The Republic of Uganda, 2010). This legal restriction, coupled with the unwritten nature of many agreements, fosters insecurity, increasing the risk of asset confiscation, eviction, and land-related conflicts (REACH, 2019).

A Memorandum of Understanding (MoU) serves as the primary document formalizing the acquisition of customary land for refugee settlement in Uganda (UNDP, 2018). Zimmermann (2021) defines MoUs as non-legally binding instruments concluded between states or between states and international organizations. In the Ugandan context, MoUs related to refugee land access are signed between officials from the OPM/ MLHUD, representing the government, and representatives of customary landowners whose land is allocated for refugee settlement (UNDP, 2018). These MoUs are intended to facilitate refugee settlement while providing host communities with benefits such as humanitarian aid, infrastructure development, and improved access to services (Berke & Larsen, 2022). However, MoUs have significant limitations in ensuring tenure security for customary landowners. As Zakaryan (2018) highlights, they often lack clear timeframes, remain inaccessible to landowners, and are frequently negotiated without broad community consent—agreements are typically made with select leaders rather than with full community participation. These shortcomings raise concerns about the long-term tenure security of landowners. Additionally, Uganda’s National Land Policy does not specify the process for reclaiming land allocated to refugees or the duration for which refugees can remain on such land (MLHUD, 2013).

Beyond MoUs, the legally recognized instruments for documenting and certifying land rights under customary tenure are Certificates of Customary Ownership (CCOs). The Ugandan Constitution affirms the legitimacy of CCOs, stating that Ugandan citizens holding land under

customary tenure may obtain them as proof of ownership. Section 8 of the Land Act further establishes CCOs as conclusive evidence of customary land rights, granting holders the ability to lease, mortgage, sell, or pledge land, provided such transactions align with the customs of the community (MLHUD, 2013; MLHUD, 1998; The Republic of Uganda, 1995). Despite these legal provisions, CCO holders often face practical limitations in exercising their rights. Financial institutions, professional bodies, and even courts frequently reject CCOs as valid collateral or proof of ownership, undermining their effectiveness in securing land tenure (Musinguzi et al., 2021).

CHAPTER 3: THEORETICAL ANALYSIS FOR LAND TENURE ARRANGEMENT

3.1 Introduction

This chapter presents a theoretical exploration of land tenure arrangements, focusing on how these frameworks shape and constrain refugees' access to land in host countries. It builds on relevant theories, global standards, and practical cases to critically examine the strengths and limitations of current practices. The chapter discusses the theoretical framework underpinning this study. The various land acquisition practices currently available to refugees. It presents the guiding international and regional standards on principles of good practice in land acquisition, and key principles of good governance necessary for robust institutional frameworks managing refugee land rights. It further reviews comparative cases of refugees' land access in other host countries to draw transferable lessons. It introduces the Land Administration Domain Model as a conceptual tool for describing and analysing tenure systems, and finally synthesizes the literature to demonstrate the critical need for a tailored tenure arrangement that can adequately secure refugees' land access while balancing host community tenure security interests on the donated land.

3.2 Theoretical Framework for the Study

This section outlines the theoretical foundations underpinning the study, drawing on the Evolutionary Theory of Land Rights, Land Administration Theory, and the Man-Land Relationship to guide analysis of the tenure arrangement for refugee on customary land.

3.2.1 Evolutionary Theory of Land Rights and its Application

This study draws upon the Evolutionary Theory of Land Rights (ETLR), popularized by Platteau (1996). ETLR posits that as land resources become scarcer and more valuable particularly due to population pressure there is a growing incentive to secure formal property rights. This process leads to an evolution of land tenure systems toward greater individualization. The theory conceptualizes land rights as a 'bundle' comprising access, use, and transfer rights. Rooted in the property rights school, ETLR underscores the economic advantages of formalizing property rights through private, individualized tenure (Haule & Kabigi, 2024; Perz et al., 2016). It further asserts that private property, which can be freely exchanged through markets, fosters economic efficiency.

ETLR is aligned with the second doctrine of land reform in Sub-Saharan Africa, which presents a dynamic perspective wherein indigenous land rights, influenced by market forces, are capable of autonomous evolution in an efficiency-enhancing direction. The theoretical justification for land titling, land registration, and land administration as mechanisms for formalizing property rights is grounded in ETLR (Barnes & Charles, 2007). The foundation of ETLR is derived from the theory of induced innovation, as recognized by theorists in the property rights school (Barnes & Charles, 2007). The theory assumes that as competition for land intensifies due to population growth, communal landownership becomes unstable, leading to inefficiencies such as mismanagement and overexploitation. Without well-defined property rights, incentives for conservation are weakened, and potential social benefits are lost due to the inability to internalize externalities effectively. ETLR further posits that the combined pressures of population growth and the increasing commercialization of agriculture necessitate institutional responses to land scarcity. This results in a spontaneous evolution toward secure property right as summarily illustrated in Figure 3-1 Plateau (1996) further asserts that:

“When land acquires a scarcity value, landholders begin to feel uncertain about their (customary) rights, and disputes over ownership of land, inheritance, and land boundaries tend to multiply. Landholders assert increasingly individualized use rights to given plots as the population continues to rise”.

Whereas the theory acknowledges individualization of rights through supply of land titles by the states (Plateau, 1996), this may not be the most viable solution especially in situations and context of collective communal land rights. Ubink et al. (2009) affirm that security of land rights is important for safety, security of the household, care of vulnerable groups such as children, elderly and women, however individualization of rights has shown an increase in tenure security of a few title holders at the cost of decreased security of a larger section of individuals (Lokhandwala 2022). Doss & Meinzen-Dick (2020) further argue that individual land titling and registration combines all of the rights and vests them in a single person(s) while compromising the right of other vulnerable societies like women, which sets more complete rights for one person or persons at the expense of others creating more tenure insecurity. Ubink et al. (2009) add that Individual titling of communally held lands can lead to the exclusion of vulnerable socially-affiliated members such as women, children, youth, and the elderly. Musah et al. (2024) argue that after fifteen years of

issuing land certificates to secure customary land rights in Burkina Faso, the main challenges of tenure security remained. Enemark et al. (2014) supplements that whereas the practices of securing tenure have predominantly focused on the rights registration-based land administration, these practices have not addressed the factors affecting perceived or actual tenure security of people (Valkonen, 2021).

This study hinges on the ETLR to enhance tenure security for refugees and host communities on the land that both collectively hold various rights. While ETLR supports the approach of individualization of land rights to ensure security of a few holders, the study rather takes a direction recognizing rights of all holders and ensuring that everyone's security is guaranteed. Representing all rights of holders despite the level of legality, formality or technical issues provides a balanced security of tenure for everyone. This balance enhances tenure security without considering one group and compromising another as is the case with individualised formalization of land rights. Which may instead promote tenure insecurity for the majority and trigger effects such as disputes, tensions, court litigations, declined development in land markets that collectively adversely impacts the economy.

Whereas ETLR underscore the importance of individualization of rights often operationalized through the allocation of land titles by states (Platteau, 1996). This model may not be universally applicable, particularly in contexts where land is held under collective and communal arrangements. While formal titling can contribute to legal recognition, its utility is significantly contested in customary settings. Ubink et al. (2009) emphasize that tenure security is crucial for safeguarding household welfare and the rights of vulnerable groups such as women, children, and the elderly. However, the process of individualizing land rights often leads to enhanced tenure security for a limited number of titleholders, while simultaneously undermining the security of broader community members (Lokhandwala, 2022). Doss and Meinzen-Dick (2020) further contend that individual titling and registration tends to centralize bundled land rights in the hands of a single individual or entity. This approach frequently marginalizes vulnerable societal groups particularly women by diminishing their customary or secondary rights, thereby exacerbating tenure insecurity. In this regard, the formalization of individual rights may reinforce existing power asymmetries and legal disenfranchisement. As Ubink et al. (2009) note, the individual titling of

communally held land can precipitate the exclusion of socially embedded right-holders, including women, youth, children, and the elderly, whose claims are often rooted in customary norms rather than statutory law. Empirical evidence from Musah et al. (2024) highlights the limitations of these formalization efforts. After more than a decade of issuing land certificates to secure customary land tenure in Burkina Faso, the fundamental challenges associated with tenure insecurity remained unresolved. This suggests that the formal registration of land rights alone does not address the multidimensional nature of tenure insecurity. Enemark et al. (2014) similarly argue that tenure security interventions overly focused on formal rights registration neglect critical social, economic, and institutional factors that shape perceived and actual security. Valkonen (2021) also critiques this narrow emphasis, stressing the importance of inclusive and context-sensitive tenure governance systems.

This study is situated within the framework of the Extended Theory of Land Rights (ETLR), which offers a more nuanced lens for enhancing tenure security among refugees and host communities who often hold overlapping, multiplex claims to land. While ETLR acknowledges the role of formalization and individualization in securing tenure, it also important to recognizes the legitimacy of diverse rights holders, irrespective of the legal formality or technical delineation of their claims. Rather than privileging a select few through exclusive titling, this study advocates for an inclusive approach that affirms and protects the rights of all stakeholders. By adopting a model that represents the full spectrum of land rights including customary, informal, secondary, or legally unregistered, the study aims to establish a more equitable form of tenure security. This inclusive tenure framework mitigates the adverse outcomes commonly associated with individualization, such as disputes, socio-legal tensions, litigation, and stagnation in land markets. In doing so, it promotes a more stable and just tenure environment conducive to sustainable socio-economic development.

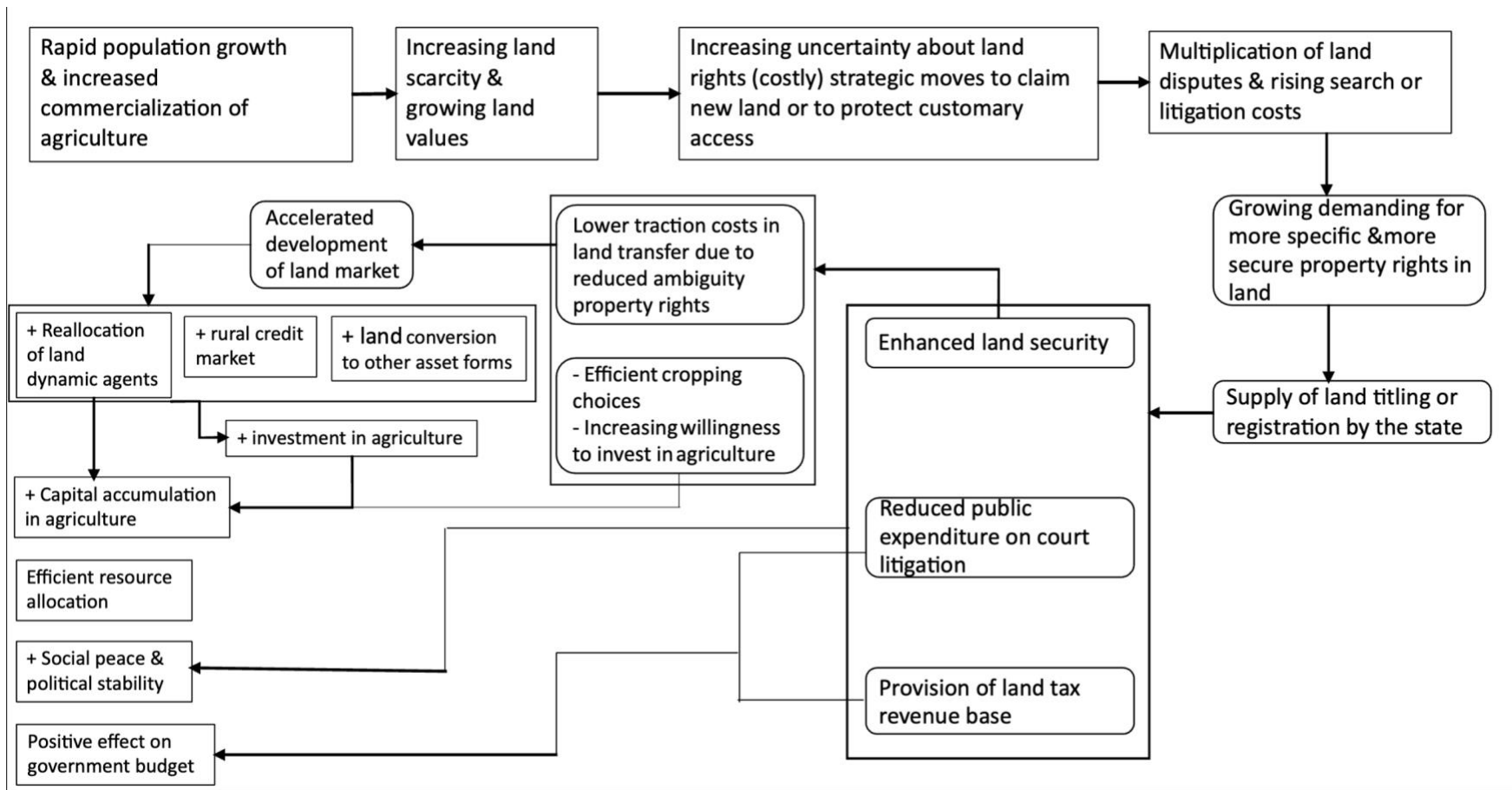


Figure 3-1: Illustration of the ETLR, Modified from Platteau, 1996

3.2.2 *Land Administration Theory*

The theory of land administration offers a conceptual framework that supports the recording, management, and dissemination of information regarding the ownership, value, use, and development of land and its associated resources. FAO (2002) defines land administration as processes through which land tenure rules are applied and operationalized. It encompasses processes that determine and document land rights, survey and describe parcels, and provide information that supports land markets, land administration (UNECE, 1996). This framework has evolved to centre on the land management paradigm, which recognizes that land tenure, value, use, and development are interconnected and must be managed holistically by organized societies (Williamson et al., 2010; UNECE, 1996).

Within this paradigm, the cadastre becomes a central tool, functioning as the engine of the Land Administration System (LAS). It underpins a country's capacity to govern and utilize land effectively through its four core functions: land tenure, land value, land use, and land development (Dawidowicz & Żróbek, 2017). The cadastre, as such, supports tenure security by providing authoritative records of land rights and spatial data that are critical for legal recognition and protection of land claims (Williamson et al., 2010). A significant contribution to land administration theory comes from Van der Molen (2002), who outlines two foundational principles: publicity and specialty. Publicity requires that land-related documents concerning the creation, transfer, or extinguishment of rights are open for public inspection. This ensures transparency and legal clarity for third parties. Specialty mandates that the legal relationships between landholders and land parcels must be clearly defined, allowing for precise identification of claimants and the nature of their rights.

However, Van der Molen (2002) critiques the wholesale adoption of Western-style statutory land laws by African governments, arguing that such systems often undermine tenure security on customary lands rather than enhancing it. Customary communities typically operate within traditional, unwritten rules that are locally understood, socially embedded, and more predictable than statutory systems. These traditional systems are often more effective in providing tenure security because of their cultural relevance and social legitimacy. To address this misalignment, Van der Molen (2002) recommends the formal recognition of customary tenure within national

land laws. This includes the possibility of incorporating customary rights into existing cadastral and land administration frameworks or establishing parallel official registers that respect local norms. Such integration is essential to ensure tenure security and land governance systems that are both functional and inclusive.

Further reinforcing the importance of tenure security, Dawidowicz & Żróbek (2017) emphasize that land administration theory via the land management paradigm guides how countries implement systems that manage land rights, restrictions, and responsibilities to support sustainable development. Subedi (2016) affirms that the theory of land administration underscores the importance of designing robust land management components including land policy frameworks, information infrastructure, and administrative functions as a means to provide tenure security. This is particularly important in supporting the economic, social, and environmental dimensions of development within each country's unique institutional context. The theory of land administration provides not only a technical and institutional foundation for managing land but also a means to enhance tenure security on customary land. By aligning national LAS with the land management paradigm, and by recognizing and integrating customary land tenure systems, governments can establish equitable and effective land governance frameworks that support both legal certainty and sustainable development (Williamson et al., 2010; Van der Molen, 2002; Subedi, 2016).

3.2.3 Man-Land Relationship

Globally, land administration and management have experienced a renaissance, driven by the development of modern systems such as the Land Information System (LIS). LIS serves as a digital representation of land parcels as defined in the cadastre, containing key elements such as rights, restrictions, responsibilities, and risks (Kuria et al., 2016). Land administration systems are fundamentally a reflection of social relationships concerning land, as recognized either by the community or the state (Laarakker et al., 2014). Ownership of land is no longer viewed merely as physical possession but rather as a collection or bundle of rights and interests. Birben (2012) describes ownership as a relationship between a person and land, framed within modern legal and institutional contexts. This understanding highlights the inherent definition of man-land relationship by rights and responsibilities, and vice versa. Changes in these people-to-land relationships have heightened the importance of the cadastre in land administration theory. As

Williamson et al. (2010) argue, the evolving dynamics of this relationship position the cadastre at the core of secure and equitable land governance. This shift also reinforces the central role of land registration, conceptualized as the process of recording legally recognized interests in land (such as ownership or use) or formally documenting land tenure information, including the rights, responsibilities, and restrictions governing land use and access (Laarakker et al., 2014; Birben, 2012).

Land registration, in this context, can manifest in several forms: the acceptance of a man-land relationship through official registration in state records, statutory recognition in civil codes or constitutions, and the acknowledgment of tenure relations through international treaties or donor agreements (Laarakker et al., 2014). However, these mechanisms often lack consistency. In many cases, rights recognized in policy are not fully operational in law. For example, in Uganda, customary land tenure is legally acknowledged within statutory frameworks but is often treated as inferior in practice, leading to unequal protection and enforcement. The classical trinity of man-right-parcel, as illustrated by Henssen (1995) in Figure 3-2, encapsulates this fundamental relationship between individuals and land. This model continues to guide theoretical and practical approaches to land administration.

The pressing demand for universal tenure security necessitates alternative approaches to land recording and mapping. These approaches must be inclusive, affordable, and responsive to the diverse range of rights held across different tenure systems. Tools such as the Land Administration Domain Model (LADM) and the Social Tenure Domain Model (STDM) offer promising frameworks for addressing these challenges (Unger et al., 2017). Unger and colleagues further argue that individual land titling alone cannot meet the tenure security needs of the majority, particularly in the developing world. There remains a significant gap in tools and strategies capable of delivering secure land rights to all.

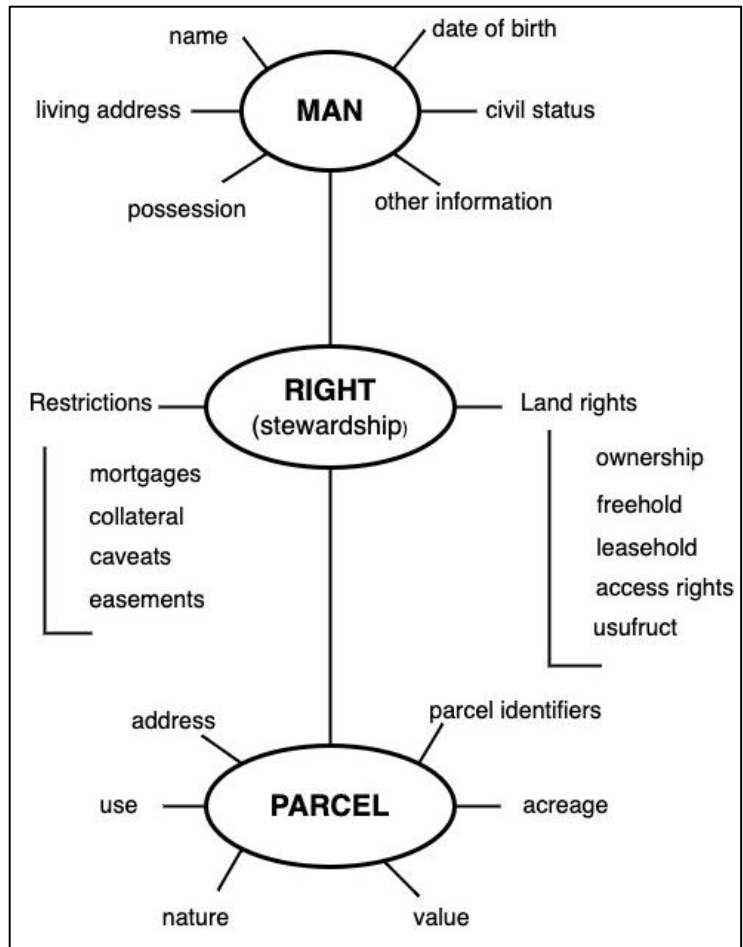


Figure 3-2: The classical trinity man-right-parcel relationship modified from Henssen (1995).

In conclusion, strengthening tenure security requires a comprehensive understanding of the man-land relationship. It is this relationship—mediated through legal, social, and institutional frameworks that underpins effective land administration and fosters equitable access to land resources.

3.2.4 Other Theories that Support Refugee Integration

This study acknowledges the relevance of other theories, such as Assimilation Theory and Residential Segregation Theory, in understanding refugee integration and land management. However, the researcher primarily adopts the Evolutionary Theory of Land Rights (ETLR) for its specific applicability to the dynamics of land tenure security in refugee-hosting contexts. A brief discussion of the alternative theories and their limitations concerning this study is provided below:

Assimilation Theory

Assimilation Theory, which was originally developed by Park and Burgess (1924) in the context of sociological science, posits that linguistic elements borrowed from one language are adapted to fit the morphological and phonological structures of the borrowing language. This theory explains how different groups interact, penetrate, and merge with one another, acquiring attitudes and cultural practices from one another. Park and Burgess defined assimilation as "a process of interpenetration and fusion in which persons and groups acquire sentiments and attitudes of other persons or groups and incorporate with them in a common cultural life."

In the context of language, Assimilation Theory suggests that when speakers of one language adopt words from another, these borrowed words undergo modifications to align with the phonological, morphological, and syntactic rules of the borrowing language. Scholars like, Amani (2013), Uwaezuoke (2021), and Chipanda (2024) have applied this theory to studies of language development. Furthermore, Wakazi and Ogada (2019) incorporated elements of Festinger's (1957) Dissonance Theory to analyze how corporate brand images influence customer expectations and satisfaction. Despite its widespread application in linguistic and corporate studies, there is a notable gap in the literature when it comes to the application of Assimilation Theory in areas like refugee integration or land management. While the theory provides valuable insights into linguistic and cultural adaptation, it does not fully address the complexities of land tenure security, which is a crucial element in the process of refugee settlement and integration. Assimilation Theory primarily focuses on how groups assimilate culturally and linguistically, rather than addressing the structural issues of land acquisition and the transfer of land rights, which are pivotal in refugee-hosting communities.

In the context of refugee integration, Assimilation Theory may prove useful during the phase of cultural and social adaptation, where interactions between different groups are encouraged. However, for refugees to integrate successfully into local communities, securing land rights is a key prerequisite. Without ensuring land tenure security, the process of integration cannot proceed effectively. Therefore, while Assimilation Theory can help explain the social dynamics and interactions among refugee groups and host communities, it is insufficient on its own to address the land-related challenges refugees face. The theory should be applied in conjunction with land

rights frameworks, as securing land tenure is essential before promoting further social integration during refugee settlement.

Residential Segregation Theory

Residential Segregation Theory examines how populations are spatially separated based on factors such as race, income, or ethnicity. It describes how different social groups defined by attributes such as occupation, income, religion, age, or ethnicity are distributed across geographic areas. Bernt and Volkmann (2023) argue that residential segregation is often disproportionate, particularly in urban settings, and its extent can be quantitatively measured using various statistical indices. Historically, as noted by Mensah and Teye (2021), residential segregation was institutionalized to physically remove marginalized groups from the sight of the powerful. However, with the rise of egalitarianism and liberal democracy particularly in the Global North strict legal (*de jure*) segregation diminished, though informal (*de facto*) segregation along class, race, and ethnic lines remains widespread in contemporary cities.

In the context of refugee integration, residential segregation considers both the potential benefits of refugee resettlement and the concerns of host communities. However, host states often segregate refugees from local populations due to fears of perceived negative impacts associated with their presence. This segregation hinders interactions between refugees and host communities, limiting the socio-economic benefits that could arise from integration. Consequently, while the Residential Segregation Theory provides insights into settlement patterns, it does not adequately address the legal and administrative complexities of land tenure security for refugees and host communities. Given that this study focuses on land rights and tenure arrangements, ETLR is a more appropriate theoretical framework.

By anchoring this study in land administration theory which underscores the critical role of well-designed land management components and administrative functions in ensuring tenure security alongside the Evolutionary Theory of Land Rights (ETLR), this research investigates the existence of overlapping land rights within the context of refugee settlements on customary land in host communities. It analyses the rules, procedures, and institutions through which customary landowners donate land to the government for refugee resettlement, examining the implications of

these practices on the tenure security of both refugees and customary community members. The study further assesses the extent to which these practices align with international standards of land acquisition via voluntary land donation, and explores pathways for reform that would facilitate a tenure arrangement to support both refugees' security of land access and the tenure security of customary land donors (host communities) while maintaining the integrity of communal customary land governance in Uganda. In contrast to frameworks such as Assimilation Theory and Residential Segregation Theory which primarily address issues of cultural integration and spatial settlement patterns land administration theory and ETLR offer more comprehensive lenses by addressing the economic, legal, and institutional dimensions of land governance. These frameworks are therefore most suitable for this study, as they provide a robust foundation for understanding and enhancing tenure security in complex, multi-stakeholder settings involving both state and customary land tenure systems.

3.3 Land Acquisition Practices Applicable to Refugees Land Access.

The section explores modes of land acquisition through which land can be attained for refugees' access. The section elaborates the practices of acquisition modes and how they protect or adversely impact the rights of the holders especially the most disadvantaged groups.

3.3.1 Concept of land Acquisition According to Different Views

The International Finance Corporation (2023) defines land acquisition as both outright purchases of property and acquisition of access rights, such as easements or rights of way. World Bank (2016), describes land acquisition as encompassing all methods of obtaining land for project purposes, including outright purchase, expropriation of property, and acquisition of access rights. It may also include (a) acquisition of unoccupied or unutilized land, whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land used or occupied by individuals or households; and (c) project impacts resulting in land being submerged or otherwise rendered unusable or inaccessible. The term "land" includes anything growing on or permanently affixed to the land, such as crops, buildings, and other improvements, as well as associated water bodies. Land acquisition can also relate to the process of acquiring land under the legally mandated procedures of eminent domain (Roquet, 2015).

Some scholars, such as Kartasmita (2016) and Kumar (2017), equate land acquisition with compulsory land acquisition, which is often associated with risks such as large-scale displacement, multiple displacements, and impoverishment (including hunger), as well as socio-cultural alienation and uprootedness. Although land acquisition is often viewed as a contentious process (Kartasmita, 2016; Kumar, 2017), it can be understood as encompassing various forms of acquiring land for public or private use. The Government of Uganda (The Republic of Uganda, 1965) defines land acquisition in the Land Acquisition Act, Chapter 226, Laws of Uganda. From a government perspective, (MLHUD, 2018) defines land acquisition as the outright purchase of land and the acquisition of rights such as easements or rights of way. This process enables the temporary or permanent entry onto land and the removal of all assets for project-related activities. Where land is registered under a form of title, land acquisition requires the transfer of ownership to the project to secure an unencumbered right of entry. Where landownership is vested in the government, entry rights may be established through long-term leaseholds. Based on these definitions and existing literature, including MLHUD (2018), land acquisition practices can be categorized into three primary forms: Voluntary Land Donation (VLD), Involuntary Land Acquisition (IVLA), and the Willing Buyer/Willing Seller model.

3.3.2 Voluntary Land Donation (VLD)

Kartasmita (2016) describes Voluntary Land Donation (VLD) as the opposite of involuntary land acquisition. “Voluntary land donation is strictly defined in international practice as the ceding of a property by an owner who is: a) fully informed; and b) can exercise free will, i.e., can refuse to sell or to donate” (Roquet, 2015). Fully informed is further explained to mean that landowners have got complete information regarding the proposed activity, its impacts, its requirements, its alternate activity sites, and their rights to compensation (Roquet, 2015). Under VLD, landowners should be provided with sufficient time to consider disposition of the property or to change the decision out of free will without any form of coercion. Kartasmita (2016) adds that VLD is "a process of willingly giving up individual or community rights on land for public usage, including development projects managed by government agencies or private enterprises." And finally, World Bank (2016) conceptualizes VLD as a process in which landowners or communities voluntarily donate land parcels for small-scale community infrastructure projects that directly benefit the

donor's community. The core principle underlying VLD is that the land donor makes a fully informed, voluntary decision to donate land without coercion or pressure.

In many societies, land is central to identity, status, power, and wealth. Thus, land acquisition strategies must be carefully designed, with a bottom-up rather than top-down approach (Kartasasmita, 2016). VLD is considered acceptable when small areas of private land are needed, and landowners voluntarily contribute their land based on informed consent. Informed consent requires that landowners receive clear and adequate information about the project, including the benefits and risks associated with donating or refusing to donate land. The World Bank (2016) outlines a Voluntary Land Donation Protocol (VLDP) that must be followed to ensure due diligence, avoid adverse impacts, and mitigate reputational risks. VLD is based on the expectation that project benefits will offset or outweigh the loss of donated land and is particularly relevant for community-driven projects. The World Bank (2016) specifies conditions under which VLD is acceptable, including the absence of coercion, minimal impact on living standards, and verification that donors directly benefit from the project. Additionally, comprehensive documentation of consultations and grievance redress mechanisms must be established. However, VLD is not applicable in cases involving large-scale infrastructure, lack of proper consultation, conflicts over land rights, or coercion of donors (World Bank, 2016; ADB, 2012).

3.3.3 Involuntary Land Acquisition (IVLA)

The IFC (2023) defines Involuntary Land Acquisition (IVLA), also known as compulsory land acquisition or expropriation, as the acquisition of land or land-use restrictions without the affected person's right to refuse, leading to physical or economic displacement. IVLA is linked to involuntary resettlement, which occurs when lawful expropriation or negotiated settlements result in the relocation of individuals or loss of assets. Governments often resort to IVLA to ensure land availability for public interest projects such as infrastructure development (Lindsay, 2012; The republic of Uganda, 1995). However, the definition of "public purpose" is often broad, weakening land governance frameworks (Boudreaux & Neyman, 2015; USAID, 2015). Given its potentially disruptive effects, compulsory land acquisition should be a last resort, only pursued when there is a compelling public need and no viable alternatives. Performance measures to guide IVLA include minimizing adverse socio-economic impacts, ensuring fair compensation, developing resettlement

action plans, restoring livelihoods, and guaranteeing tenure security at resettlement sites (Boudreaux & Neyman, 2015; USAID, 2015).

3.3.4 Willing Buyer/Willing Seller Model

The Willing Buyer/Willing Seller model represents an ideal market-driven land acquisition approach, in which a landowner voluntarily sells land at a negotiated market price, and a buyer purchases it without compulsion (MLHUD, 2018). FAO (2022) emphasizes that transaction records should be documented and analysed to ensure accurate land valuation. This model aligns with USAID's (2015) concept of direct purchase, which generally applies to citizens rather than foreign buyers, as landownership restrictions for non-citizens exist in many African countries. ADB (2012) equates this model to negotiated land acquisition, in which fair compensation and incentives are provided to the seller through well-documented consultations. Negotiated settlements are voluntary and based on mutual agreement between the parties involved.

3.3.5 Alternative Land Acquisition Approaches

USAID (2015) suggests additional land acquisition models, including: i) Concession: A contract between a company and the government granting the company operational rights under specific conditions; ii) Fixed-price leases: Leasing land directly from the government or communities; and iii) Land-for-equity: Landowners take an equity stake in a venture based on the agreed land value. These alternatives offer flexibility in land acquisition while addressing socio-economic considerations. While VLD and market-based approaches are generally preferred due to their voluntary nature, IVLA remains a necessary but contentious mechanism for securing land for public projects. Policymakers must ensure that land acquisition processes are transparent and equitable and minimize adverse impacts on affected communities.

3.4 Guiding Standards and Principles of Good Land Acquisition Practices.

The principles of good practices in customary land acquisition are comprehensively documented by global organizations such as the World Bank, Asian Development Bank, International Finance Corporation, FAO, USAID, and the United Nations (FAO, 2022, 2009; UNDP, 2018; IFC, 2023; ADB, 2012). Additionally, scholars such as Zakaryan (2018), Kumar (2017), and Samoa (2015) provide critical insights into the foundational principles governing equitable and sustainable

customary land acquisition, reinforcing the importance of tenure security, community engagement, and transparent governance. These principles include consultations with affected persons; Free, Prior and Informed Consent; documentation; Fair and Adequate Compensation; Grievance Redress Mechanism (GRM); and Environmental and Social Sustainability.

3.4.1 Meaningful Consultations

Comprehensive consultation with affected communities is essential to ensure they are well informed about the project, its potential benefits, their concerns, and their entitlements. Separate consultations with women and minority groups should be conducted to facilitate meaningful participation of marginalized groups (VLDF, Mountain Eco-Regions). The selection of subproject sites must be undertaken in full consultation with landowners, including individuals who may not hold formal land titles. Consultations should include: i) Disclosure of Information: Project impacts, displacement risks, and entitlements must be communicated transparently to all affected persons. ii) Diverse Communication Channels: Public meetings, media platforms, and outreach to nearby villages should be utilized to disseminate information effectively. iii) Interactive Dialogue Approach: Consultations should be ongoing and iterative, multiple times as needed. Any agreements reached must be formally documented. iv) Public Disclosure of Project Sites: The locations of subprojects requiring land acquisition must be publicly disclosed through media outlets, provincial and city government websites, and the official website of the agency requiring the land. v) Advance Notification: Land donors should be provided with a minimum two-week notice before any project-related activities commence on the donated land. vi) Independent Consultation Opportunity: Community facilitators should ensure that landowners have access to independent consultations before making a final decision on voluntary land donation (WB, VLDP, Herawati, 2017).

3.4.2 Free, Prior and Informed Consent (FPIC)

Potentially affected individuals, groups, and communities must be meaningfully consulted, fully informed of their rights, and provided with reliable and comprehensive information regarding the environmental, economic, social, and food security impacts of the proposed investment (World Bank, 2017). Consultations must be conducted openly and transparently to ensure landowners are empowered to make informed and voluntary decisions (Samoa, 2015). In the case of land donation,

consultations must guarantee that no pressure, coercion, or undue influence is exerted on landowners when deciding whether to donate their land or not (Herawati, 2017).

3.4.3 Documentation

Proper documentation ensures transparency, accountability, and legal certainty in land acquisition processes. Documentation must include: Verified agreements from land donors confirming their consent to the project and the associated benefits. Comprehensive records of all consultations, meetings, grievances, and actions to resolve disputes, ensuring transparency and accessibility (Samoa, 2015). Detailed documentation of negotiations, ensuring that all relevant stakeholders are adequately informed and actively engaged in the process. Non-discriminatory and gender-sensitive approaches in negotiations to safeguard the rights and interests of all affected persons (FAO, 2022). The negotiation process should be fair, participatory, and inclusive, ensuring that agreements are well understood by all parties involved and that the rights of vulnerable groups are adequately protected.

3.4.4 Fair and Adequate Compensation

Compensation for land acquisition must be fair, transparent, and based on full replacement costs to ensure that Project-Affected Persons (PAPs) do not suffer financial or livelihood losses. Compensation may take multiple forms, including cash payments, land replacement, resettlement to an alternative site, share ownership, or other negotiated compensation arrangements agreed upon by both PAPs and the agency requiring the land. A combination of these compensation forms may be adopted depending on agreements between PAPs and the land-acquiring agency. The compensation framework should be assessed during the preparation of the resettlement plan to ensure adequacy (Herawati, 2017). The following Principles of compensation should be followed:

1. **Asset Valuation and Disclosure:** Compensation costs for land, standing crops, trees, structures, and other improvements are determined by licensed appraisers to serve as the basis for negotiations. An inventory of affected assets should be conducted with full consultation of asset owners. The results are publicly disclosed for 14 days at the village (kelurahan) or sub-district (kecamatan) level to allow for grievances and corrections (Herawati, 2017).

2. Compensation for Different Types of Losses: Loss of dwellings, structures, and income sources are compensated at full replacement cost, as determined by licensed appraisers. Resettlement assistance must be provided to PAPs to restore their livelihoods. Compensation for standing crops, trees, and other fixed assets must be paid no later than four weeks before asset removal (Samoa, 2015).
3. Voluntary Land Donation (VLD) and Compensation Policies: While VLD may be an option, it should always be accompanied by negotiated compensation to prevent exploitation or undue pressure on vulnerable groups (MoES, 2013). Compensation for lost assets (e.g., trees, crops, structures) is required, even if the land is voluntarily donated. Households agreeing to VLD remain entitled to compensation for structures at replacement cost (Lao, 2019a). Under Voluntary Land Donation Protocol (VLDP), compensation for loss of assets (or access to assets) must be provided, except where the landowner voluntarily states in writing that they do not require compensation (Annex 4).
4. Ensuring Informed Consent and Transparency: All land donors must receive clear and complete information about their rights and compensation entitlements before making decisions (Herawati, 2015). Public disclosure of compensation policies (as outlined in the project's Resettlement Policy Framework (RPF) is required to ensure that PAPs can make informed choices (Laos, 2019b).
5. Alternative In-Kind Compensation: Households not severely impacted may opt for in-kind compensation, such as the development of their unaffected land to increase its productive potential provided that its value is equal to or greater than the compensation due affected households (AHH).

By ensuring that all compensation processes are fair, transparent, and aligned with international best practices, the project can minimize disruptions and uphold the rights of affected communities.

3.4.5 Grievance Redress Mechanism (GRM)

A well-structured grievance mechanism is essential for ensuring fairness, mitigating conflicts, and maintaining community trust. It should be accessible, transparent, and aligned with international best practices while protecting affected communities' rights and ensuring compliance with social and environmental safeguards. While national governments have established dispute-resolution processes, these mechanisms are often costly, time-consuming, inefficient, or inaccessible to

project-affected communities. Consequently, integrating a robust GRM at the project level is essential, particularly for initiatives related to acquiring land rights in developing countries. Investors subject to the International Finance Corporation's (IFC) Performance Standards (PS 1 and 7) are mandated to implement such processes.

An effective grievance mechanism enables communities to voice concerns, identify risks, and facilitate policy improvements that mitigate adverse impacts. It also serves as a tool for redress, ensuring that affected individuals receive appropriate remedies. Investors may be legally required to establish grievance mechanisms or voluntarily adopt them through frameworks such as the Roundtable on Sustainable Palm Oil or the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests (VGGT). Additionally, grievance mechanisms align with the UN Guiding Principles on Business and Human Rights, emphasizing corporate accountability and human rights protection. In addition, an effective GRM must be established to address community concerns (Lao, 2019a). Establishing a Grievance Mechanism: According to the IFC, an effective grievance mechanism should exhibit the following characteristics:

1. **Proportionality:** The scale and complexity of the grievance mechanism should align with the project's potential impacts on local communities. Impact assessments should inform the structure of the grievance process.
2. **Cultural Appropriateness:** Mechanisms should be adapted to culturally relevant dispute resolution practices. This requires consulting diverse community groups, recognizing customs that affect grievance expression (e.g., gender-based constraints), and agreeing on an accessible grievance process.
3. **Accessibility:** The grievance mechanism should be clear, comprehensible, and free of charge. It must provide straightforward guidance on the submission process and be easily accessible to all community segments.
4. **Transparency and Accountability:** Predictability and consistency enhance trust. Communities should know who is responsible for handling grievances, have input into the mechanism's development, understand access procedures, and have oversight over compliance.

5. Protection from Retaliation: Complainants must be assured they will not face reprisals. Additionally, communities should retain the option to use alternative dispute resolution mechanisms they trust. External legal remedies should also remain available.

Best Practices in Grievance Mechanisms: IFC's five principles for a Good Grievance Mechanism: Proportionality: The mechanism should correspond to the risk level and impact magnitude; Cultural Appropriateness: Community concerns should be addressed in ways that respect local customs; Accessibility: The process should be clear, cost-free, and inclusive; Transparency and Accountability: Clear communication and structured oversight enhance credibility; Protection: Measures should prevent retaliation and safeguard access to other redress options. IFC's Five-Step Process for Grievance Management: Publicize grievance management procedures, Receive and document grievances, Review and investigate complaints, develop resolution strategies and respond, and Monitor, report, and evaluate the grievance mechanism. Ruggie (2011) prescribe criteria for non-judicial grievance mechanisms: Legitimacy: Ensuring trust and accountability in the grievance process; Accessibility: Making the mechanism is widely known and available to all stakeholders; Predictability: Establishing a transparent and structured process with clear timelines; Equitability: Providing fair access to information, expertise, and support; Transparency: Keeping stakeholders informed about grievance progress and outcomes; Rights-Compatible: Aligning grievance outcomes with international human rights standards; Continuous Learning: Using grievance data to improve mechanisms and prevent future conflicts; and Stakeholder Engagement: Designing grievance mechanisms through dialogue and consultation.

3.4.6 Grievance Mechanisms in Land Acquisition and Voluntary Land Donation

Grievance mechanisms in land acquisition must be embedded within community engagement strategies to ensure accountability and trust. Core elements include: verification of voluntary contributions ensuring informed consent, offering alternatives such as compensation, and preventing coercion; community monitoring and reporting that establishes systems for grievance redress and compliance oversight; transparent documentation which records all land transactions to avert disputes over ownership and usage rights; safeguards against displacement that ensures that land donations do not result in the impoverishment or eviction of tenants or laborers; and inclusive consultation processes that includes conducting good-faith dialogues, including separate

consultations with women and other vulnerable groups, to secure meaningful participation. Conditions for Voluntary Land Donation (VLD), consistent with international best practices, require that: the land donor derives direct benefit from the project; the donor is not categorized as poor; the donor holds legitimate ownership; the donation pertains to agreed priority projects; the donor fully understands the purpose and potential impacts; the donation does not cause significant livelihood loss; any donated land not used for its intended purpose is returned to the donor; and the entire process is legally documented, preserving the donor's right to decline without coercion. Consultations must ensure that landowners experience no undue pressure and retain the freedom to refuse contributions. Grievance mechanisms should be aligned with the broader project-level grievance architecture and, where necessary, involve independent third-party reviewers unaffiliated with implementing agencies or community leaders engaged in land transactions. By embedding a robust and transparent grievance redress framework within project implementation, stakeholders can build community confidence, prevent conflicts, and uphold international standards for responsible land governance and ethical business conduct.

Sustainable Resettlement and Livelihood Restoration: Project-affected persons (PAPs) must be meaningfully consulted and actively involved in the design and implementation of resettlement programs. All efforts should aim to restore or improve their livelihoods and living standards. Where restitution of original assets is not feasible, secure access to alternative land, fisheries, forests, or other livelihood resources must be negotiated with host communities and relevant stakeholders to avoid negatively affecting others' livelihoods. Special safeguards should ensure that vulnerable groups, including widows and orphans, have secure access to critical resources (FAO, 2022). A key component of effective resettlement planning is the quantification of individual asset loss. Generally, if losses do not exceed 10% of the total productive land (define productive land), the economic viability of the remaining land is maintained, categorizing the impact as minor. However, this threshold may not be reliable for small landholdings, where even losses below 10% can render the remaining land economically unviable. Conversely, households may lose up to 20% of their productive land if the residual portion remains viable, with additional compensation typically cash provided for any excess loss beyond the 10% benchmark. This assessment directly informs income restoration measures, relocation planning, and resettlement budgeting (ADB, 2012).

Environmental and Social Sustainability: Investors must comply with national laws, respect tenure rights, and adhere to legal frameworks governing land access and resource use. Investments should not contribute to food insecurity or environmental degradation (FAO, 2022). Project sites must be identified by PAPs, verified through community forums, and assessed for environmental and health risks. Legal frameworks may require community development or social agreements to formalize access and benefit-sharing, particularly in sectors like forestry (Boudreaux & Neyman, 2015). Voluntary contributions must be based on informed consent, with clear alternatives such as compensation at replacement value. PAPs retain the right to refuse land donations and claim entitlements for lost assets. To uphold social safeguards, project staff must verify the voluntary nature of contributions well in advance of any civil works (Lao, 2019).

3.4.7 *Standard Stages of Land Acquisition*

According to MLHUD (2018), land acquisition stages vary depending on the purpose in Uganda. for public purposes, stages include declaration of need, notice and inquiry, possession and reimbursement, and eviction. other considerations include social impact assessments, historical land use evaluation, occupational health and safety, environmental regulations, and compliance with local planning schemes. However, to incorporate those considerations and the international ones as discussed in the previous sub-section, to make sure the land acquisition process is effective, and able to handle communal customary land, nine stages of land acquisition have been adopted as summarised in Table 3-1: Scoping of Land Acquisition Options, Impacts, and Risks; Notification and Consultation of Affected Persons; Negotiations for Customary Land Acquisition; Documentation of Acquired Customary Land; Valuation and Compensation of Affected Assets; Land Use and Administration of Acquired Customary Land; Grievance and Redress Mechanisms (GRM) for Affected People; Restitution; and Monitoring and Evaluation

Table 3-1: Summary of the land acquisition stages and recommended VLD good practices.

Land Acquisition Stage	Rules and Procedures Description
Planning/ Scoping of Land Acquisition Options, Impacts, and Risks	A participatory approach is used to identify suitable land options for public needs, determining the precise location and land size. Data collection (FAO, 2007) is conducted to establish land acquisition and involuntary resettlement policies, clarify

	government roles, engage stakeholders - including affected landowners and assess socio-economic and environmental impacts (IFC, 2023).
Publicity/ Notifications and Consultations	Governments issue official notifications informing landowners and occupants about intended land acquisition, detailing the purpose, process, rights, and deadlines (FAO, 2007). Public meetings allow affected individuals to express opinions and claim compensation. International standards, such as UNDRIP (Article 32(2)), require Free, Prior and Informed Consent (UN General Assembly, 2007). Eminent domain should not apply in Voluntary Land Donation (ADB, 2012).
Negotiations to Determine Compensation for Land	Government agencies assess land value, consider claims, and negotiate fair compensation (FAO, 2007). Transparent negotiations should align with national policies (FAO, 2022), ensuring that affected communities, including vulnerable groups, are engaged. Where compensation is unavailable, public service benefits may be provided (UNDP, 2018).
Documentation of Acquired Customary Land	Customary land acquisition requires formal documentation. In Uganda, this involves signing a Memorandum of Understanding (MoU) between the government (OPM) and landowners, outlining terms of engagement, rights, and obligations (UNDP, 2018; Zakaryan, 2018).
Compensation and Valuation of Affected Assets and Livelihoods	Compensation must cover land, crops, trees, and structures at full replacement cost, without depreciation (World Bank, 2017; IFC, 2023). Payment must be made before project impacts occur. Comprehensive mapping, public consultations, fair valuation, and timely compensation should be ensured. Compensation may be in, cash, alternative land rights, or a combination (FAO, 2022; USAID, 2015).
Land use and Administration	Surveying and demarcation precede legal land transfer. The government assumes ownership for public use, ensuring no coercion in voluntary acquisitions (ADB, 2012; World Bank VLDP, Samoa, 2015).
Grievance and Redress Mechanisms	Culturally appropriate, accessible grievance mechanisms should be instituted (IFC, 2012). Dispute resolution should integrate formal and informal systems, ensuring affected individuals can contest land acquisition, procedural fairness, or compensation adequacy (World Bank, 2017; FAO, 2009, 2022).
Restitution	If acquired land is no longer required for its intended purpose, it should be returned to original rights holders or their heirs (FAO, 2009, 2022).
Monitoring and Evaluation	Continually reflecting and learning from what is working well or not throughout the process needs to be undertaken.

For customary land rights protection and best practices in Uganda, (MLHUD, 2018) states that such practices ensure that customary tenure is recognized and upheld by statutory frameworks,

granting it legal enforceability. The Land Acquisition Act (MLHUD, 1965) provides for compulsory acquisition, outlining: Declaration of Public Need: The Minister issues a statutory instrument specifying the location and area; Land Marking and Planning: Surveying and demarcation; Notification to Stakeholders: Published in the Gazette, inviting compensation claims; Inquiry and Compensation Awards: Assessing and apportioning compensation among stakeholders; and Possession and Vesting of Land: Transfer of ownership to the government. While the Uganda Land Acquisition Act remains the primary legal framework, it is outdated (approximately 60 years old), lacks a clear definition of ‘public purpose’ as required by FAO (2022), and conflicts with the 1995 Constitution and 1998 Land Act. Land acquisition thus must balance public interests with fair compensation and respect for customary land rights. Effective governance frameworks, transparent negotiations, and robust grievance mechanisms ensure compliance with international best practices while minimizing socio-economic disruptions. Murphy & Fogelman (2021) argue that efforts to create gender equality in terms of land through land reforms alone have fallen short because of the legal and social factors that preclude women from substantively benefitting from those reforms. Therefore, future legal reforms should address gaps in outdated policies to align with contemporary standards of land governance and human rights.

3.5 Key Principles of Good Governance for Institutional Framework

FAO (2017) defines the governance of tenure as the manner in which access to and control over natural resources, particularly land, is managed within society. It plays a pivotal role in determining whether and how individuals and communities can acquire rights and the associated responsibilities over these resources. FAO emphasizes the importance of governance in ensuring that people, communities, and others can secure rights and responsibilities related to land and its resources (FAO, 2022). The report notes that many tenure issues arise due to weak governance, where efforts to resolve tenure challenges are hindered by governance quality. Weak governance negatively impacts people's lives, often resulting in the loss of land or home tenure rights due to corruption or the failure to protect these rights. In some cases, it can lead to violent conflict, further compromising tenure security and even leading to the loss of life. The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests (VGGT) were created to serve as a reference for improving land tenure governance. Their goal is to support global and

national efforts aimed at securing tenure rights and ensuring equitable access to land, fisheries, and forests. These guidelines align with international and regional instruments such as the Millennium Development Goals, which address both human rights and tenure rights. The guiding principles for responsible tenure governance outlined by the VGGT include:

1. States should recognize and respect all legitimate tenure right holders and their rights.
2. Safeguard legitimate tenure rights against threats and infringements, protecting tenure right holders from the arbitrary loss of their rights.
3. Promote and facilitate the enjoyment of legitimate tenure rights.
4. Provide accessible justice to address infringements of legitimate tenure rights through effective and accessible means, including judicial authorities or alternative dispute resolution methods.
5. Prevent tenure disputes, violent conflicts, and corruption, with an emphasis on preventing corruption at all levels and in all settings.

FAO (2007) guide on ‘good governance in land tenure and administration’ states that weak governance, whether in formal land administration or customary systems, results in the marginalization of the poor, leaving their land rights unprotected. This guide is designed for land administrators and stakeholders in land tenure governance, offering support to professionals and organizations committed to improving governance in land administration systems, including those managing customary lands. FAO (2007) further defines governance as the process through which society is organized, reconciling competing priorities and interests of various groups. It encompasses citizen participation in decision-making, government accountability to its citizens, and how society ensures compliance with rules and laws. The FAO (2007) guide outlines indicators of both good and weak governance, which are used to assess governance quality as indicated in Table 3-2. The UN-Habitat's ‘FFPLA: Guiding Principles for Country Implementation’ highlights four key principles for institutional frameworks:

1. Emphasis on good land governance instead of bureaucratic barriers.
2. Promotion of an integrated institutional framework rather than isolated, sectorial approaches.
3. Adoption of flexible ICT strategies, as opposed to reliance on high-end technology.

4. Transparent land information that is accessible, affordable, and easily understood by all (Enemark et al., 2016).

These principles argue for strengthening both institutional and technical frameworks to address the challenges of ensuring tenure security, particularly for the poor. The institutional framework encompasses good land governance, policy frameworks, institutional arrangements, organizational structures, local resource deployment, partnerships, and efficient, accountable government processes. Good governance is further defined by criteria such as accountability, government effectiveness, regulatory quality, rule of law, control of corruption, inclusivity, equity, efficiency, transparency, sustainability, subsidiarity, civic engagement, and security. Table 3-3 presents best practices for institutional frameworks, drawn from the guiding principles and indicators of FAO's good governance in land tenure, the VGGT, and UN-Habitat's FFPLA implementation guidelines.

Table 3-2: Characteristics of good governance (FAO, 2007)

Good governance is:	Weak governance is:
<ol style="list-style-type: none"> 1. Efficient, effective and competent: It formulates policy and implements it efficiently by delivering services of a high quality. 2. Responsive: It delivers the services that citizens want and need. 3. Legitimate: Those in power have earned the right to govern, have been endorsed by society through democratic processes and can be replaced if the citizens are dissatisfied with them. 4. Transparent: Open. 5. Consistent, predictable and impartial: Outcomes from the governance processes are predictable and in accordance with published laws, rules and regulations. There is legal redress and enforcement of law by an impartial judiciary in the event of inconsistency. 6. Accountable: It demonstrates stewardship by responding to questioning, explaining its actions and providing evidence of how it functions. 7. Equitable: It deals fairly and impartially with individuals and groups providing non-discriminatory access to records and services. 8. Locally responsive: It locates service provision at the closest level to citizens, consistent with efficient and cost-effective delivery. 9. Participatory: It enables citizens to participate fully in governance through consensus-building and engages with civil society without curbs on the media or on freedom of expression and association. 10. Providing of security and stability: It provides security of livelihoods, freedom from crime and from intolerance, security from human conflicts and natural disasters and security of tenure. 11. Dedicated to integrity: Officials perform their duties diligently and objectively without seeking bribes and give independent advice and judgments, and the government respects confidentiality. There is a clear separation between the private interests of officials and politicians and the affairs of government. 	<ol style="list-style-type: none"> 1. Inefficient, ineffective and incompetent: It fails to formulate policy effectively or to deliver efficiently services of adequate quality. 2. Unresponsive: It does not deliver the services that citizens want and need. 3. Illegitimate: Those in power have not been endorsed by society, nor have they earned the right to govern, but have achieved power undemocratically, and the citizens are unable to remove them from power. 4. Opaque: secretive. 5. Inconsistent, unpredictable and partial: Outcomes from the governance processes are unpredictable, do not follow discernible rules, and there is no redress from a judiciary that behaves with partiality. 6. Unaccountable: It does not account for its actions and fails to produce evidence of its performance. There are no effective checks and balances to compel accountability. 7. Inequitable: It is unfair and partial in dealings, favouring particular groups with access to power and discriminating against others, for example, by gender, ethnicity, religion. 8. Unsustainable: It fails to balance the needs of future and present generations. 9. Locally unresponsive: It pays no regard to the convenience of citizens when locating services. 10. Exclusive: It excludes citizens from participation in governance with curbs on the media and on expression and association. 11. Unwilling or unable to provide security and stability: Citizens cannot look to the government for security, and the government may even be the source of their insecurity. 12. Supportive of corruption: Officials are bribed to do what citizens have a right to expect. They distort decisions in favour of those who reward them and make use of confidential information for their own gain. Officials and politicians treat government as a vehicle with which to pursue their own private interests.

Table 3-3: FFP principles of institutional framework and their indicators (compiled from FAO, 2007; Enemark et al., 2016; FAO, 2022)

#	Key Principle of Institutional framework	Indicators
1	Good land governance rather than bureaucratic barriers.	<ol style="list-style-type: none"> 1. Legitimate: The legitimacy of land institutions is widely recognized by citizens; 2. Equitable: Land institutions serve all citizens, including the weak as well as the strong; 3. Responsive: Land institutions provide services that respond to the needs of their customers, 4. Consistent, predictable and impartial. 5. The services are provided efficiently, effectively and competently. 6. Accountable: The services are provided with integrity, transparency and accountability. 7. The services are sustainable and locally responsive. 8. Recognize and respect all legitimate tenure rights and the people who hold them. 9. Safeguard legitimate tenure rights against threats. 10. Promote and facilitate the enjoyment of legitimate tenure rights. 11. Provide access to justice when tenure rights are infringed upon. 12. Dedicated to integrity and Provides of security and stability: Prevent tenure disputes, violent conflicts and opportunities for corruption.
2	Integrated institutional framework rather than sectorial silos.	<ol style="list-style-type: none"> 13. Collaboration and Coordination Between Stakeholders 14. Clear Institutional Roles and Responsibilities 15. Transparent: Land Allocation Process Transparency 16. Integration of Customary and Legal Land Systems 17. Community Engagement and Participation
3	Flexible ICT approach rather than high-end technology solutions.	<ol style="list-style-type: none"> 18. Build Public trust and confidence through maintaining the privacy and security of information. 19. ICT systems should be interoperable, modular and reusable. 20. Information should be open, shared with citizens, and managed within the constraints of security and privacy to support integrated service delivery, better decision-making. 21. Participatory: Policy and service delivery programmes should use the most appropriate engagement channels
4	Transparent land information with easy and affordable access for all.	<ol style="list-style-type: none"> 22. Ensure accountability, build trust with citizens 23. Provision of open, transparent access to land information 24. The disclosure of natural resources associated with Indigenous People may precipitate unwanted exploitation 25. Safeguarding Privacy for Citizens

3.6 Cases of Refugees' Access to Land in Other Host Countries

Several refugee-hosting countries apply diverse policies on refugee land access. For this study, Ethiopia, Kenya, Tanzania, Mozambique, South Africa, and Turkey were selected for comparative review due to their relevance to Uganda's context in terms of refugee experience and land governance. Ethiopia, Kenya, and Tanzania combine statutory and customary tenure systems, offering insights into regional practices comparable to Uganda. Mozambique and South Africa reflect Southern African perspectives, where land reform intersects with refugee policies. Turkey, as the world's largest refugee host, presents a contrasting centralized model with structured integration. Together, these cases provide a diverse framework for examining legal, institutional, and customary mechanisms that can inform Uganda's approach to customary land acquisition for refugees.

3.6.1 Ethiopia's Land Use and Administration for Refugees

Ethiopia is the third-largest refugee-hosting country in Africa, providing protection to approximately 925,861 refugees and asylum seekers from 27 countries (UNHCR, 2023). Article 29 of the Refugees Proclamation affirms that "recognized refugees and asylum seekers shall be entitled to the most favourable treatment accorded to foreign nationals as regards acquisition of movable or immovable property, to leases and other contracts relating to the property" (F.D.R.E., 2019). However, refugees are treated as foreign nationals without special land access provisions based on their status. Non-citizens, including refugees, may only access land through investment and by fulfilling legal requirements, including lease payments (Tura, 2022).

Although Articles 26 of the Refugees Proclamation and Article 5(2) of the Constitution (F.D.R.E., 2005) permit lease arrangements for foreigners, land is not classified as immovable property under the Ethiopian Constitution (F.D.R.E., 1995). As such, legal frameworks require refugees to meet the same criteria as other foreigners to access land. Notably, some refugees in Melkadida, Somali Region, access irrigable land outside the lease framework through a 2016 MoU between UNHCR, Refugees and Returnees Services (RRS), and the Somali National Regional State (UNHCR, 2023). This highlights that land access is not granted to refugees individually but facilitated through institutional arrangements, reflecting the rigidity of Ethiopian land laws toward non-nationals. The

policy underscores Ethiopia's emphasis on protecting its social identity, integrity, unity, and culture

3.6.2 Refugee Land Access Governance in Mozambique

Since Mozambique gained independence in 1975, all land has been vested in the state, meaning that land was nationalized, and no land may be sold, mortgaged, or otherwise alienated (Locke, 2014). The only legally recognized form of land tenure is the "Direito de Uso e Aproveitamento dos Terras" (DUAT), a state-granted land right, which translates from Portuguese as the "right of use and benefit of land." Because all land in Mozambique is nationalized, outright ownership by foreigners is prohibited. Instead, they may be granted specific rights of use, development, and exploitation for a fixed timeframe (Unruh, 2004). Mozambique's land law requires that all foreign applicants submit an approved development or business plan, and failure to justify implementation within two years of receiving provisional approval results in revocation of land rights. Similar conditions exist in many African countries where leasehold titles or use rights are granted under strict investment-based criteria, ensuring that only foreigners with demonstrated investment capacity qualify for such rights. The DUAT framework further recognizes and protects existing legitimate land rights for Mozambican nationals while mandating that outside investors consult with local communities before commencing mining, agriculture, tourism, or forestry activities (Hull & Whittal, 2018).

Refugees in Mozambique must apply for land use through the National Refugee Support Institute (INAR) by submitting an identification document alongside an application letter stating the intended purpose of the land. However, such land cannot be sold and may only be used for the purpose specified in the application (Nimoh et al., 2021). Additionally, the Mozambican Constitution provides an alternative pathway for refugees to acquire land use and benefit rights - they may hold DUAT rights if they are part of an approved investment project for a minimum of five years, with the possibility of renewal if they maintain residency or operate as corporate entities registered in Mozambique (Republic of Mozambique, 1997). While nationals receive land use authorization for up to five years, foreigners are granted an initial two-year tenure, subject to renewal based on specific conditions, which may include investment performance and compliance with land use policies (USAID, 2011).

3.6.3 Refugees' Rights, Restrictions and Dispute Resolution in Tanzania

Tanzania hosted refugees particularly from Burundi for over five decades, with a major influx in the 1970s following political unrest that forced over 150,000 Burundians to flee (Uvin, 2009). These refugees were settled in three designated areas and allocated approximately 5–7 hectares per household for settlement and cultivation under the oversight of settlement officers (Kuch, 2018). This approach was rooted in President Julius Nyerere's Pan-Africanist vision and the state's interest in utilizing refugee labour to develop remote regions (Kuch, 2016). Unlike Uganda, Tanzania's statist land tenure system where the state is the ultimate trustee of all land, facilitated land allocation to refugees without threatening citizens' land rights (Boone, 2015).

In 2007, Tanzania, Burundi, and UNHCR adopted the Tanzania Comprehensive Solutions Strategy (TANCOSS), under which 79% of Burundian refugees were considered for naturalization, while 21% opted for voluntary repatriation (Fielden, 2008; Kuch, 2018). However, the naturalization process has stalled due to limited commitment from central and district authorities, leaving over 40,000 applications unresolved (Kuch, 2018). Although the initial aim of Tanzania's open-door policy was regional development, issues emerged when, during the 1978 floods, many refugees sold land informally before resettling, leading to irregular land transfers and subsequent disputes (Kuch, 2018). While both refugee camps and settlements in Tanzania are formally designated spaces, they are marked by restricted mobility, further enforced by military and police presence (Knott et al., 2013). These constraints hinder livelihood activities and limit refugees' ability to access food or work outside the settlements, with reports of alleged police brutality against those who attempt to leave in search of basic necessities. Land disputes within settlements are uniquely managed, focusing more on the recognition of refugees' land rights than on conflict resolution. Such issues are addressed through a hierarchical local process beginning with mediation by 10-cell or street leaders, followed by the village land committee, and ultimately the settlement officer. Cases are not permitted to escalate to district authorities (Kuch, 2018).

3.6.4 Refugee Restrictions in Kenya

Kenya hosts approximately 550,000 refugees under an open-door policy, although most reside in camps due to restrictive laws on refugee mobility (Aoko, 2022; Re:Build, 2022). In contrast to the camp-based model, the Kalobeyei settlement was established in 2015 to promote refugee self-

reliance and co-existence with host communities, currently accommodating around 37,000 refugees (Betts et al., 2019). Despite its integrative intent, Kalobeyi is governed by the same regulatory constraints as camps, including travel restrictions, limited work rights, and sectoral bans reserved for Kenyan nationals. A UNHCR officer noted that “The Kenyan government is reluctant to give refugees travel permission for national security reasons, Kalobeyi is increasingly regulated like the Kakuma camp. They are not that different now” (Betts et al., 2019). Access to government services remains a challenge, as refugee identity documents are not fully recognized, limiting access to essential services and assets which complicates the application process (Aoko, 2022). Kenya is widely perceived as having one of the most restrictive refugee regimes, primarily to safeguard national welfare and security. Refugees are barred from engaging in activities such as livestock sales and forest product trade to protect local livelihoods. The Turkana county government has prioritized host community development over refugee support, reinforcing tensions (Rodger, 2019). While UNHCR promotes equitable treatment, host communities often perceive refugees as favoured, exacerbating resentment and potential conflict (Rubakula & Msoka, 2023). These perceptions are linked to competition over land and services and contribute to tenure insecurity in refugee-hosting areas (Nagujja et al., 2023).

3.6.5 South Africa’s Restrict Policy on Land Access for Refugees

In South Africa, land accessibility is prioritized for disadvantaged citizens through municipal programs, while refugees face limitations due to the absence of explicit legal provisions for their land access (Greenburg & Polzer, 2008). Landownership challenges for locals stem from historical injustices, particularly the 1913 Native Land Act, which barred African nationals from owning or renting farmland, confining them to wage labour (Nxumalo, 2016). In response to this legacy, the post-apartheid government implemented measures to address landlessness among historically marginalized citizens, granting them priority in land and housing access. Section 25 (5) of the South African Constitution mandates that, “the state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis”. However, the Constitution does not provide for the possession of property by refugees or asylum seekers in any of its sections. This gap is reflected in policies like the Housing Act, which address citizens’ housing needs exclusively (Kavuro, 2019).

Nagujja et al. (2023) observe that while refugees are totally prohibited from accessing land, they may access social protection services such as education, healthcare, and cash transfers. However, access to housing is further hindered by documentation challenges and discrimination, as landlords and estate agencies often require South African identity documents (Greenburg & Polzer, 2009). The enduring impact of historical land dispossession continues to shape public attitudes, with land remaining a sensitive and contested issue (Nxumalo, 2016). Kasimbazi (2019) emphasizes that poorly managed land systems contribute to tenure insecurity, undermining socio-economic development and disempowering communities.

3.6.6 Turkey's Land and Housing Access Restrictions to Refugees

Turkey is currently the world's largest refugee-hosting country, accommodating approximately 3.6 million refugees, the majority of whom (3.3 million) are from Syria. It also ranks as the second-largest humanitarian donor globally (Upinion, 2024). In October 2011, Turkey adopted an open-door policy for Syrian refugees, reinforced by the 2014 Foreigners and International Protection Law and the Temporary Protection Regulation. These legal instruments granted Syrian refugees temporary protection status and access to education, healthcare, accommodation, and financial assistance, while guaranteeing protection from forced repatriation and indefinite permission to stay (UNECE, 2021; Tođral Koca, 2016; Rottmann, 2020). Despite these legal provisions, practical realities reveal significant challenges to secure housing and land-related assets. A study by Upinion (2024) found that 28% of refugees reported living in smaller spaces, 21% had to move in with others, and 17% felt less safe due to discrimination by host communities. Furthermore, 13% had not yet found new accommodation, while 11% faced eviction threats from landlords and another 11% were forced to move frequently between temporary shelters.

Refugees are initially accommodated in Temporary Accommodation Centres, intended as short-term solutions but often impeding integration into Turkish society (Şimşek & Çorabatır, 2016). Typically, refugees remain in these centres for two to six years, during which they receive vocational training, language instruction, and orientation programs. However, employment opportunities outside these centres are severely limited, leaving many dependent on humanitarian aid. In practice, of the 3.3 million Syrian refugees, only 63,491 have access to camp-based accommodation, and approximately 4,000 hold residence permits linked to their economic status.

The vast majority must secure housing independently, frequently facing economic hardship and social exclusion (Rottmann, 2020). In response to growing social tensions, the Directorate of Migration Management introduced the 20% Quota Policy in 2022, which caps the proportion of foreigners, including refugees, in any given locality to 20% of the total population. When this threshold is exceeded, new refugee registrations are suspended (UNECE, 2021). This policy has resulted in the closure of approximately 1,700 communities to further refugee settlement, contradicting Turkey's original open-door policy framework under the 2014 law. While Turkey remains a critical actor in global refugee protection, policy inconsistencies persist. Although the legal framework guarantees temporary protection and access to essential services, practical barriers including limited housing access and increasing social tensions undermine refugees' tenure security and long-term integration.

3.7 Structures of Land Administration Domain Model

Land administration encompasses formal and informal systems for allocating land rights, defining parcel boundaries, transferring rights, regulating land use, resolving disputes, and conducting land valuation and taxation. The focus of the LADM is on the part of land administration that is interested in rights, responsibilities and restrictions affecting land and the spatial unit components (Lemmen et al., 2015). LADM's broad functionality supports in the development paradigm of land administration systems that support administration of multiple types of tenure, and this is also valid for Social Tenure Domain Model (STDM) (Hespanha et al., 2013). The Land Administration Domain Model (LADM) standard was developed and published as a Draft International Standard (DIS) by the International Organization for Standardization (ISO) in 2011, under the designation ISO 19152 (Babalola et al., 2015a). The LADM standardization project began in 2006, initiated through a collaborative discussion between the International Federation of Surveyors (FIG) and ISO/TC211, following a report by Lemmen and Oosterom. The final version of the standard was officially published on December 1, 2012, as ISO 19152 (Lemmen, 2012). It serves as a conceptual schema for land administration, offering a reference model that facilitates communication among stakeholders both within a single country and across different countries, through a shared vocabulary (Oosterom et al., 2013; Babalola et al., 2015a). It is designed to standardize land registration and transaction processes, and applies to a wide range of contexts, from national to local and cross-border land administration systems.

As an abstract, conceptual reference model, LADM enables all involved parties to interact using a common framework and terminology (Babalola et al., 2015a). Supporting emerging land administration philosophies, including those promoted by the Global Land Tool Network (GLTN) such as the continuum of land rights, continuum of approaches, continuum of recordation, and continuum of spatial units (Lemmen et al., 2015; Paasch et al., 2013). These capabilities position LADM as a tool for bridging cultural and legal gaps in land governance, particularly in contexts where relationships between people and land vary. It contributes to ensuring tenure security and the protection of land rights for all. Furthermore, LANDnet Uganda (2022) describes LADM as an internationally recognized land documentation vocabulary, providing a digital framework that allows for the integration of modern land administration functions either through service interoperability or data model standardization. LADM provides a terminology for land administration, based on various national and international systems, which is as simple as possible in order to be useful in practice (Paasch et al., 2015). This terminology facilitates a shared understanding of both formal and informal practices and procedures across different legal and administrative jurisdictions. The inclusion of informal practices, such as customary and informal tenure systems, is evident in the model's definition of the Basic Administrative Unit (BAUnit). In Uganda's land governance framework, the Land Administration Domain Model (LADM) was implemented to establish a standardized global vocabulary for land administration, enabling the generation of accurate and real-time indicators to strengthen land governance monitoring. This implementation supports the effective realization of Sustainable Development Goals (SDGs) by informing, monitoring, and evaluating land-related policies, legislation, and procedures (Sanjines et al., 2018). Through LADM, Uganda has improved understanding of the composition of registered land by gender, the nature of land transactions across regions, and the documentation of customary and communal land through the registration of CCOs and communal land associations (CLAs).

The LADM is structured into three main packages: The Party package, the Administrative package, and the Spatial Unit package, with an additional sub-package for Representation and Survey (Lemmen et al., 2015). In the Party package, the primary class is LA_Party, with a specialization known as LA_GroupParty. A party can be a person, a group of persons, or a juridical person such as a company, municipality, the state, or a church community, constituting an

identifiable legal entity. The term party therefore includes both natural and non-natural persons. A group party consists of multiple parties forming a distinct unit, while a party member refers to an individual component of either a party or a group party (Lemmen et al., 2015; Elia et al., 2013; Lemmen et al., 2010). The Administrative package includes the abstract class LA_RRR, which has three concrete subclasses: LA_Right, LA_Restriction, and LA_Responsibility. These classes represent both formal and informal entitlements and obligations. A right refers to an entitlement to own, do something, or refrain from doing something; a restriction is an entitlement to prevent certain actions; and a responsibility implies an obligation to perform certain actions. This package also includes the class LA_BAUnit, which represents basic administrative units as instances (Lemmen et al., 2010; Babalola et al., 2015b). The Spatial Unit package comprises several classes: LA_SpatialUnit, LA_SpatialUnitGroup, LA_Level, LA_LegalSpaceNetwork, LA_LegalSpaceBuildingUnit, and LA_RequiredRelationshipSpatialUnit. A spatial unit may be a point, multi-point, line, multi-line, or an area (land or water) that represents a single or multiple parcels. A level is defined as a grouping of spatial units with either geometric or thematic coherence (Lemmen et al., 2010; Babalola et al., 2015b). As defined in Clause 4.1.2 of Lemmen et al. (2010), a Basic Administrative Unit (BAUnit) is an administrative entity, subject to registration (by law), or recordation [by informal right, or customary right, or another social tenure relationship], consisting of zero or more spatial units against which (one or more) unique and homogeneous rights [e.g. ownership right or land use right], responsibilities or restrictions are associated to the whole entity, as included in a land administration system. This definition, further emphasized by Alattas et al. (2021), highlights the LADM's capacity to accommodate both formal legal arrangements and customary or informal tenure systems within a unified land administration framework.

3.7.1 Social Tenure Domain Model: An extension of LADM into Informal Rights

The Social Tenure Domain Model (STDM) was promoted by UN-Habitat, the lead agency of the Global Land Tool Network (GLTN), as part of its drive to create more inclusive and flexible land administration systems (Lemmen et al., 2015). STDM is described as a specialization or arguably a generalization of LADM (Lemmen et al., 2015). The concept of STDM was developed in parallel with LADM to broaden the scope of land administration and provide a standard for representing

people – land relationships independent of the level of formality, legality or technical accuracy (Marenga et al., 2024; UN-Habitat, 2013).

Globally, numerous efforts have been made to model cadastre and land registries over time. A significant milestone was the adoption of the Land Administration Domain Model (LADM) as an ISO standard (ISO 19152:2012) (Okembo et al., 2022). The LADM accommodates both statutory and formal land rights, as well as customary and informal tenure systems (Paasch et al., 2013). A notable specialization of the LADM is the Social Tenure Domain Model (STDM), which is designed to address informal and pastoralist land rights. Lengoiboni et al. (2010) emphasize the need to expand cadastral models to accommodate the seasonal land rights of informal communities. The LADM, when integrated with STDM, can be instrumental in modelling both formal and informal land tenure systems. The STDM focuses on inclusive people-to-land relationships (Okembo et al., 2022), but its functions must be formally incorporated into the LADM framework. By recognizing that land rights extend beyond individualized titles to include social tenure relationships, the STDM represents a fundamental shift from traditional land administration approaches (Morscher-Unger et al., 2024). Although ISO LADM is widely adopted internationally, Lemmen et al. (2021) argue that further refinement is required to support comprehensive land administration. Lemmen et al. (2019) further highlight the need for LADM enhancements to provide robust tools for securing tenure and supporting land administration functions.

The STDM can serve as a foundational component for extending LADM to cover non-formal rights, restrictions, and responsibilities (RRR) (Paasch et al., 2013; Lemmen & Van Oosterom, 2011). It enables inclusive land administration systems that encompass all citizens particularly the poor, thus enhancing tenure security and land management capacity (Augustinus, 2010). By integrating the land rights and claims of marginalized populations into formal systems, STDM contributes significantly to social equity in land governance. Traditional land information systems remain limited in their ability to capture informal and customary tenure, which are often excluded from official records (Paasch et al., 2013). The continuum of land rights concept (UN-HABITAT, 2008) acknowledges land tenure types that are not based on cadastral parcels or formal registration. These require innovative land administration systems (LASs) capable of managing both spatial

and non-spatial data. The STDM offers a social tenure approach that bridges these gaps by consolidating all necessary functionality.

STDM is a flexible specialization of the LADM, developed for pro-poor, participatory land administration (Lemmen & Van Oosterom, 2011). It broadens conventional land administration frameworks by integrating formal, informal, and customary land systems within a single land information management structure. Section 6 of the LADM standard explicitly presents the STDM as a model for addressing diverse people-to-land relationships. Augustinus and Lemmen (2011) describe STDM as an extensible framework supporting the continuum of land rights (UN-HABITAT, 2008) in varied global contexts. It facilitates the development and maintenance of land records in areas where formal land registration is lacking or infeasible. The model captures land and property rights that are either unregistered or unregistrable, including overlapping claims that must be resolved based on the actors involved (who), spatial dimensions (where), and the nature of the rights (what right). Integrating informal areas into cadastral data models received substantial attention (FIG, 2003). STDM accommodates a wide range of parties and social configurations, adaptable to local conditions and community-specific needs. It encompasses a broad spectrum of land-use rights, including occupation, tenancy, informal and non-formal rights, customary and indigenous claims, and various forms of possession. The model also supports the documentation of complex tenure arrangements such as overlapping claims, disputes, and refugee settlements on customary lands, underscoring its adaptability and extensibility in addressing diverse land tenure contexts.

3.7.2 Code Lists for Social Tenure Relationships

Land Administration Domain Model (LADM), primarily specify classes and the relationships among them. However, this approach alone cannot capture the full complexity and variation within the domain, which is why code lists are introduced as a supplement (Stubkjær et al., 2019). A code list is defined as a ‘set of valid values for an attribute parameter. Code lists complement the classes and associations within a standard by providing standardized values for attributes (Kara et al., 2022). The LADM, includes multiple code lists within each of its packages (Stubkjær et al., 2019). Because it is impractical to specify an exhaustive list of values within the standard itself, initial examples are provided as a basis for further adaptation and extension. Notably, code list values

play a crucial role in structuring the domain in practice. When developing systems based on the LADM, it is common for approximately half of the modelling effort to focus on creating UML class diagrams as the structural backbone, while the other half is devoted to defining the specific code list values, which carry much of the domain's semantics (Kara et al., 2022). This highlights the importance of code lists in bridging the gap between standardization and the practical richness of real-world applications.

3.8 Synthesis of Literature: The Need for a Unique Tenure Arrangement for Refugees' Land Access

Customary land tenure remains a cornerstone of land governance across many African societies, deeply embedded in cultural identity, social organization, and economic resilience. It provides a vital framework for land access and dispute resolution, particularly in rural areas. However, the literature highlights that the growing influence of political and economic interests, coupled with weak legal protections, increasingly threatens the tenure security of both indigenous landholders and refugee populations (Musinguzi et al., 2020; Berke & Larsen, 2022; Nagujja et al., 2023). These vulnerabilities are particularly pronounced in contexts where customary systems lack formal recognition or are subordinated to statutory tenure frameworks. For refugees, barriers to land access are further compounded by legal and institutional constraints. Across many African jurisdictions, land laws restrict ownership or long-term access for non-citizens, often providing only limited or ambiguous provisions for refugees. Even where statutory frameworks appear inclusive, inconsistencies between policy and implementation frequently marginalize displaced populations. These challenges are manifested through bureaucratic inefficiencies, administrative opacity, language barriers, and a lack of representation in land governance processes (Nagujja et al., 2023).

Against the backdrop of a global surge in forced displacement, there is renewed attention to durable solutions for refugees, particularly local integration, which encompasses access to land and livelihoods. Uganda is frequently cited as a model for its progressive refugee policies, especially the allocation of plots for settlement and cultivation. However, despite these commendable efforts, tenure security remains precarious. Customary landowners often feel excluded from decision-making processes, while refugees are vulnerable to eviction, shifting agreements, and unclear

tenure terms. This dual insecurity undermines both social cohesion and the sustainability of local integration. The literature converges on the need for a context-sensitive tenure arrangement that recognizes the distinct status of refugees while safeguarding the rights of customary landholders. Such an approach would require harmonizing statutory and customary legal systems, establishing participatory governance mechanisms, and ensuring clarity, duration, and enforceability of land use agreements. By enhancing legal recognition and social legitimacy, this framework could foster stability, promote autonomy for host communities, and support the long-term self-reliance of refugees.

CHAPTER 4: METHODOLOGY

4.1 Introduction

This chapter outlines the research methodology employed in this study, detailing the methods, approaches, and the rationale behind their selection to achieve the study's specific objectives. It discusses the steps taken to implement the research, how progress was monitored, and the criteria used to assess success. The chapter connects the theoretical and conceptual frameworks, along with land tenure security gaps by translating them into actionable steps for designing land tenure arrangements that aim to enhance land security for both refugees and host communities. The chapter begins with an overview of the research philosophy and paradigm guiding the study, followed by a discussion of the study design, sampling strategies, and sample descriptions. It further explains the data collection methods, procedures, and instruments used, along with the data analysis framework and ethical considerations. The chapter also outlines how each specific research objective was addressed. The first objective, which examines the impact of existing rules and procedures for customary land acquisition on the tenure security of landholders and refugees, forms the basis for coming up with proposed improved rules and procedures for customary land acquisition that ensure tenure security for both refugees and host communities, as explored in the second objective. The findings from these objectives were then used to enhance the institutional framework for land acquisition and administration, as discussed in the third objective. These insights ultimately informed the development of a conceptual model for a land tenure arrangement that guarantees tenure security for all involved parties.

4.2 Research Paradigm and Rationale

Research philosophy serves as the foundation for understanding the nature, development, and dissemination of knowledge within any study (Saunders, Bristow, Thornhill & Lewis, 2019). In this study, the selected research philosophy underpins the exploration of refugee settlement and its influence on land tenure security, particularly how these dynamics reshape customary land tenure systems. Research philosophy encompasses three main dimensions ontology, epistemology, and axiology (Saunders et al., 2019) and is typically categorized under three main paradigms: Positivism, Interpretivism, and Pragmatism. This study is grounded in the pragmatism paradigm, a philosophical approach that supports the integration of both qualitative and quantitative methodologies. Pragmatism emphasizes action, practical outcomes, and contextual understanding

over rigid ontological or epistemological positions (Creswell, 2009). Unlike paradigms such as positivism or interpretivism, pragmatism is oriented toward real-world problem-solving, allowing researchers to focus on the research problem and its relevance to stakeholders rather than adherence to a single methodological tradition (Creswell, 2003; Creswell, 2014). In this view, mixed methods research is not only appropriate but often essential for exploring complex social issues (Rahi, 2017). As Kaushik and Walsh (2019) observe, the pragmatist approach is grounded in lived experience and driven by the need for actionable, context-sensitive knowledge. It promotes methodological flexibility, encouraging the use of all available tools to address the research question effectively (Rahi, 2017).

Adopting this paradigm afforded the flexibility to employ methods capable of exploring the research problem both in depth and breadth. The issue of customary land acquisition for refugees, frequently addressed in fragmented and inconsistent ways in existing literature, necessitated a multi-level methodological approach. Such an approach was crucial to capture the complexities of tenure arrangements across the broad spectrum of host communities and refugees, while also unpacking the procedural ambiguities often associated with land access. This philosophical stance aligns with the aims of the present study, which investigates the intersection of refugee settlement, tenure security, and customary land governance.

4.2.1 Choice of Pragmatism Paradigm.

The emergence of the pragmatic paradigm in research stems from the recognition that an effective worldview must provide methodological flexibility suited to the nature of the phenomenon under investigation. As Kivunja and Kuyini (2017) explain, pragmatism responds to the limitations of singular methodological orientations by promoting mixed methods as a viable strategy for understanding the complexities of human behaviour. Central to this paradigm is the assertion that research decisions should be guided by the practical demands of the research question rather than rigid adherence to a particular philosophical tradition. Pragmatism assumes that reality is not fixed or singular, but rather multiple and interpreted differently by individuals based on their experiences. Unlike paradigms rooted in specific ontological or epistemological assumptions, pragmatism is primarily concerned with the utility of research outcomes. As Creswell (2014) notes, it is oriented toward solving real-world problems, prioritizing practical applicability over abstract

theorizing about the nature of knowledge. In this sense, pragmatism does not concern itself with whether a method is inherently quantitative or qualitative but focuses on what is most effective in generating meaningful and actionable insights. Accordingly, research should be designed in ways that most effectively address the research questions, irrespective of underlying philosophical allegiances (Maarouf, 2019). The pragmatic paradigm thus justifies not only the use of mixed methods but also a broader methodological openness. It enables researchers to select strategies and tools that best serve the purpose of the study. Creswell (2003) and Kivunja and Kuyini (2017) identify several core characteristics of pragmatic research: prioritizing approaches that ‘work’ in addressing the research question; adopting a worldview that aligns with the study’s objectives; tailoring actions and strategies to the phenomenon under investigation; and selecting methods based on their practical relevance rather than methodological purity. Pragmatism also encourages the integration of diverse methods and perspectives to generate a more comprehensive understanding of the research problem.

To further contextualize the rationale behind pragmatism, it is useful to contrast it with other dominant paradigms. Positivism is grounded in the belief in an objective, singular reality that is measurable, observable, and independent of human interpretation. It privileges empirical observation, replicability, and neutrality in the pursuit of generalizable truths (Park et al., 2020). In contrast, the interpretivist paradigm views reality as socially constructed, subjective, and context-dependent. It argues that knowledge arises from individuals' lived experiences and therefore calls for close engagement with participants to co-construct meaning (Noordin & Masrek, 2016; Creswell & Poth, 2018). This paradigm rejects researcher detachment, emphasizing depth, reflexivity, and the contextual interpretation of social phenomena (Creswell & Poth, 2018). While both positivist and interpretivist paradigms offer valuable, albeit opposing, frameworks, pragmatism distinguishes itself by rejecting the dichotomy between them. Instead of aligning with either objectivism or subjectivism, pragmatism advocates for methodological pluralism and flexibility based on the demands of the inquiry. As Creswell (2009) and Rahi (2017) argue, pragmatism values both objective and subjective perspectives, recognizing that the integration of qualitative and quantitative methods often yields richer and more actionable insights.

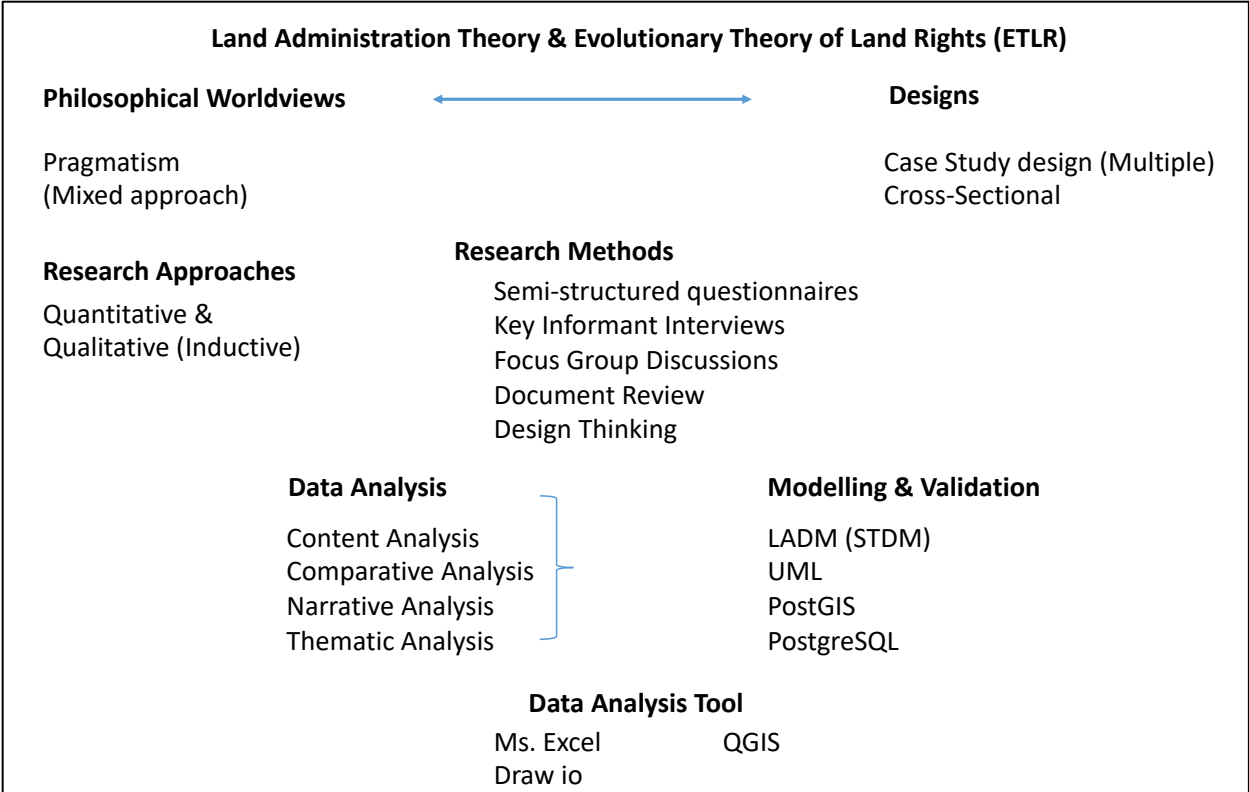


Figure 4-1: Theoretical foundation of the study (modified from Creswell, 2014).

4.3 Mixed Methods Approach and Design Typology

Mixed methods research (MMR) is an approach that integrates both qualitative and quantitative methods to address research questions in a comprehensive and principled manner (Dawadi et al., 2021; Creswell, 2014; Vankova & Clark, 2016). The rationale for employing MMR in this study stems from the complex nature of the research problem: understanding the lived experiences of land donors and refugees within the context of customary land acquisition for refugee settlements. The integration of both approaches offers methodological complementarity. Quantitative methods facilitated the collection of data from a broad sample of refugees and host communities across five settlement areas, enabling the generalisation of findings to a wider population. Qualitative methods on the other hand provided rich, in-depth insights into the nuanced procedural dynamics of land acquisition, particularly from key informants whose perspectives could not be captured through surveys alone. Thus, quantitative data contributed breadth, while qualitative data added depth.

A major strength of the mixed methods approach lies in its capacity for triangulation—where findings from one method are cross-validated with those from another, thereby enhancing the

study's overall validity and reliability (Plano Clark & Ivankova, 2016). Triangulation, as a qualitative strategy, supports the use of multiple data sources to develop a more holistic understanding of complex phenomena. In this study, semi-structured questionnaires were employed to gauge perceptions of tenure security related to current land acquisition practices. While effective in capturing broad trends, this method alone lacked the depth necessary to fully interpret the lived experiences of respondents. Consequently, multiple qualitative methods were employed to explore these dynamics more deeply, thereby reinforcing the credibility of the quantitative findings and ensuring data saturation, defined as the point at which no new themes or patterns emerge (Maarouf, 2019). Importantly, mixed methods research is grounded in pragmatic considerations, allowing researchers to select methods that best serve the research objectives (Maarouf, 2019). As Creswell (2014) and Dawadi et al. (2021) argue, quantitative and qualitative approaches should not be viewed as dichotomous, but rather as points along a continuum. Combining them can yield more rigorous conclusions, with each method compensating for the limitations of the other (Plano Clark & Ivankova, 2016). Furthermore, the iterative use of one method to inform or refine the other enhances the coherence and robustness of the study's findings (Dawadi et al., 2021; Plano Clark & Ivankova, 2016).

4.3.1 Convergent Parallel Mixed-Methods Design

The convergent design is one of the most established and widely used mixed methods approaches across disciplines, with its origins traceable to scholarly discussions as early as the 1970s. In this design also referred to as the convergent parallel design, the researcher implements both quantitative and qualitative strands concurrently, gives them equal priority, conducts their analyses independently, and then integrates the results during the interpretation phase (Creswell & Plano Clark, 2018). This study adopted a convergent design due to the nature and scope of the research problem, as well as the limited time frame permitted by the Office of the Prime Minister (OPM). Quantitative and qualitative data were collected simultaneously in a cross-sectional manner, allowing for a comprehensive yet time-sensitive exploration of diverse study objectives. The design enabled the researcher to obtain different but complementary insights on the same phenomenon, thus deepening the overall understanding (Dawadi et al., 2021; Maarouf, 2019). Convergent designs are well aligned with pragmatism, the philosophical foundation that supports methodological pluralism and underscores the utility of merging approaches to generate more

holistic understandings (Creswell & Plano Clark, 2018). This paradigm allows researchers to prioritize practical solutions to complex research questions by leveraging the strengths of both qualitative and quantitative methods.

Several factors informed the choice of this design. Firstly, the time constraints necessitated the concurrent collection of both data types within a single fieldwork phase. While official approval covered a six-month period, data collection extended for an additional three months due to the breadth and depth required by the study. Secondly, equal value was placed on both quantitative and qualitative methods, as each addressed distinct yet interconnected research questions. Lastly, the implementation of this design demanded substantial skills in both methodological domains. To manage the complexity, research assistants supported data collection and quantitative data organisation, while the researcher underwent training in both qualitative and quantitative analysis techniques to ensure rigorous and comprehensive interpretation. Despite its strengths, the convergent design is not without challenges. While its intuitive structure and efficiency are notable particularly in allowing teams with varied methodological expertise to work concurrently, it also requires considerable expertise and coordination. Merging two distinct datasets, often with differing sample sizes and sampling strategies, can pose analytical difficulties. Moreover, researchers must contend with potential discrepancies between quantitative and qualitative findings, which can complicate interpretation and threaten the coherence of results. Nonetheless, the convergent design remains a robust and practical choice for studies seeking to capture both the breadth and depth of complex social phenomena, provided the researcher is equipped to manage its analytical and logistical demands (Maarouf, 2019; Creswell & Plano Clark, 2018; Dawadi et al., 2021).

4.3.2 Cross-Sectional Study

A cross-sectional design was employed to collect primary data from refugee and host community populations, simultaneously capturing exposure to CLA processes and outcomes related to perceived tenure security (Setia, 2016). The design provided a snapshot of the population at a specific point in time, enabling the collection of primary data through semi-structured questionnaires and key informant interviews. These were administered to refugee households within selected settlements and to customary host community members within a 5 km buffer zone,

as well as to relevant stakeholders. The objective was to assess existing rules, procedures, and institutional frameworks governing customary land acquisition and their relationship to tenure security. Cross-sectional designs are widely recognized for their efficiency and cost-effectiveness in gathering data from large populations (Wang & Cheng, 2020; Cummings, 2018). Given the impracticality of surveying the entire population, a random sampling approach was used. Data was collected from six settlements Bidibidi, Rhino, Palabek, Nyumanzi, Ogojo, and Mireyi. The cross-sectional approach also facilitated the analysis of various socio-demographic characteristics such as gender, marital status, age, duration of residence, and perceived tenure security. Overall, the study focused on understanding the current land acquisition mechanisms for refugees and how these processes impact the tenure security of both customary land rights holders and refugees.

4.3.3 Case Study Design

Case study research is particularly effective for addressing complex “how” and “why” questions, as it allows for in-depth investigation of phenomena within their real-life contexts, especially where the boundaries between context and subject are not clearly defined (Yin, 2009). Defined as an empirical inquiry into contemporary phenomena within their natural settings using multiple sources of evidence, case studies offer a holistic understanding of social, legal, and institutional dynamics (Yin, 2009). This makes them especially appropriate for land tenure and governance research, which are deeply embedded in context-specific and socially constructed relations. One of the core strengths of case study design is its methodological flexibility. As Harrison et al. (2017) emphasize, case studies are not confined to a single ontological or epistemological paradigm and can accommodate diverse research philosophies. Merriam (2009) similarly notes that case studies may integrate both qualitative and quantitative methods, allowing researchers to employ the tools most appropriate to their questions. Rooted in a pragmatic orientation (Rahi, 2017), the design supports the integration of multiple data sources, theoretical frameworks, and analytical techniques to develop comprehensive and context-sensitive insights.

This study employed case study research to empirically examine how existing practices for the acquisition of customary land for refugees affect tenure security. The design facilitated analysis of the rules and procedures guiding land acquisition and their implications for the tenure security of both host communities and refugees. In line with Yin (2018), the study incorporated multiple units

of analysis across different levels to capture the multidimensional nature of the issue. According to Sedgwick (2014), the unit of analysis refers to the “who” or “what” from which data are collected and conclusions drawn. It may include individuals, households, organizations, or broader social units, depending on the research question (Kumar, 2018). Yin (2009) underscores that the research question should guide the selection of the unit of analysis, as it determines the scope and focus of the investigation. In this study, the first main unit of analysis was the rules and procedures for the acquisition of customary land specifically those implemented by the Office of the Prime Minister (OPM). The second main unit was the tenure security of both host communities and refugees. These units addressed how procedural practices and administrative decisions impacted access, rights, and tenure guarantees for affected populations.

The study further adopted a nested structure by incorporating sub-units of analysis to reflect lived experiences and institutional perspectives. These included individuals who had directly experienced the land acquisition processes, consistent with Amanor’s (2010) observation that individuals or households are often the unit of analysis in land tenure research where land access and control are central. However, as noted by Udry and Conley (2004), a sole focus on households can obscure intra-household dynamics and power relations. Therefore, sub-units also included key institutional actors such as the OPM, local governments, and customary authorities. This allowed for a comprehensive analysis of procedural practices, governance dynamics, and institutional coherence in land management systems.

To strengthen the credibility and depth of findings, the study employed triangulation through multiple data collection methods. These included document reviews, semi-structured questionnaires, key informant interviews, and focus group discussions. This multi-source approach enriched the evidence base and supported analytic rigor. Zucker (2016) outlines three iterative stages in case study research: (1) Describing Experience, in which the researcher designs interview questions and gathers first-hand accounts; (2) Describing Meaning, which links data to philosophical frameworks and literature; and (3) Focusing the Analysis, which sharpens the interpretive lens to address research objectives. This framework was adopted to address specific objectives 2 and 3: developing improved rules and procedures, and strengthening institutional frameworks for customary land acquisition for refugees.

Literature was used to evaluate how current practices align with—or deviate from—internationally recognized principles of voluntary land donation and good land governance. This comparative approach informed the development of context-specific but internationally compliant practices and institutional arrangements. In addition, the case study design supported the development of a conceptual model for tenure arrangements, applying the iterative stages proposed by Zucker (2016) to refine and validate the model through both empirical insights and stakeholder feedback. As Barry and Roux (2013) observe, case studies are particularly responsive to the complexity of real-life conditions, allowing context-sensitive solutions to emerge from practice. This responsiveness was critical for designing a tenure arrangement that enhances tenure security for both refugees and host communities.

4.4 Methods and Data Collection Strategy

This section describes the geographical scope of the study, objective methodologies, sampling strategy, data collection and methods applied for each objective.

4.4.1 Conceptual and Geographical Scope

The selected study areas are described in relation to their location, demographic characteristics, tenure systems, interplay of institutions and activities. Refugee access to land was recognized as a critical component of local integration. The conceptual scope of the study was primarily government-led acquisition of customary land particularly land voluntarily donated by host communities for refugee settlement. It focused on how such practices impact tenure security for both refugees and host populations. While alternative modes of land access by refugees were also considered, the analysis centered on state-mediated practices, which account for over 90% of refugee land access in Northern Uganda. This study examined the existing rules and procedures governing refugee land access and assessed their impact on the land rights of local customary landowners. It also aimed to propose improvements to these procedures by developing a revised land tenure arrangement for accessing customary community land. The study was limited to refugee-hosting communities governed by communal customary land tenure systems, where land rights were generally un-documented, un-adjudicated, and un-demarcated. Despite these limitations, such systems facilitated local integration by permitting refugees to access land for both residential and agricultural use.

To address the research objectives, five study cases within Northern Uganda were selected out of 24 official refugee settlements published by UNHCR (UNHCR, 2023; UNHCR, 2022), specifically in the districts of Madi Okollo and Terego, Yumbe, Lamwo, and Adjumani, as illustrated in Figure 4-2. five study cases selected from the five districts enabled the exploration of regionally diverse customary practices and governance structures. These districts collectively hosted approximately 515,000 refugees, according to Uganda's Refugee Statistics of July 2022. This purposive selection aimed to replicate cases a central tenet of pragmatic research design as it enhanced the robustness of the findings and provided external validation of results (Yin, 1994). The selected zones served as cases capable of offering transferable insights into customary land acquisition and tenure status of host communities and refugees.

The selected settlements included Rhino, Bidibidi, Palabek, Nyumanzi, Mireyi, and Agojo. The Rhino Refugee Settlement located in the districts of Madi-Okollo and Terego, which were formerly part of Arua District in northwestern Uganda covers approximately 225 square kilometers, the refugees in the settlement accounted for 44% of the total 275,333 residents. originally established in 1980, Rhino Settlement accommodates 150,365 South Sudanese refugees. Bidibidi Refugee Settlement, situated in Yumbe District in northwestern Uganda, was recognized as one of the largest refugee settlements in the world. It hosts over 196,297 South Sudanese refugees who fled ongoing civil conflict in their home country. Palabek Refugee Settlement, located in Palabek Ogili Sub-County in Lamwo District, Northern Uganda, was established in 2017. It houses approximately 79,476 refugees, primarily from South Sudan. Other settlements included in the study were Nyumanzi, Agojo, and Mireyi Settlements out of the 18 settlements located in Adjumani District which hosts 214,843.

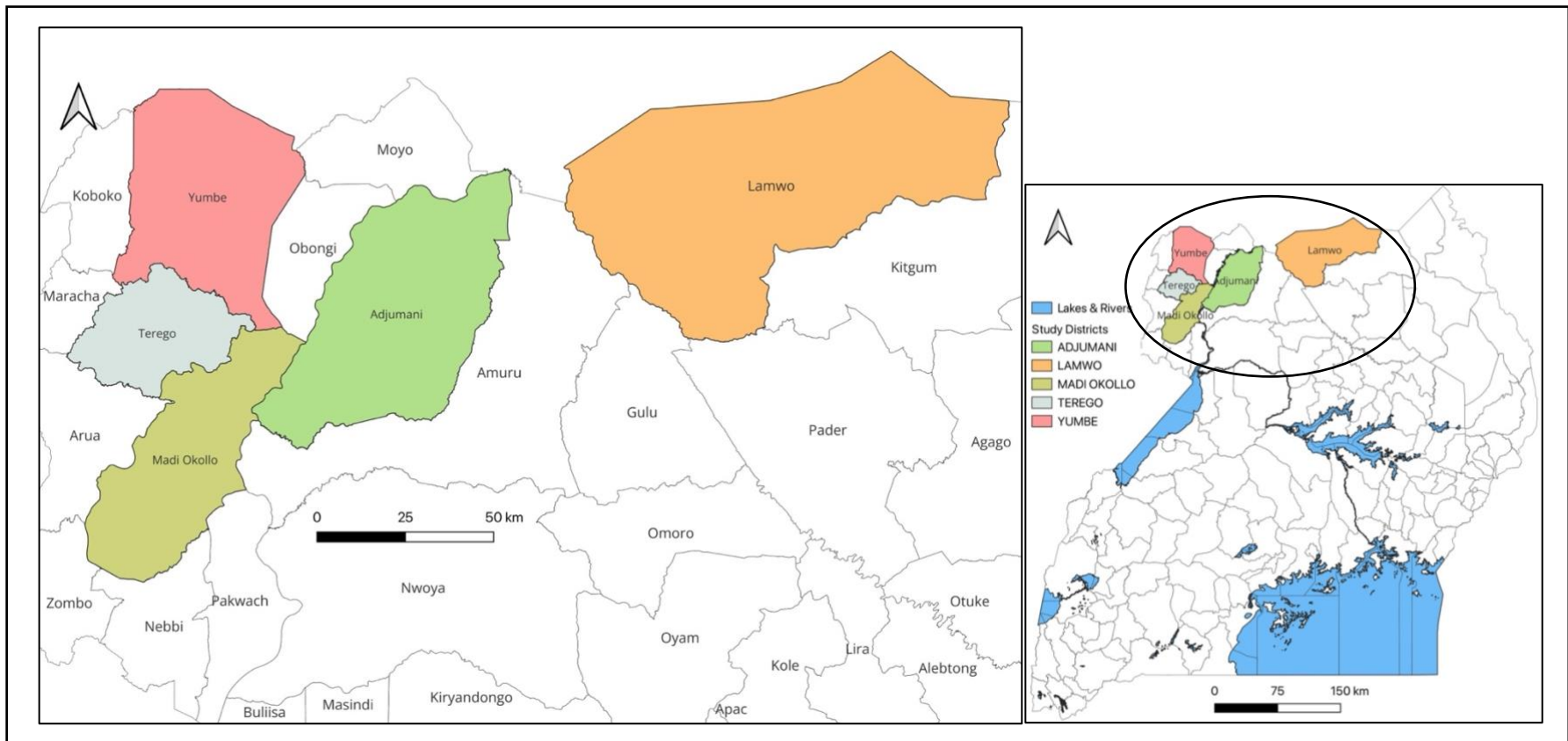


Figure 4-2: The five study districts and their locations in Uganda.

Figure 4-3 illustrates the selected 5 settlements that include Rhino from Madi-Okollo and Terego, Bidibidi from Yumbe, Palabek from Lamwo, and Nyumanzi, Agojo, and Mireyi from Adjumani Districts. These settlements are represented as green polygons within the district boundaries.

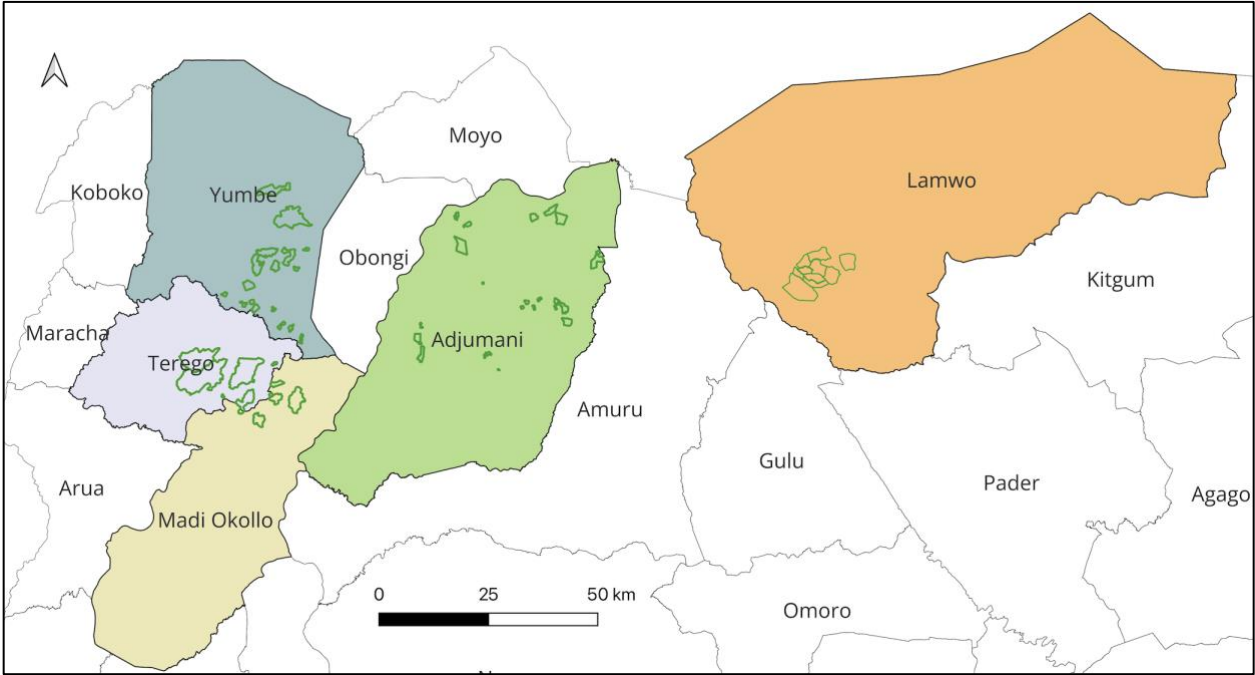


Figure 4-3: Study Areas represented within the boundaries of the districts.

4.4.2 Methodological Flow for Achieving the Objectives

For objective one, the study employed document review as part of a qualitative research approach to systematically analyse documentary evidence and address the research questions under objective one, as summarized in Figure 4-4. Reports from the Office of the Prime Minister (OPM), UNHCR, UNDP, and scholarly publications on customary land acquisition (CLA) for refugees were reviewed to identify the standard stages of CLA globally. The literature also outlined the rules and procedures governing refugee access to customary land in Uganda, alongside key tenure security indicators developed by institutions such as the World Bank, African Union Commission, UN-Habitat, FAO, the Millennium Challenge Corporation (MCC), and the Land Governance Assessment Framework (LGAF). To validate and contextualize the findings from the document review, key informant interviews (KIIs) were conducted with officials from the OPM, UNHCR, and district and lower local government authorities. These interviews helped verify, refine, and populate a comprehensive list of rules and procedures relevant to CLA for refugee settlement, confirming how these processes are implemented in host communities. To assess the impact of these rules and procedures on the tenure security of refugees and host community members, semi-structured questionnaires were administered to refugees and customary host communities. Respondents identified indicators of tenure security influenced by the existing rules and procedures or suggested additional relevant indicators.

The semi-structured questionnaires were triangulated with insights from KIIs and focus group discussions (FGDs) involving customary landowners, local leaders, and Refugee Welfare Council (RWC) members. These qualitative methods provided deeper insights into lived experiences and perceptions regarding the effects of CLA procedures on tenure security. Participant narratives offered concrete examples of how tenure arrangements are shaped in practice. All responses were transcribed, coded, and analyzed using both statistical and qualitative techniques to determine the impact of CLA rules and procedures on the tenure security of refugees, landowners, and broader host communities. Figure 4-4 summarizes the methodology for objective one, illustrating how existing rules and procedures were documented and how their impacts on tenure security were examined.

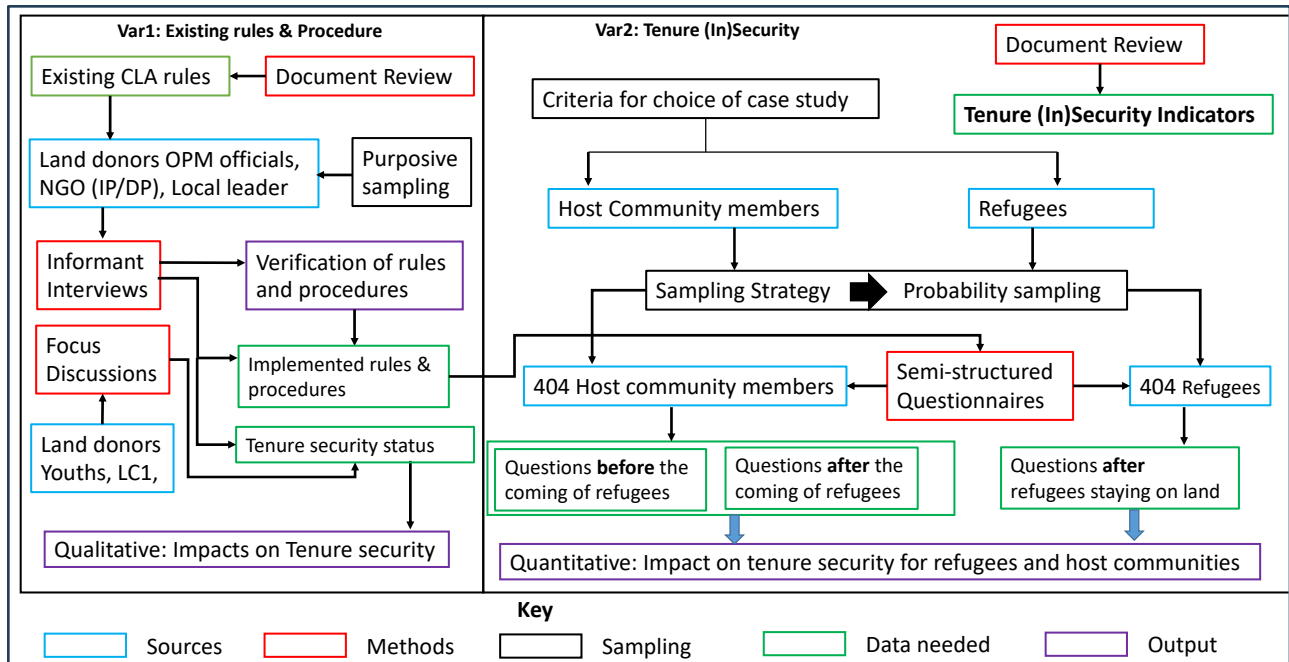


Figure 4-4: Methodology flow chart for objective one

Objective two was addressed through a qualitative mapping of the existing rules and procedures governing the acquisition of customary land for refugees against the internationally recognized principles of good practice for voluntary land donation (VLD). The rules and procedures at each stage were systematically compared with these standards to assess their conformity with best practices for refugee land acquisition. Based on this analysis, refined rules and procedures were explored which were then subject to experts' opinions. Finally improved ones were proposed to strengthen tenure security for both host communities and refugees within the Ugandan context. The methodological flow for this objective is illustrated in Figure 4-5.

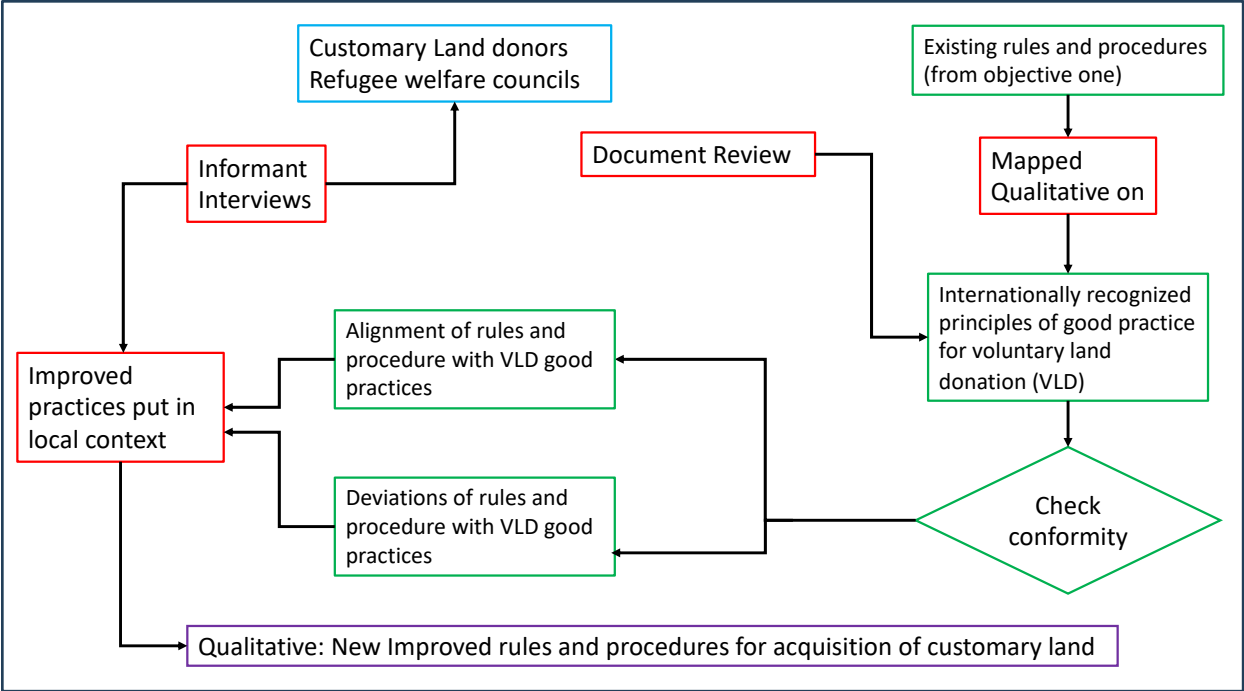


Figure 4-5: Methodological flowchart for Objective two

In objective three, the roles and responsibilities of existing customary institutions were identified through a review of relevant documents and validated by insights from key stakeholders. These roles were then mapped against the key principles of good governance for institutional frameworks to assess institutional strengths and weaknesses that influence tenure security. Based on the identified gaps and strengths, an enhanced institutional framework was developed, aligning with both international standards and the national legal context. The proposed reforms in roles and responsibilities were further informed by contributions from stakeholders who participated in interviews and focus group discussions. Figure 4-6 illustrates the methodological process described above.

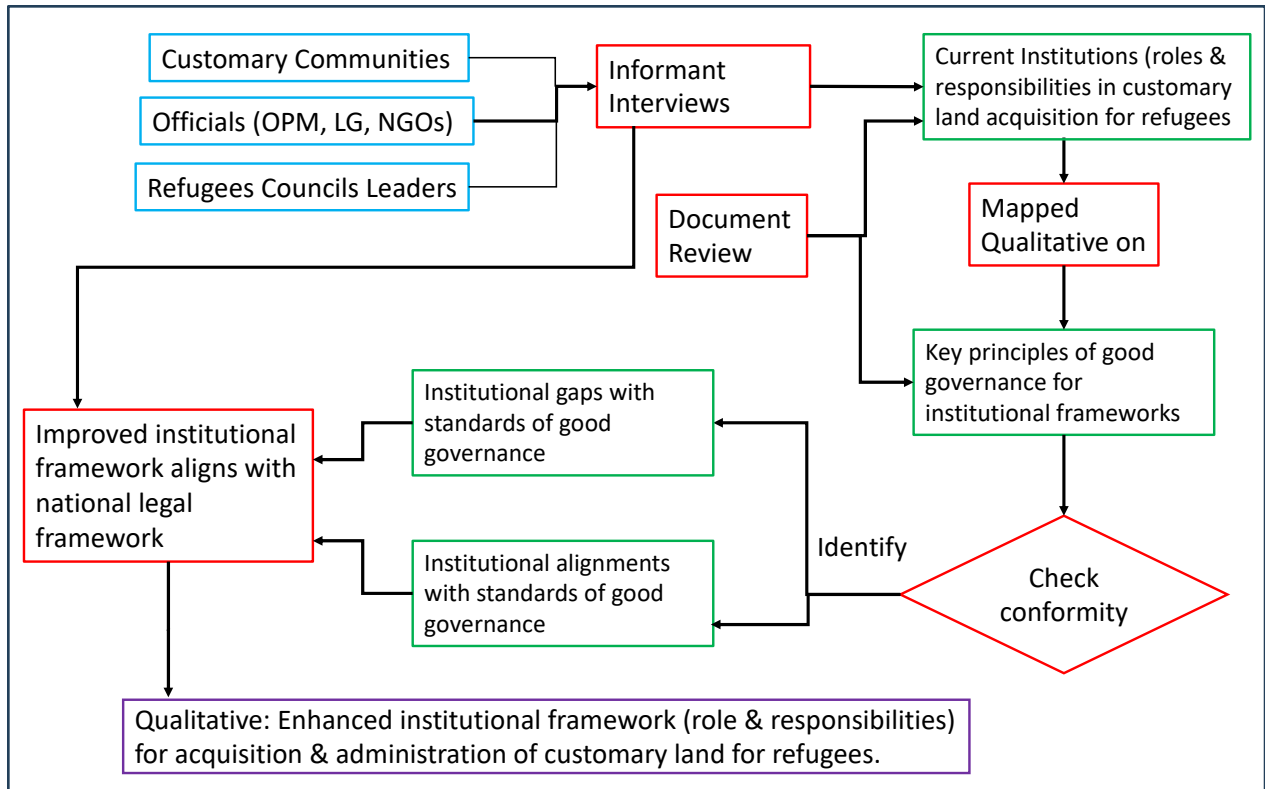


Figure 4-6: Methodology for objective three

The model was developed using a design thinking framework comprising the stages of empathize, define, ideate, prototype, and test. The development process iteratively built upon insights from affected communities who suggested possible requirements for improving tenure security. Stakeholder inputs were synthesized define the user requirements of the tenure arrangement. A variety of ideas for representing the tenure arrangement were proposed and generated by different experts from land management, land use planning, academia, refugee settlement, and community representatives. These ideas in form of conceptual representations were transformed into LADM-STDm complaint model through specialization. The model was validated and test using sample spatial data enabled by GIS database schema using PostgreSQL, PostGIS, and QGIS platforms. Figure 4-7 demonstrate the design thinking framework applied for objective four.

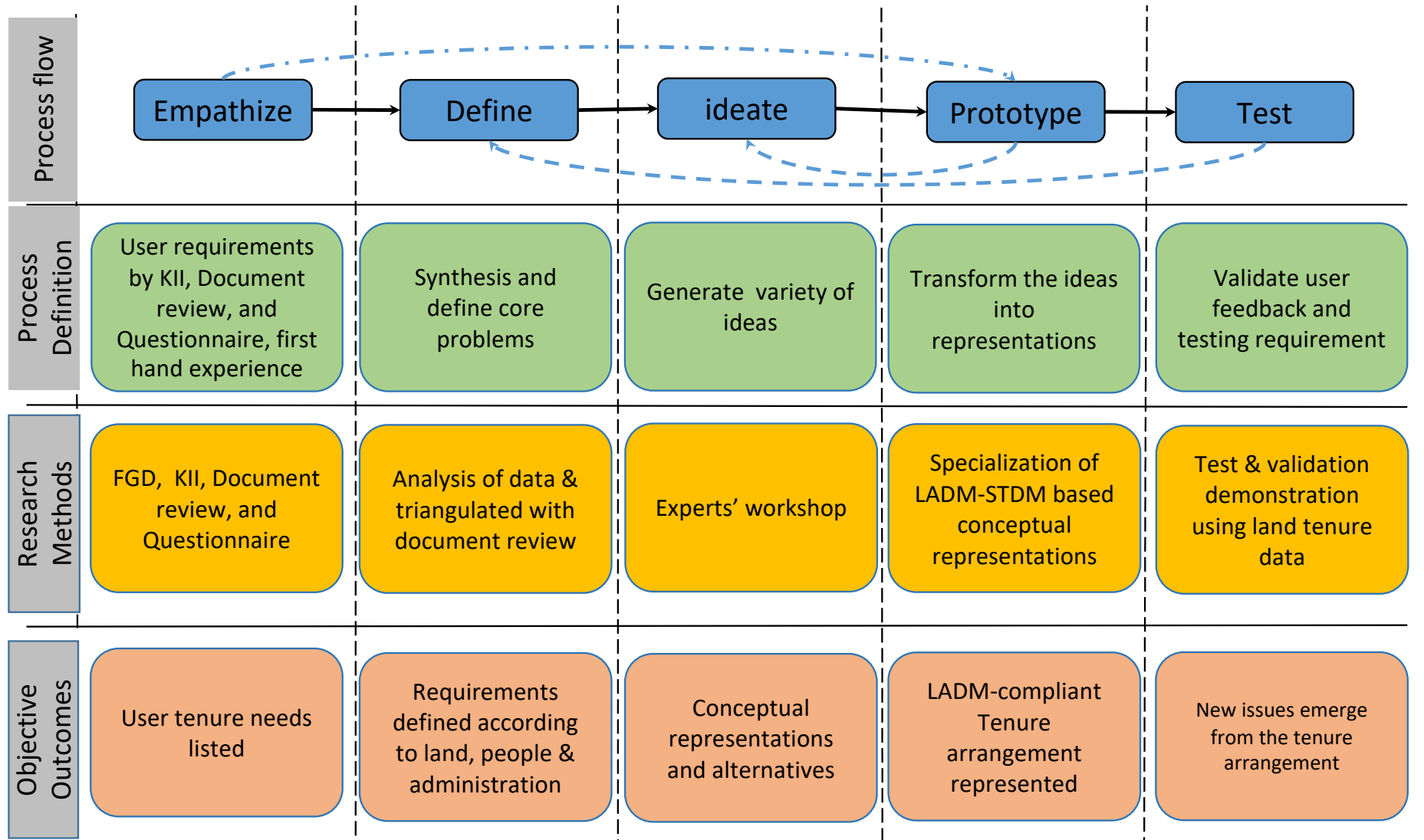


Figure 4-7: Design thinking methodology for representing a tenure arrangement for refugees

The methodological matrix in

Table 4-1 provides a comprehensive overview of the data sources, methods, key actors, and expected outputs for each objective as represented the flowcharts above.

Table 4-1: Methodological Matrix for the Study Objectives and their Research Questions

Study Objectives	What data was needed	What methods were used	What are the sources	Which questions were asked	What are the outputs
To assess the impact of existing rules and procedures of acquisition of customary land on the tenure security of customary land rights holders and refugees.	<ol style="list-style-type: none"> Existing rules and procedures for acquisition of customary land for refugees. Tenure security indicators. Effects of each rule and procedure on tenure security. Tenure security that affects refugees or host communities. 	<ol style="list-style-type: none"> Key informant interviews Semi-structured Questionnaires Document review 	<ol style="list-style-type: none"> OPM Landowners Community members Refugees & RWCs Development partners Local government 	<ol style="list-style-type: none"> What are existing rules and procedures for acquisition of customary land for refugees? What tenure security indicators were identified by respondents? What are the effects of each rule and procedure on tenure security? Which tenure security affects refugees or host communities or both? 	<ol style="list-style-type: none"> Existing rules and procedures Qualitative and quantitative results. Impacts of tenure security - Positive and Negative to land donors, community members, refugees.
To develop improved rules and procedures of customary land acquisition that mitigate tenure insecurity for refugees and host communities.	<ol style="list-style-type: none"> Existing procedures for granting refugees access to land. The basis for improving the existing rules and procedures. The voluntary land donation Principles of good practices. Conformity and deviation of existing rules and procedures with the good practices of VLD. The improved rules and procedures. 	<ol style="list-style-type: none"> Document review FGD Key informant interviews 	<ol style="list-style-type: none"> World Banks, ADB, IFC, FAO, UN, VGGTs. OPM Customary leaders Local government officials RWCs 	<ol style="list-style-type: none"> What are existing rules and procedures for acquisition of customary land for refugees? What is the basis for improving the existing rules and procedures? What are the voluntary land donation Principles of good practices? What is the conformity and deviation of existing rules and procedures with the good practices of VLD? What are the improved rules and procedures? 	<ol style="list-style-type: none"> Basis for improving rules and procedures. Gaps and alignments with good practices of land acquisition via VLD. Improved rules and procedures of customary land acquisition that conform to good practices of VLD.
To analyse and strengthen the institutional framework	<ol style="list-style-type: none"> The existing Customary Institutions, their roles and responsibilities. 	<ol style="list-style-type: none"> Document review 	<ol style="list-style-type: none"> FAO, VGGTS, FFP, UNHCR. Landowners 	<ol style="list-style-type: none"> What are the existing Customary Institutions, their roles and responsibilities? 	<ol style="list-style-type: none"> Current institutional framework and their roles.

governing the acquisition and administration of customary land for refugees use.	<ol style="list-style-type: none"> 2. The existing legal framework supports the acquisition of land for refugees. 3. Responses from the public on OPM's governance. 4. Alignment and gap of institutions to key principles of institutional framework. 5. Enhanced institutional framework to improve tenure security. 	2. Key informant interviews	<ol style="list-style-type: none"> 3. Local leaders 4. OPM officials. 5. Refugees 	<ol style="list-style-type: none"> 2. How the existing legal framework supports the acquisition of land for refugees? 3. What are the responses from the participants on OPM's governance? 4. What are the alignments and gaps of institutions to key principles of institutional framework? 5. What is the enhanced institutional framework to improve tenure security? 	<ol style="list-style-type: none"> 2. Existing legal framework. 3. Institutional linkages and fragmentation. 4. Gaps and alignment of the current institutional framework to international principles of good governance. 5. Enhance Institutions framework that will ensure tenure security for both community members (hosts) and refugees.
To develop a conceptual model of a land tenure arrangement that enhances tenure security for both refugees and customary land rights holders.	<ol style="list-style-type: none"> 1. Entities and attributes. 2. Relationships within the entities. 3. Improved rules and procedures. 4. Improved institutional framework. 	<ol style="list-style-type: none"> 1. Design thinking 2. LADM-STDM Specialisation 	<ol style="list-style-type: none"> 1. Host communities 2. RWCs 3. Local leaders 4. OPM 5. Academia 6. Land use planners 7. Land managers 8. Refugee settlements expert 	<ol style="list-style-type: none"> 1. What rights, restrictions, and responsibilities (RRR) exist for refugees and host communities on customary land? 2. What are the spatial units to be represented? 3. What administrative entities are these RRR held? 4. Which parties are involved? 5. What relationships exist among these features? 6. How best can they be represented in a single and standardized environment? 	<ol style="list-style-type: none"> 1. Entities and attributes under the party package. 2. Entities and attributes under the administrative package. 3. Entities and attributes under the spatial package. 4. Relationships between the packages.

4.4.3 Sampling Strategy

The study adopted a buffer zone approach to select host community participants appropriate for the objectives of the study. A 5 km buffer zone from the boundaries of refugee settlements was ultimately selected, as it represented the area with the most significant direct impacts on livelihood support opportunities - such as access to cropland, tree cover loss, woodland, and bushland, which are recognized indicators of tenure insecurity (Hughes et al., 2020). Although Hughes et al. (2020) states that land use impacts can extend up to 15 km from settlement boundaries, this study prioritized a narrower focus to allow for a more detailed understanding of immediate land tenure dynamics. A primary buffer of 5 km was used to capture the communities most directly affected by the establishment of refugee settlements. These communities were typically involved in land donations and experienced immediate consequences such as resource competition (e.g., for farming or grazing), displacement of existing land users, increased land disputes, and alterations in customary ownership structures. To account for broader, indirect impacts, a secondary buffer zone of 5–10 km was also applied. This zone encompassed communities that, although not adjacent to settlement areas, still interacted with land dynamics influenced by refugee presence. These included changes in land values, shifts in agricultural land use, and evolving customary governance practices. Communities within this range often contributed land informally or engaged in broader customary and market interactions shaped by the nearby refugee populations.

Determining an appropriate sample size for a given population. Ahmad & Halim (2017) and Krejcie and Morgan (1970) developed a widely accepted table to address the need for statistically representative samples in empirical research. According to their table, for a population of 1,000,000, a sample size of 384 is recommended. In this study, a slightly larger sample size of 404 respondents was selected for both refugees and host community members to ensure sufficient representation and reliability of the findings. A parallel sample size was calculated for the host community population. The study adopted a stratified random sampling strategy to ensure statistical representativeness of both refugee and host community households across selected refugee settlements and refugee-hosting districts. This approach was necessary due to the presence of two distinct population strata: refugees and host communities. In the first step, the overall population was divided into these two strata. In the second step, a proportional sample was drawn from each stratum based on its relative population size. For the refugee population, the most recent

statistical data available at the time of data collection, sourced from the United Nations High Commissioner for Refugees (UNHCR) and the Office of the Prime Minister (OPM), was of 2023. Given that the study employed a cross-sectional survey design, it was essential to align all data within the same reference period. The host community population was estimated based on a 5-kilometre buffer zone delineated around the boundaries of the refugee settlements, and the population data was obtained from UBOS for the areas within the buffer.

A Raosoft sample size calculator was employed to determine the sample sizes for refugees and host communities in the locations of Adjumani (Nyumanzi, Agojo, and Mireyi), Bidibidi, Palabek, and Rhino. These were calculated using a 95% confidence interval and a 10% margin of error to ensure statistical validity, and a 50% response distribution that represents higher population variability. An additional 5% buffer was added at the settlement level to account for non-responses or unforeseen challenges during data collection. This method was adapted from the Reach Initiative Uganda and originally developed for the Knowledge, Attitudes and Practices (KAP) on Energy, Environment and Climate Change Assessment (Reach Initiative, 2023). Table 4-2 shows the sample sizes for the study.

Table 4-2: Sample size for refugees and host communities for the four cases studies

Region	District	Location	Groups Target & Population		Final sampling Targets
West Nile	Adjumani	Mireyi, Agojo, Nyumanzi	Refugees	64,496	101
			Host communities	149,600	101
West Nile	Yumbe	Bidibidi	Refugees	196,297	101
			Host communities	176,200	101
West Nile	Madi Okollo	Rhino	Refugees	150,365	101
			Host communities	61,900	101
Acholi	Lamwo	Palabek	Refugees	79,476	101
			Host communities	24,700	101

To achieve randomness and minimize selection bias, GPS coordinates were generated to ensure all households within the designated areas had an approximately equal chance of being selected for the survey. The GPS points were navigated using the Maps.me mobile app, which leverages OpenStreetMap data to facilitate location searches. Enumerators were already familiar with the app's usability, streamlining the sampling process. Figure 4-8 illustrates (on the left) the distribution of GPS sample points and (on the right) the homesteads of refugees based on the sampling strategy.



Figure 4-8: Representation of sampled GPS for Adjumani settlements on a satellite image

This systematic sampling approach established a robust framework for data collection, accurately reflecting household distributions in both refugee and host communities. Figure 4-9 illustrates the distribution of random GPS sample points for Adjumani, with corresponding distributions for other settlements presented in Appendices C–E.

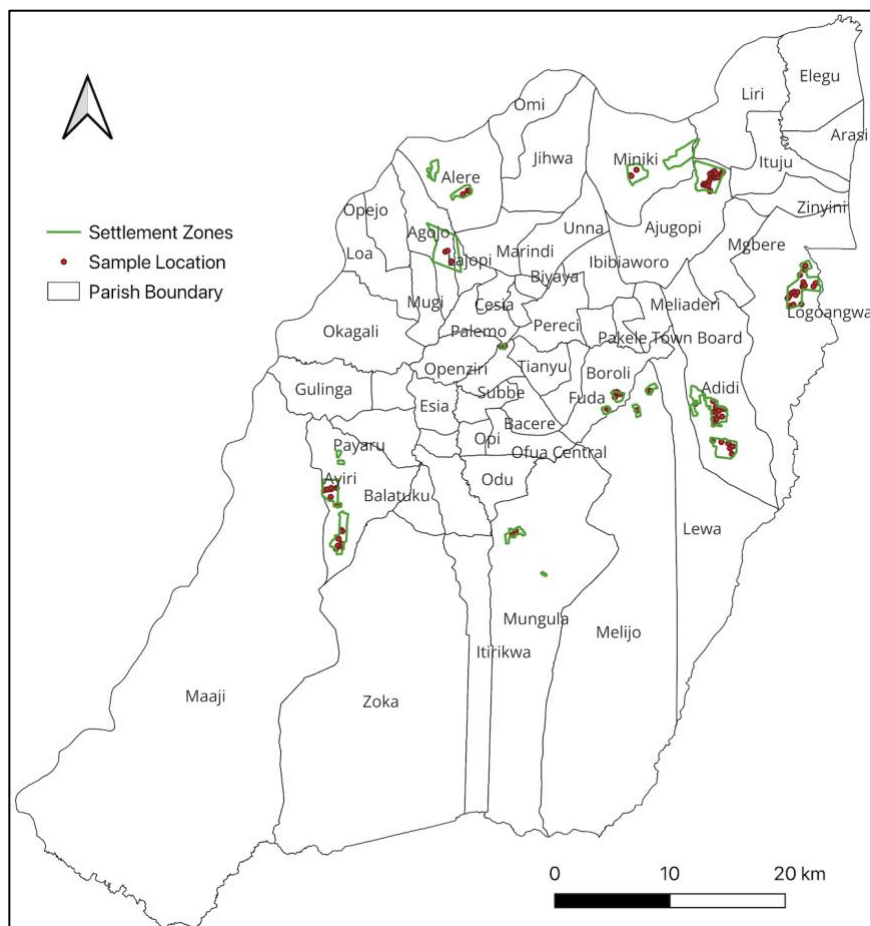


Figure 4-9: Sample Locations in Adjumani District

4.4.4 Data Collection Methods

This section details the methods and procedures employed to collect secondary data and empirical data qualitatively and quantitatively. Document review was employed as a systematic method for collecting, documenting, analyzing, and interpreting existing literature and records. As an integral component of the qualitative research approach, it functioned both as a data source and an analytical tool for examining documentary evidence. The process followed a structured and rigorous procedure designed to address specific research questions through the critical evaluation of the content, context, and credibility of relevant documents. Through document analysis, the study extracted evidence on customary land acquisition practices, tenure security conditions of refugees and host communities, indicators of tenure security, principles of voluntary land donation (VLD), good governance practices, institutional roles and responsibilities in customary land governance, and the rights and restrictions of refugees regarding land access, as well as characteristics of tenure systems. The reviewed sources included key national legal instruments such as the Constitution of Uganda, the Land Act, the National Land Policy, the Refugees Act, and the Refugees Regulations. In addition, international standards and reports from organizations including the World Bank, FAO, UN, IFC, ADB, USAID, and UN-Habitat were consulted.

Field data collection was conducted following a formal clearance process through the Office of the Prime Minister (OPM), initiated by an official introductory letter from the Office of the Dean, School of the Built Environment, College of Engineering, Design, Art and Technology (CEDAT), Makerere University, Uganda. This letter was submitted to the OPM, specifically to the Commissioner for Refugee Management in Kampala, to formally request authorization and access to refugee settlements for research purposes. In response, the Commissioner issued additional introductory letters addressed to the Regional Desk Officers (RDOs) in Arua, Adjumani, and Lamwo Districts, who oversee refugee operations within the designated study areas of Madi-Okollo and Terego, Yumbe, Adjumani, and Lamwo. The RDOs endorsed the Commissioner's letters and introduced the researcher to the settlement commandants, who subsequently granted the necessary permissions for field access. The researcher was authorized to conduct fieldwork over a six-month data collection period.

The study employed a survey method to collect quantitative data from 351 refugees out of a targeted 404 and 372 host community members out of a targeted 404. Data were gathered using

self-administered, semi-structured questionnaires consisting of multiple items designed to assess the impact of existing rules and procedures for assigning land rights to refugees on the tenure security of both refugees and host communities. Two distinct questionnaires were developed—one for refugees and another for host community respondents in the selected study sites. Their design was guided by the research questions outlined in Chapter One and informed by insights obtained from the document review. Each questionnaire began with an introductory section outlining the purpose of the study, seeking informed consent, and assuring participants of confidentiality and anonymity (see Appendices F and G).

The questions were clearly phrased, presented in a predetermined sequence, and required respondents either to choose from predefined options or to provide open-ended responses where applicable. The survey method is widely regarded as an objective research tool capable of generating generalizable findings, particularly when applied to large sample sizes. Its use in this study was appropriate for addressing the first research objective, which examined the impact of customary land acquisition (CLA) rules and procedures on tenure security among refugees and host communities. Data collection was facilitated by trained research assistants operating under close supervision to ensure ethical conduct and data integrity. All questionnaires were administered in accordance with established research protocols, ensuring voluntary participation, confidentiality, and adherence to the highest ethical standards.

Key informant interviews (KIIs) were conducted as part of the qualitative data collection process to gain an in-depth understanding of customary land acquisition (CLA) dynamics and associated tenure security conditions. To ensure the trustworthiness of the qualitative data, the study adopted the criteria proposed by Shava et al. (2021): credibility, transferability, confirmability, and dependability. Credibility was strengthened through purposive selection of participants possessing direct experience or expertise in refugee land acquisition. Transferability was enhanced by organizing the inquiry around clearly defined thematic areas, enabling the findings to be applicable to comparable contexts. Confirmability was maintained through consistency checks that compared data within and across participant categories. Dependability was ensured by aligning interview questions with the study's objectives, research questions, and the conceptual framework outlined in Chapter One. Additionally, data triangulation enhanced the reliability of the findings by cross-

validating information from different stakeholder groups, thereby deepening the understanding of land tenure dynamics influencing refugee access to land in Uganda.

Base camp informants who are the recipients of the introductory letters from the Regional Desk Officers (RDOs) facilitated contact with the chairpersons of settlement landlord associations, who subsequently mobilized other landowners to participate in the KIIs. They also assisted in identifying additional key stakeholders, including local leaders, Refugee Welfare Councils (RWCs), and leaders of host community youth groups, who were likewise interviewed. Table 4-3 presents the categories of key informants who participated across the different settlements. The interview instruments were designed to capture participants' experiences and perspectives regarding land tenure arrangements governing refugee access to land in Uganda.

Table 4-3: Categories of key informants and their locations

KII Participants	Bidibidi	Nyumanzi	Rhino	Mireyi	Palabek
OPM	1	1	1	1	1
Local government	2			2	1
Local leaders	1		1	2	1
Settlement land owners	2	1	1	2	1
Host Youths	1				
RWC		1	1	1	
Norwegian refugee council			1		
Danish refugee council			1		
UNHCR/Development & partners	2		1		1

The KIIs were conducted directly by the researcher, assisted by one research assistant, given the limited number of participants involved. Prior to each interview, informed consent was obtained from all participants. The interviews gathered insights from key actors involved in land acquisition and management for refugee settlements. Four interview guides were employed, each tailored to a specific stakeholder group. The first guide, for RWCs, explored procedures for land acquisition, documentation practices, and related challenges. The second, used with government officials

overseeing refugee settlement, examined land acquisition processes, the availability of land ownership documentation, tenure security concerns, and potential areas for improvement. The third guide, designed for customary leaders, focused on the allocation of customary land to refugees, the structure and roles of customary institutions, implications of their exclusion from allocation processes, and recommendations for strengthening governance. The fourth guide targeted development partners and land experts, including implementing agencies, donor organizations, and scholars, and explored land acquisition practices, tenure security indicators, documentation systems, and strategies for enhancing tenure security.

To complement and triangulate the survey and interview data, the researcher conducted focus group discussions (FGDs). Each FGD was moderated by the researcher and supported by a key participant fluent in both English and the local language, who provided translation when necessary. This approach ensured that all participants could effectively express their views, thereby enhancing the inclusivity, clarity, and depth of the discussions. The FGDs brought together individuals with shared experiences and backgrounds to explore perceptions, attitudes, and beliefs related to land accessibility and tenure security, as well as to identify potential measures for strengthening tenure security. The categorization of FGDs facilitated a nuanced understanding of community-specific perspectives while maintaining the integrity and confidentiality of each group’s views.

FGD Participants	Bidibidi	Nyumanzi	Rhino	Mireyi	Palabek
Local leaders	2	2	1	3	2
Settlement land owners	10	1	1	2	1
Host Youths	8				
RWC	2	1	2	1	2

Figure 4-10: Summary of categories of participants for FGD data collection method

4.5 Data Management and Analysis Procedures

The data collected in this study was analysed categorically basing on quantitative data collected from semi-structured questionnaires and qualitative data from key informant interviews and focus group discussion as discussed in the following sections.

4.5.1 Quantitative Data Analysis

Quantitative data were collected through semi-structured questionnaires and analyzed in three key stages: data preparation, data processing, and data presentation. The data preparation stage involved organizing and cleaning the collected responses. Questionnaires were categorized into two respondent groups refugees and host communities with 370 and 390 responses, respectively. A manual cleaning process was conducted to remove incomplete or erroneous entries, resulting in 351 valid questionnaires from refugees and 372 from host community members. The cleaned datasets were entered into Microsoft Excel for preliminary organization and subjected to automated validation checks to ensure accuracy, completeness, and the detection of any inconsistencies such as duplicate entries.

During the data processing stage, the verified datasets were imported into Stata 14 (StataCorp LP) for advanced statistical management and analysis. Descriptive statistics were generated to summarize the data and highlight trends across key variables. The analytical approach was guided by Yin's (2003; 2012) theoretical propositions, which informed the development of a structured analytical framework for organizing and interpreting quantitative findings. The data presentation and interpretation stage focused on systematically discussing the results in Chapters 5, 6, and 7. Each study area was analyzed independently to capture variations in respondent perspectives. Emphasis was placed on identifying differences between refugee and host community responses, particularly regarding land acquisition dynamics and tenure security outcomes. Descriptive and comparative analyses were integrated to validate findings and provide a robust empirical foundation for interpreting the broader implications of customary land acquisition on tenure security.

4.5.2 Qualitative Data Analysis

Qualitative data from key informant interviews (KIIs), focus group discussions (FGDs), and open-ended questionnaire responses were analysed using the seven-step framework proposed by Gale et al. (2013). The process began with verbatim transcription of participants' responses to preserve the authenticity of narratives, followed by repeated readings and re-listening to audio recordings for in-depth familiarization. Initial coding was guided by the study's research constructs, which served as overarching themes, while related measures were treated as sub-themes. These codes

were organized into broader categories to form an analytical framework applied systematically across all transcripts. Data were charted into a framework matrix, enabling cross-case comparison and synthesis of emerging themes. Analytical notes supported the interpretation of responses, facilitating the identification of nuanced patterns in customary land acquisition (CLA) dynamics and refugees' land access arrangements influencing tenure security. Thematic analysis, through a structured and iterative process, ensured systematic identification of key patterns and relationships within the qualitative data. The analytical matrix provided a flexible platform for integrating findings, uncovering relationships among variables, and generating evidence-based insights into tenure security challenges affecting both refugees and host communities. Narrative and discourse analysis further enriched interpretation by examining the interactions and meanings embedded within participants' accounts, aligning results with the study's core objectives.

4.5.3 Comparative Analysis

Comparative Analysis Pickvance (2001) identifies two defining features of comparative analysis that include the investigation of the reasons behind observed similarities and differences between cases, and the use of a common framework to collect data across multiple cases. In this study, a comparative analysis was conducted to evaluate Uganda's legal and institutional frameworks for the protection of customary land rights, measured against internationally recognized standards and best practices. The assessment employed a structured analytical framework informed by guidelines and principles established by institutions such as the World Bank, African Development Bank (ADB), International Finance Corporation (IFC), Food and Agriculture Organization (FAO), United States Agency for International Development (USAID), the United Nations, and the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT).

The analysis focused on six core stages of land acquisition: notification and consultation, negotiation, documentation, valuation of land and affected assets and compensation, land use and administration, and grievance redress mechanisms (GRM). These stages served as benchmarks for assessing procedural alignment and divergence between Uganda's current customary land acquisition (CLA) practices and international standards. The comparative approach revealed key strengths and deficiencies in Uganda's procedures, with direct implications for the tenure security of host communities and refugees. Additionally, the study compared Uganda's institutional

framework for customary land acquisition to internationally endorsed principles of good governance, with the aim of identifying structural gaps and areas for institutional reform. This included analysis of the roles, mandates, and coordination mechanisms of statutory bodies responsible for securing land tenure. The findings underscored both the capacity limitations and the potential for enhancing institutional performance through targeted legal and administrative reforms.

To broaden the comparative perspective, Uganda's customary land acquisition practices were also benchmarked against land access strategies adopted by other refugee-hosting countries, including Turkey, Mozambique, Kenya, Tanzania, Ethiopia, and South Africa. This cross-jurisdictional review provided insights into alternative legal models and policy interventions that have effectively balanced refugee integration with the protection of customary land rights. Through a comparative strategy, the study identified contextually successful elements from each country and assessed their transferability to the Ugandan context. The synthesis of findings generated actionable, context-specific recommendations aimed at strengthening Uganda's legal and institutional frameworks for customary land governance. Particular emphasis was placed on fostering tenure security for host communities and refugees.

4.6 Model Development

The development of the Refugee-Customary Land Tenure Model (RCLM) applied a structured design thinking methodology to ensure a user-centred and iterative approach. A robust GIS-enabled database schema was created based on LADM principles to capture key entities, relationships, and rules. The model was then rigorously validated to test its functionality, structural integrity, and relevance for enhancing tenure security for refugees and host communities.

4.6.1 Design Thinking in LADM-Based Model Structuring

The study employed a design thinking methodology as illustrated in Figure 4-7 to guide the entire process of developing a conceptual model for a land tenure arrangement that facilitates refugee access to customary land. As elaborated by Iberdrola (2020), design thinking provides a structured, user-centric approach to solving complex problems through iterative development. The main problem was identified through questionnaires, and a deeper understand was further gained from

key informant interviews. This provided a user-centric problem from a broader community which was clearly defined. After, possible solutions to the problem were generated through the different methods that include: Document review which provided information on possible models that could provide tenure security for both refugees and host communities in communal settings. Generation of frameworks basing on existing model was conducted and presented to different groups of experts in land management to provide feedback. Improved frameworks were generated from feedbacks that resulted into a prototype that was built on the concept of LADM-STDM. This approach enabled efficient design iterations and supported a clearer representation of the model using the principles of the LADM and STDM which is more specialized land administration concept to incorporate informal land rights. Prototyping is a core element of a system, capability, or process to answer specific questions, gain insights, and reduce uncertainty or risk throughout the development cycle (Kim, 2019). It is an effective technique for quickly building an initial version of a desired model to identify flaws and explore improvements (Volchko, 2017).

The initial model prototype was structured using UML class diagrams to represent the three LADM requirement packages of spatial unit, administrative, and party. Entities and attributes within each package were systematically defined, revised and refined based on stakeholder feedbacks and needs. The model was further populated with code lists of rights, restrictions and responsibilities to further refine it and make it more human-centric problem solving. A group of key final beneficiaries that involved settlement landowners, RWCs, local leaders, from at least three settlement were purposively selected to give some feedback from the perspective of the users or beneficiaries. These feedbacks provided more improvements to the developed towards the earlier defined problem. The model was finally validated through model demonstration and testing using real settlement spatial data and selected user feedbacks.

4.6.2 Database Schema Development

The schema forms a critical foundation for effective model validation by defining the structure, relationships, and constraints for data, and serving as a blueprint for organizing and managing land tenure information. To develop the GIS database schema for land tenure and rights management tailored specifically to the Refugee-Customary Land Administration Model (RCLM), a structured, stepwise methodology was employed. The process began with designing a conceptual model based

on the Land Administration Domain Model (LADM) and the Social Tenure Domain Model (STDm), as detailed in the preceding subsection (Conceptual Model). This approach ensured comprehensive representation of key entities, including parties, rights, responsibilities, restrictions, spatial units, and administrative sources. Guided by this conceptual framework, relational tables were implemented in PostgreSQL, with spatial capabilities enabled through PostGIS to accommodate both spatial and non-spatial data. Primary keys, foreign key relationships, and constraints were applied to maintain referential integrity and to enforce critical business rules, such as preventing overlapping parcels and simultaneous active tenure claims. Additional features such as validation logic, database triggers, and access controls, were incorporated to uphold data quality, ensure system security, and maintain compliance with operational policies. Table 4-4 and Table 4-5 illustrate a sample of the database schema and the core tables created to support the model’s requirements.

Table 4-4: Database schema for the conceptual model

Table Name	Description	Key Fields	Geometry Type
rcla_party	Represents individuals or institutions involved in land transactions.	party_id (PK), name, party_type, role, contact_info	—
rcla_baunit	Basic administrative unit (e.g., settlement block)	baunit_id (PK), baunit_name, status, admin_level	—
rcla_spatial_unit	Spatial representation of land parcels	spatial_unit_id (PK), land_use_type, baunit_id (FK), size, use description	POLYGON
rcla_right	Specific land rights (e.g., use, harvest)	right_id (PK), tenure_id (FK), right_code, description	—
rcla_restriction	Restrictions on land use (e.g., no structures, time-bound use)	restriction_id (PK), tenure_id (FK), restriction_code, description	—
rcla_responsibility	Responsibilities (e.g., peaceful coexistence,	responsibility_id (PK), tenure_id (FK), responsibility_code, description	—

	environmental care)		
rcla_admin_source	Administrative documents supporting the transaction	source_id (PK), document_type, party_id (FK), tenure_id (FK), baunit_id (FK), date_signed	POINT (optional)

Table 4-5: Sample of the core database tables

Column Name	Data Type	Description
Su_id	SERIAL PRIMARY KEY	Unique identifier for each land parcel
label	VARCHAR(255)	Name or label of the land parcel
type	VARCHAR(50)	Type: 'Residential', 'Agricultural', 'Communal', 'Protected', etc.
ownership_status	VARCHAR(50)	'Owned', 'Donated', 'Shared', etc.
geometry	GEOMETRY(POLYGON, 4326)	Spatial geometry of the parcel

4.6.3 Model Validation

Validation ensures that the data conforms to a predefined structure and adheres to the rules embedded within the model (Zarghani et al., 2024). The schema and validation processes were essential for assessing the functionality and reliability of the conceptual model (Kuria et al., 2016). According to modelling principles, a valid conceptual model must accurately represent the real-world system and meet the objectives of the simulation that will inform the implementation project. In this study, the validity of the Refugees Customary Land Tenure Model (RCLM) was assessed through model demonstration. Validation was conducted after the logical design phase to ensure that the model aligned with stakeholder requirements, captured essential domain rules and LADM principles, and could serve as a reliable foundation for implementation. This process helped identify and correct potential errors, improve model communication, and guarantee the model’s overall reliability, scalability, and applicability for strengthening customary land tenure security for both refugees and host communities.

Logical and constraint validation of the model was implemented using an integrated framework comprising PostgreSQL as the object-relational database system for data management, PostGIS for advanced spatial data processing within the PostgreSQL environment, and QGIS for

visualization and user interaction (Kuria et al., 2016). This framework enabled the efficient management of both spatial and non-spatial data, supporting the application of rule-based validations required for the model. It ensured secure, consistent, and reliable management of customary land tenure information, while validating the effective implementation of tenure security for both refugees and host communities (Martinho et al., 2020). The validation steps included installing PostgreSQL and creating a dedicated database for the RCLM; designing and creating relational tables to store customary land records such as parties, rights, restrictions, responsibilities, spatial units, and administrative rules; encoding the model's logic, constraints, and validation rules in the database; enforcing data integrity and security; implementing spatial data integration and management with PostGIS; optimizing queries and data access; rigorously testing the model using sample data; and automating validation checks.

4.7 Ethical Considerations

Approval: Prior to data collection, formal clearance was obtained from the Office of the Prime Minister (OPM), the sole authority granting access to refugee settlements. This approval was essential to avoid policy-related impediments that could have interrupted the study.

Informed Consent: In both quantitative and qualitative phases, informed consent was central. Survey questionnaires were accompanied by a cover letter detailing the study's purpose, scope, and intended use of data, emphasizing voluntary participation and the right to skip questions or withdraw without consequences. For qualitative data collection, including key informant interviews (KIIs) and focus group discussions (FGDs), the researcher and a PhD-level assistant introduced themselves, explained the study objectives, and obtained signed consent forms, which also included permission for audio recording where applicable.

Confidentiality and Anonymity: Participants' identities were protected through coded identifiers (e.g., 'Adj1' for a landlord in Adjumani), known only to the researcher and assistant. Personal information was not disclosed to third parties, and findings were reported in aggregate or anonymized form.

Voluntary Participation and Right of Withdrawal: Participants were fully informed of their right to decline participation or withdraw at any point without repercussions, emphasized in both verbal briefings and written forms.

Minimizing Harm and Risk: The study minimized potential physical, psychological, or social risks. Questions were carefully designed to avoid sensitive topics, and participants could skip questions or terminate sessions. Data collection occurred in safe, familiar community settings.

Cultural and Contextual Sensitivity: Local facilitators assisted with translation and cultural mediation during FGDs, ensuring discussions were linguistically accessible and culturally appropriate, fostering respectful and open dialogue.

Data Protection and Security: All data, including digital recordings and transcripts, were securely stored on password-protected and encrypted devices, with hard copies locked in cabinets, accessible only to the researcher and assistant.

Validity and Reliability: Quantitative instruments were assessed for validity (construct, criterion-related, content, and face validity) and reliability (internal consistency, stability, and equivalence). Pilot tests were conducted in each settlement to ensure instrument quality before full-scale data collection. By systematically integrating these safeguards that included OPM approval, informed consent, confidentiality, voluntary participation, harm minimization, cultural sensitivity, and robust data protection, the study ensured the rights, dignity, and well-being of all participants were upheld throughout the research process.

4.7.1 Limitations of the Methods

Despite its overall success, the study faced several limitations. Data collection primarily relied on household surveys, key informant interviews (KIIs), and focus group discussions (FGDs), reflecting mainly the perspectives of household heads. While participants were scientifically selected, their responses were based on personal experiences and may not represent the full diversity of community views. Similarly, although insights were obtained from land administration experts in both customary and statutory institutions, the study did not capture perspectives from

other relevant stakeholders, including customary and state courts, non-governmental organizations, and local government bodies involved in land governance.

The study also relied on research assistants to conduct household interviews, introducing potential variability, while translation of questions and responses from local languages into English posed challenges for accuracy and nuance. Data collection was further constrained by the limited timeframe authorized by the Office of the Prime Minister (OPM), with delays caused by officials' field duties or travel. Scheduling difficulties meant some respondents were available only late in the day and often fatigued, while the demanding workloads of key informants complicated strict adherence to the research timeline. To enhance credibility and validity, methodological triangulation was employed, integrating household surveys, KIIs, FGDs, and direct observations. This approach enabled cross-validation of responses, captured interactions among key actors, and provided a detailed, comprehensive understanding of the land tenure context. It also allowed identification and resolution of inconsistencies, supporting evidence-based insights to inform policy and practice.

CHAPTER 5: LAND ACQUISITION FOR REFUGEES: IMPACT OF EXISTING RULES AND PROCEDURES ON TENURE SECURITY

5.1 Introduction

This chapter examined the impacts of the existing rules and procedures governing customary land acquisition for refugee settlement on tenure security. The analysis was situated within the broader context of access to communal customary land for refugees through the government of Uganda. The chapter traces the stages of customary land acquisition by reviewing relevant documents and literature and validates these processes through insights from key informants, including officials from the Office of the Prime Minister (OPM), customary landowners, local leaders, and local government representatives. It presents detailed findings on how the current rules and procedures affect the tenure security of customary land rights holders (host communities) and refugees. Furthermore, the chapter discusses these findings in relation to internationally recommended best practices for the stages of Voluntary Land Donation (VLD) as articulated by various global organizations.

5.2 General Demographic Characteristics of the Study Community.

The demographic characteristics presented reflect the diversity of respondents from whom quantitative data were collected using semi-structured questionnaires. The demographic information covers two target groups: host communities and refugees. Although the initial sample size for each group across all study sites was 404, the final number of valid responses, after data cleaning, was 351 for refugees and 372 for host community members.

5.2.1 Demographic Information for Refugees.

The study sampled a total of 404 refugee respondents who were selected based on household units from Nyumanzi, Agojo, Mireyi, Bidibidi, Rhino, and Palabek settlements. Following manual data cleaning to eliminate incomplete or invalid responses, the final valid sample size was reduced to 351, as shown in Table 5-1.

Table 5-1: Demographic characteristics of refugee households

Variable	Frequency	Percent
Sex		
Female	247	70.37

	Male	104	29.63
	Total	351	100
Marital status	Cohabiting	9	2.56
	Divorced	22	6.27
	Married	212	60.40
	Single/ Never married	43	12.25
	Widowed/Widowers	52	14.81
	Missing Data	13	3.70
	Total	351	100
Age category	18-35	227	64.7
	36-54	107	30.5
	55-64	13	3.7
	65 and above	4	1.1
	Total	351	100
Level of education	Never went to school	96	27.35
	Primary	139	39.60
	Secondary-O level	89	25.36
	Secondary-A level	9	2.56
	Vocational institutes	7	1.99
	College/University	8	2.28
	Missing data	3	0.85
	Total	351	100
Year of settlement	1991-2000	13	3.70
	2001-2010	9	2.56
	2011-2020	307	87.46
	Other	18	5.13
	Missing data	4	3.70
	Total	351	100
Country of origin	South Sudan	351	100
	Total	351	100

Of the 351 refugee respondents, the majority were female (70%), while male respondents comprised 30%. The respondents' ages ranged from 20 to 79 years, with most falling within the youth and middle-age brackets, specifically between 18–54 years. In terms of education, approximately 40% of respondents had attained primary-level education, while the proportion of those who had never attended school (26%) was nearly equal to those who had completed O-level education (26%). The remainder had attained higher levels of education, ranging from A-level to university. Most respondents (60%) were married, while the remainder were widowed, single, or divorced. Regarding length of stay, the majority (87%) had lived on customary land for

approximately 12 years, since 2011, while a smaller group reported residency of more than 30 years, dating back to 1991.

5.2.2 *Personal Information for Host Community.*

The demographic characteristics of the host communities who participated in the study were examined using seven variables, as presented in Table 5-2. The geographical distribution shows that the host communities were selected from all five districts included in the study: Adjumani, Terego, Yumbe, and Madi Okollo in the West Nile region, and Lamwo in Northern Uganda.

Table 5-2: Demographics characteristics for host community members

Variable		Frequency	Percent
District	Adjuman	86	19.51
	Lamwo	96	36.59
	Madi Okollo	40	12.2
	Terego	50	19.51
	Yumbe	100	12.2
	Total	372	100
Sex	Female	45	17.08
	Male	327	82.93
	Total	372	100
Marital status	Divorced	10	2.7
	Married	320	86.49
	Widow/Widower	40	10.81
	Missing data	2	
	Total	372	100
Age category	18-35	38	2.56
	36-54	117	7.69
	55-64	115	10.26
	Above 65 years	95	30.77
	Missing data	7	20.51
	Total	372	100
Education level	Never went to school	50	13.51
	Primary	232	62.16
	Secondary-O level	60	16.22
	Vocational/technical Institutes	30	8.11
	Total	372	100
	Year of residence	Before 1960	90
1961-1970		95	25.54
1971-1980		85	22.85
1981-1990		75	20.16

	1991-2000	20	5.38
	other	7	1.88
	Total	372	100
Ethnic group/tribe	Aringa	98	13.16
	Dinka	5	2.63
	Lugbara	84	18.42
	Acholi	98	44.74
	Madi	82	18.42
	Oluba community	5	2.63
	Total	372	100

A total of 327 out of 372 host community respondents were male, while 45 were female. This gender imbalance reflects prevailing customary landholding norms in which women are largely excluded from owning or offering land for government use, including refugee settlement. Contrary 70% of refugee respondents were female, while only 17% of host community respondents were female. Regarding marital status, the majority of respondents (320) were married, with a smaller number recorded as divorced or widowed.

In terms of age distribution, 232 respondents were between 35 and 65 years old, while 95 were above 65 years. This age pattern aligned with the data on years of residence, which shows that 255 respondents had resided in the area since before 1990, with 90 reporting residence since before 1960 and a few settled in the area after 1990. The highest level of education attained by most respondents was primary education (232 individuals), while 90 had reached O-level or vocational/technical training. Finally, the host communities comprised various ethnic groups and clans, including the Madi in Adjumani and Madi Okollo, the Aringa in Yumbe, the Lugbara in Terego, and the Acholi in Lamwo.

5.3 Existing Rules and Procedures for Acquisition of Customary Land for Refugees.

The first objective was to examine the impact of existing rules and procedures for acquiring customary land for refugees on tenure security. To provide context for these impacts, the relevant rules and procedures are first presented. The rules, categorized according to the six stages of land acquisition adopted in this study, are shown in Table 5-3. The corresponding procedures are illustrated in the flowchart in Figure 5-1.

5.3.1 Existing Rules of Customary Land Acquisition for Refugees.

Most of the existing rules governing the acquisition of customary land for refugees were established by the Office of the Prime Minister (OPM) to harmonize the processes of land acquisition and management. In the initial stage, the rules require notification of district leaders, landowners, and finally the broader community through a cultural cleansing ceremony, which typically occurs once all other steps are complete. However, this ‘notification’ functions more as an announcement than a consultative process, as its primary purpose is to inform stakeholders about the settlement of refugees on their communally owned land and to encourage peaceful co-existence. In practice, this notification sometimes does not occur due to its dependency on the availability of OPM funds to finance the cleansing ceremony. The funds may be withheld by or redirected by cultural leaders facing economic constraints.

In the During the negotiation stage, discussions are intended to be dialogue-based. Nevertheless, some land donors reported that refugees were settled without prior notification or negotiation, particularly during periods of high influx. Refugees are officially prohibited from selling or leasing the land; however, reports indicate that refugees commonly rent plots or secure loans using the land as collateral. Furthermore, although there is a rule prohibiting the donation of disputed land, respondents noted that some donated land was nonetheless subject to disputes. At the documentation stage, rules require land donors to sign land-use agreements that do not specify the duration of land use but instead tie it to the eventual repatriation of refugees, such arrangements largely safeguard the use rights of refugees over those of land donors. Another rule mandates the signing of a memorandum of understanding (MoU) between land donors and the OPM at the end of the acquisition process. However, both OPM officials and land donors confirmed that no MoUs were signed in practice, as evidenced by the following statements:

“We normally sign MoUs with landowners. But in the case of Yumbe, no MoUs were signed. There are only minutes of meetings where people agreed to give land.” **OPM official, Arua**

“Actually, we didn’t even sign the memorandum of understanding, we are just looking into that, Its minutes, the files that I have on land its minutes” **OPM official, Adjumani**

In addition, there is a rule requiring uniform tokens of appreciation of five million shillings per donor, regardless of the size of the donated land. In practice, land donors reported receiving varying forms and amounts of appreciation: some received one million shillings, others received livestock such as goats, while some received nothing at all. The ‘No Monetary’ policy further stipulates that there will be no valuation nor compensation for any livelihood assets on the donated land. The only benefit to land donors remains the provision of social services and interventions from the government and development partners. Another rule requires that all donated land be surveyed and demarcated into plots according to the refugee population and available land. Although some land donors initially opposed the surveying of their land as a condition for donation, they later agreed to comply with this requirement. There is also a rule that prohibits host community members from accessing land allocated to refugee settlements for as long as it remains under the designated right of use for refugees and has not reverted to the original owners. Finally, under the Grievance Redress Mechanism (GRM) stage, notable rules include the reversion of land to the original donors upon refugee repatriation and the resolution of boundary disputes within settlements, the ones involving refugees are to be handled by Refugee Welfare Committees (RWCs) with the support of refugee elders. Table 5-3 presents an overview of the existing rules regulating the acquisition and use of customary land for refugees.

Table 5-3: Existing rules for the acquisition of customary land for refugees

Standard Stages of Land Acquisition	Existing Rules of Customary Land Acquisition for Refugees
Notification and Consultation of affected persons	<ol style="list-style-type: none"> 1. OPM duly notifies district leaders about the need for land to settle refugees. 2. Landowners must be duly notified. 3. A cultural ritual, known as a cleansing ceremony, should be performed by the land donor.
Negotiations for customary land acquisition	<ol style="list-style-type: none"> 1. The land being offered must be free from any disputes. 2. All donated customary land for refugees is provided on a temporary basis, not permanently. 3. Negotiations should be dialogue-based. 4. Refugees shall have no right to sell, lease, or otherwise alienate the land that has been allocated to them strictly for their individual or family utilization.
Documentation of acquired customary land	<ol style="list-style-type: none"> 1. Customary land acquisition process shall be concluded by signing of a memorandum of understanding (MoU) between the land donors and OPM. 2. All land donors shall sign agreements granting 'use rights only' or 'use rights with the establishment of permanent structures' for land designated for settlements and social services, respectively. 3. The duration of land use shall be dependent on voluntary repatriation of refugees and will not be predetermined.
Valuation of affected assets	<ol style="list-style-type: none"> 1. All customary land offered to OPM for refugee use is acquired in accordance with a 'No-Monetary' policy. 2. All land donors should receive a uniform token of appreciation, regardless of the size of the land donated. 3. No valuation nor compensation shall be provided for livelihood assets found on the donated land.
Land use and administration of acquired customary land	<ol style="list-style-type: none"> 1. Donated land shall be surveyed and subdivided into plots which will be allocated to refugees by OPM. 2. Donated land management shall be the sole responsibility of OPM. 3. Land use planning should be conducted by UNHCR any time whenever land is donated.

<p>Grievance and Redress Mechanisms of affected persons</p>	<ol style="list-style-type: none">1. Donated land shall revert to the original landowners once refugees voluntarily repatriate to their countries of origin.2. Land occupied by permanent structures shall revert to the original owners only after the intended purpose of the structures have been fulfilled.3. Refugees shall have free access to use land for the purposes of cultivation or pasturing in designated refugee settlement or a refugee area.4. Host communities shall co-exist peacefully with the refugees.5. Host communities shall not access the donated land while it remains in use by refugees.
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5.3.2 Existing Procedures for Customary Land Acquisition for Refugees.

The existing procedures for acquiring customary land for refugees in Uganda were derived from key informant interviews (KIIs) and focus group discussions (FGDs) with a range of stakeholders, including officials from the Office of the Prime Minister (OPM), customary leaders, individual landowners, and local leaders. While these procedures are intended to align with established rules, in practice they often deviate, as highlighted and illustrated in Figure 5-1. The land acquisition process is typically driven by the influx of refugees, which creates a need for land for settlement. The process begins with notifications initiated by the OPM to the local government and subsequently communicated to landowners. Communities, motivated by humanitarian considerations or the anticipated benefits of improved social services, may offer land for refugee settlement. Proposed land is first verified for suitability. The OPM inspects the site to ensure it meets basic requirements, such as being free of rocks, or not located in a swamp. Land that does not meet these criteria is rejected.

If the proposed land is deemed suitable, negotiations proceed, guided by conditions set by the willing land donors. Typical conditions include livelihood support measures such as tree planting, provision of social services, creation of casual employment for local youth, and, in some cases, restrictions on surveying the land. A consent to these conditions leads to signing land use agreements between the actual landowners (donors) and OPM. Land is then cleared and demarcated into smaller plots, which are then allocated to refugee households according to their migration status. Disputes related to the settlement land, particularly plot boundaries, are addressed by different actors depending on the nature of the conflict. Those among refugees over plot boundaries are usually resolved by refugee community elders, and if needed, the Refugee Welfare Committees (RWCs) may assist. Conflicts involving both refugees and host community members often require the involvement of OPM officials, LC1 leaders, the respective landowners, and, at times, the RWCs. Figure 5-1 provides an overview of the customary land acquisition procedures for refugee settlement in Uganda, highlighting the key stages and actions involved.

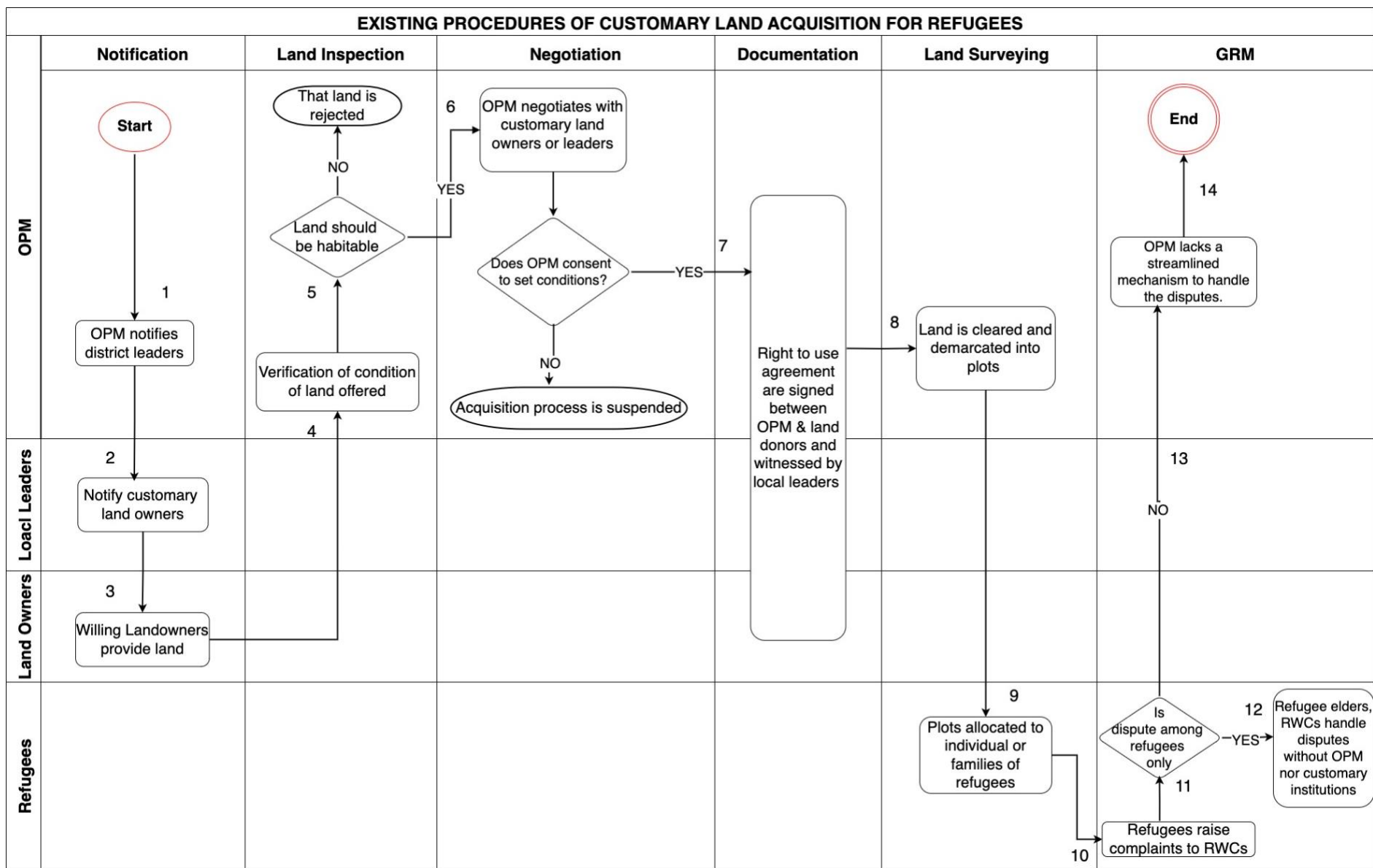


Figure 5-1: Current step by step procedures for acquisition of customary land for refugees.

5.4 Impact of Existing Rules and Procedures of Customary Land Acquisition for Refugees on Tenure Security.

The impacts of the existing rules and procedures of acquisition of customary land for refugees on tenure security were examined using multiple data sources collected during this study. The analysis relied primarily on narratives from key informant interviews and focus group discussions, which provided detailed insights into the experiences and perspectives of individuals directly affected by current practices. Responses from structured questionnaires offered additional quantitative context to these findings. Moreover, the researcher's direct observations during fieldwork further informed the interpretation of the broader context and nuanced impacts of these rules and procedures. Collectively, these findings highlight the multifaceted ways in which acquisition of customary land affects the tenure security of both host communities and refugees. The impacts are presented according to the existing rules and procedures across the six stages of customary land acquisition, which include: notification, negotiation, documentation, valuation, land use and administration, and grievance redress mechanisms (GRM). These stages are labelled A to F in Table 5-4. The following terms used in Table 5-4 have the following meanings:

1. Undermined: Group's tenure security is compromised by the rule or procedure.
2. No Impact: Tenure security of that group is not impacted by the rule or procedure.
3. Enhanced: The group's tenure security has been enhanced by the rule or procedure.

Table 5-4: Illustrates the impacts of CLA rules and procedures on tenure security, highlighting the groups affected by each

#	Rules and Procedures of Acquisition of Customary Land	Impact of Rules and Procedures on Tenure Security	Host Communities	Refugees
A	<ol style="list-style-type: none"> 1. Non-inclusive and selective notifications and consultations. 2. Abrupt notifications. 3. Conducting cultural ceremonies at inappropriate stages of acquisition. 	1. Mistrust of customary institutions by the community members.	Undermined	No Impact
		2. Disagreements between landowners and OPM at a later stage could result in delays or disruptions in the property management process, affecting project outcomes.	Undermined	No Impact
		3. Exploitation of women’s rights and the vulnerable groups.	Undermined	No Impact
		4. Fear of abrupt eviction of community members.	Undermined	Undermined
B	<ol style="list-style-type: none"> 1. Negotiations involve only OPM and a few land donors. 2. Improper and undocumented agreed negotiation terms and conditions, like duration. 	1. Deprivation of communal use rights for the customary community.	Undermined	No Impact
		2. Fear for becoming landless due to frequent leasehold.	Undermined	No Impact
		3. Coercion of host communities into giving up their land rights without proper informed decision.	Undermined	No Impact
C	<ol style="list-style-type: none"> 1. Lack of legally binding documents. 2. Non-documentation of donors’ rights. 3. Not specifying of refugees’ rights, restrictions, and responsibilities. 4. Signing a one-way agreement granting the use rights to refugees. 	1. Loss of trust in the government to protect the land rights of nationals (host communities).	Undermined	No Impact
		2. Fear for loss of their land rights due to lack of documentation	Undermined	Undermined
		3. Uncertainty of get back their land rights after the refugees have repatriated.	Undermined	No Impact
		4. Fear for loss of control over the land- Customary institutions and landowners’ mandate to control land is weak.	Undermined	No Impact
		5. Number of landowners with documentation for their land has Increased.	Enhanced	No Impact
		6. Increase number of associations of land donors.	Enhanced	
		7. Fear of permanent loss of land rights - refugees acquire loans and use communal land as security.	Undermined	No Impact

D	1. No valuation of land or assets on donated land.	1. Loss of access to resources, leading to loss of livelihood support mechanism.	Undermined	Undermined
	2. Compensation of affected assets.	2. Loss of cost of investment before gaining profit.	Undermined	Undermined
		3. Risk of financial loss to landowners.	Undermined	No Impact
E	1. OPM's exclusive role in use and administration of the donated land.	1. High rates of land grabbing.	Undermined	No Impact
		2. Fear for loss of inheritance rights on the donated land., due to infinite duration of use by refugees.	Undermined	
		3. High rates of land disputes between refugees and host communities.	Undermined	No Impact
	2. Non-existence of a clear land reversion strategy.	4. High costs of protecting refugees' properties	No Impact	Enhanced
		5. Introduction of refugees' land use right. (Positive)	Undermined	Enhanced
	3. Demarcation and allocation of plots to refugees.	6. Modification of norms of communal land holding that may not protect the land rights of the community	Undermined	No Impact
		7. Fear for undermining customary traditional norms and practices.	Undermined	No Impact
	4. Excluding customary institutions from the management of the donated land.	8. High rates of land fragmentation and degradation (increasing pressure on land utilization leads to food insecurity)	Undermined	No Impact
		9. Exploitation of community rights in customary systems.	Undermined	No Impact
F	1. Lack of a functional GRM. 2. Lack of a clearly defined dispute resolution strategy.	1. Inequitable access to land rights (Lack of legal provision ensuring equal access to land between refugees and host communities.)	Undermined	Enhanced
		2. High rate of land related cases pending in judiciary courts and OPM offices	Undermined	No Impact
		3. Refugees' fear of host communities' resistance.	No Impact	Undermined
		Fear for loss of their properties through confiscation by host communities.	No Impact	Undermined
		4. High costs of land transaction (renting, hiring, selling) due to increasing demand for land.	Enhanced	Undermined

5.4.1 *Quantitative Indicators on Perceived Tenure Security Impacting Refugees.*

Quantitative data revealed that the perceived tenure security of refugees of their current status. Table 5-5 shows that 9% of refugees expressed concern about the potential loss of livelihood support mechanisms, 16% highlighted high rates of land disputes between refugees and host communities, and 30% reported to have attained their livelihood and self-reliance. Additionally, 40% of respondents mentioned factors such as labour provision and market access, indicating harmonious living with host communities.

Table 5-5: Indicators of impacts on tenure security for refugees

Tenure (in)security indicators affecting refugees	Frequency	Percentage
We have attained livelihood and self-reliance	106	30.2
The rate of land conflict is high	55	15.7
We live in fear for losing our yields (harvest) to host communities	33	9.4
We provide cheaper labour for the host communities	59	16.8
We provide market for their produces and other products	85	24.2
other	5	1.4
Missing data	8	2.3
Total	351	100

According to Table 5-5, the main factors influencing tenure security for refugees are fear of losing agricultural yields and the high incidence of land conflicts, contributing 9.4% and 15.7% respectively, together accounting for 25.1% of perceived tenure insecurity. However, this perception does not accurately reflect refugees' actual tenure (in)security. Their current security is largely shaped by institutional protections provided by entities such as OPM, UNHCR, and other humanitarian partners. In practice, the most reliable indicator of refugees' tenure security is the level of tenure security experienced by host communities: as insecurity among host communities increases, its negative effects on refugees' tenure security intensify.

5.4.2 *Qualitative Responses Supporting the Tenure Security Impacts Affecting Refugees.*

Key informant responses revealed that in private land arrangements between landowners and refugees, both parties incur significant risks. Refugees risk losing their crops when landowners terminate agreements after only one season of clearing and cultivation. Conversely, landowners

may suffer financial losses when refugees cultivate more land than was initially agreed upon. These dynamics were frequently identified as primary sources of disputes between host communities and refugees, as evidenced by the following direct quotes from key informants.

The refugees can come and till the one acre, he/she will plant that first season, the second season they come and remove it away from this person. He/she has not enjoyed land.....at least if I can allow you to plant for 2 seasons may be you will earn more than you spent.....that is what is bringing conflicts to us now.” **Local leader, Mireyi, Adjumani**

“Some of these refugees they are very stubborn, they get their friends in the host community if they want to rent and they go alone, when they have their problems that’s when they come to me.” **Local leader, Adjumani**

“In these agreements they do it quietly without the LCs and the refugee leaders, just people agreeing and then disagree...” **OPM official, Arua**

“On individual basis, I can come to you at your home and we have just verbal agreement then you say its ok you can go and sometime people have such disagreement at the end of agreement when they have it verbal.” **Nowegian Refugee Council Representative**

5.4.3 Quantitative Indicators on Perceived Tenure Security Affecting Host Communities.

The quantitative data collected from semi-structured questionnaires administered to host community members indicates that majority expressed concerns about the safety of their land rights. These concerns were reflected through various indicators, as shown in Figure 5-2. Results show that 84% of host community members agreed that land disputes increased with refugees on their land, while 60% viewed refugees as a threat. Additionally, 35% reported that refugees often defaulted on agreed terms in private land acquisitions. Those who indicated uncertainty about the safety of their land rights, determination of land use duration by OPM in collaboration with clan or family heads, lack of transparency in the land acquisition process, and the loss of control over their land were 78%, 85%, 70% and 70% respectively. Only 40% believed that government and customary institutions were available to resolve disputes. Furthermore, 70% indicated a loss of livelihood opportunities, either due to the loss of cultivation land or destruction of crops resulting from refugees' settlement.

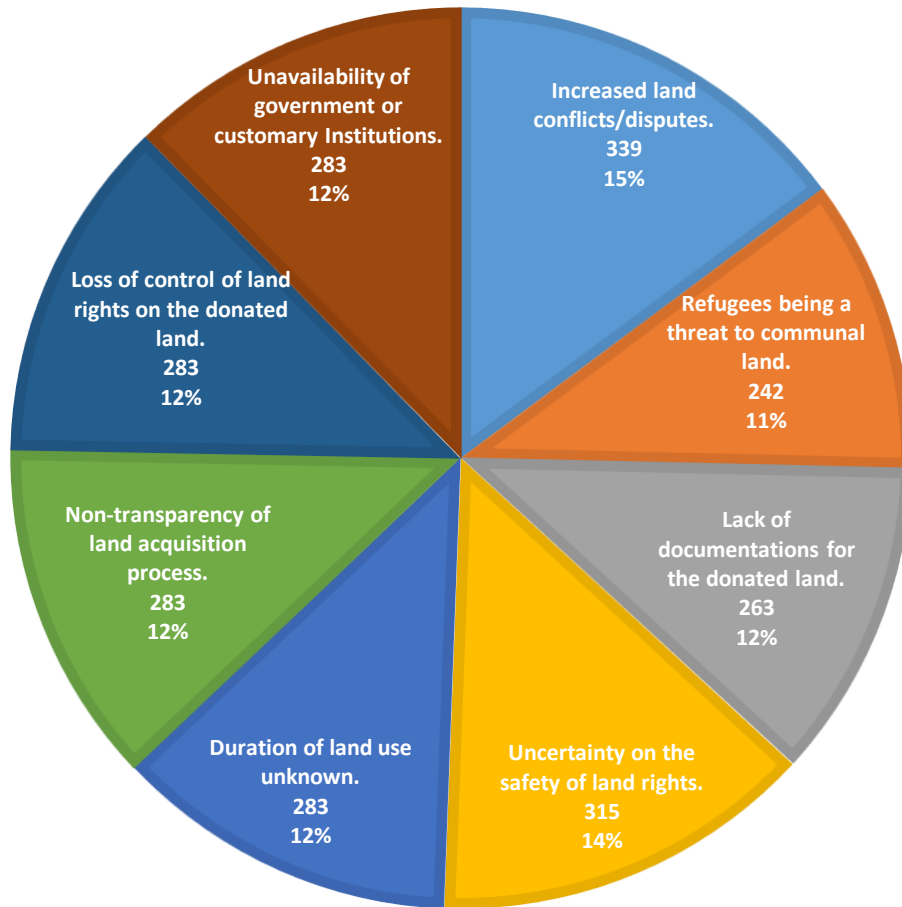


Figure 5-2: Graphical presentation of the indicators of impacts on tenure security for host communities

The impacts outlined in Figure 5-2 which primarily affected community members, were derived from both quantitative indicators and qualitative responses gathered through interviews and focus group discussions (FGDs). Refugees perceived tenure security is greater than that of host communities as evidenced in the quantitative results. Two main indicators were aggregated to determine refugees' perception of tenure security that rate of conflicts and fear for loose of yields that measured up to 25.1% in table 5.5. While the rate of host communities' perceived tenure insecurity is averagely 79% measured from various indicators provided empirically. These figures illustrate profound insecurity and perceived institutional opacity- potentially fueling resistance to refugee integration. The perceived security of refugees' access to donated communal land is attributed to the institutional gate keepers such as OPM, development and implementing partners. Biitir et al, 2017 argue that the tendency of some of the gatekeepers in reinterpreting legal

instruments, customs and traditions on land ownership to their advantage has the potential of hindering land recordation systems which raises the issue of fear of loss of land rights for the marginalized groups.

5.4.4 Qualitative Results on Tenure Security Impacts that affect Customary Host Communities.

The mistrust of both customary and government institutions, along with fears of land grabbing, loss of land rights due to lack of documentation and deprivation of communal land use rights, highlights the dissatisfaction of host communities regarding how their customary elders and the government are managing communal land, as expressed in the following voices:

“Until this new influx of 2013, as this new arrival came, there’s no any document I tell u, let’s be sincere, even when you go to OPM, district, how do you acquire this land to settle these people and we have no document which can show how this community sat. Even a memorandum of understanding, it’s not there” **Local leader 1, Egge, Adjumani.**

“Now these people of OPM took it as an advantage not having documentation.....and OPM tends to sit on us because there are government, but they are not considerable to citizens....” **Local leader 2, Egge Village, Adjumani.**

“Our elders were blindfolded and gave our land, no MoU was signed, and today we are now giving birth to children, what are we going to give them, these are our ancestral lands that were given away” **Group of youths, Bidibidi, Zone 2, Yumbe.**

“The elders were convinced that you know, when refugee go, OPM would just leave. But can you occupy this basecamp, it will now be a government property, they will take it over. So those are the cheap things they talked to our elders, and they accepted.” **Local leader, Nyumanzi, Adjumani.**

“Like this place where the base camp is seated, it’s without a cost, nothing was given to the person who owns this place, and this is an individual property not community land, but nothing was paid, it’s like saying it was grabbed.” **Local leader Nyumanzi, Egge Village, Adjumani.**

.....*But also the districts have gone ahead through their own initiatives, this is now in a crude way, to get community land, they say that in order to have this school here, we need this land here, and they have started to acquire some of this donated land.....the districts are acquiring land in crude ways, where there is a health facility they survey the land, and they say this is now for the government. They have now started with the integrated facilities like schools which serve both refugees and host communities.....* **OPM official, Adjumani.**

“The people on ground are complaining, you hold our hands of using this land, but of course other people are now using, how are you helping us?” **Local leader 1, Egge, Adjumani.**

The uncertainty about regaining land rights after the refugees have repatriated, along with the loss of control over land, was primarily expressed by the land donors. However, these impacts also extend to community members, who fear losing their communal use rights, inheritance rights, and being forced to rent land for grazing and cultivation to sustain their livelihoods. Some of the expressions that reflect these impacts are as follows:

“We have written to them that their time is almost done but no response is coming through, I have written to OPM, UNHCR, they call for a meeting to come and fulfil our needs but they have never come back. We have a plan of notifying the attorney general of the plan to sue the government” **Refugee settlement land donor, Adjumani.**

“During the 2013 war when refugees were at the border, camp commandant came to me that landlord, we are now stuck, we do don’t have where to put these people, allow us to drop these people here. I said NO, let me contact some other landowners and the community around whether these people can be allowed to come back here, give me time. He said NO, we are stuck, we shall speak on everything later, the moment he’s like you there, a truck of refugees has already come before I accept....” **Land donor, Adjumani.**

The loss of livelihood opportunities, the inability to recover investment costs before realizing a profit, high rates of land disputes between refugees and host communities, and the exploitation of community rights within customary systems impact both host community members and refugees.

During the settlement of refugees, which involves land clearing and plot demarcation, host communities often lose access to their cultivated land without compensation. On the other hand, in private land arrangements between landowners and refugees, both parties face risks of loss. Refugees fear losing their crops, especially when landowners ask them to leave after just one season of land clearing and cultivation. Likewise, landowners fear financial losses when refugees cultivate more land than originally agreed upon. Such issues are often cited as the main causes of disputes between host communities and refugees. The direct quotes that express these impacts are as follows:

“When refugees first left, we took over our land and we started using it, in 2013 when refugees came back, they settled in our gardens, and our food was not compensated” **Land donor, refugee settlement, Adjumani.**

“The problem with land lords was that once you opened up a thicket, and you get a bumper harvest they would become very jealousy and they would ask refugees to stop and even they would refuse and others would want to come and harvest part of the food crops from the garden where they have not put any effort.” **OPM official, Arua.**

One positive impact on tenure security is the growing number of land donor associations, which provide them with a stronger bargaining voice in defending their land rights. The following voices illustrate the presence of settlement landowner associations, which are also recognized by the Office of the Prime Minister. The following voices depict the formulation of settlement landowners’ associations in Bidibidi, Mireyi and Rhino settlements found in Yumbe, Adjumani and Madi-Okollo and Terego districts respectively.

We are ten landowners in zone 1 bidibidi settlement, even some of our colleagues in other zones have not received anything, our roads to our homes are bad, the market lost business, we have been called for a meeting but we were asked to sign the minutes and we refused, we demanded to know the purpose of the meeting but they only told us to sign minutes and we refused. We as landowners of zone1, we are going to come up with a plan to demand our land back” **FGD-land donors, Bidibidi Zone 1, Yumbe**

“The number of the gentleman I gave you is the chairperson for all settlement land donors in Rhino settlement. He is a big landlord. He was also a refugee in Sudan by then, and he knows what being a refugee means” **OPM official Rhino, Terego**

Coercion of host communities into giving in their land rights without fully informed consent, because of motivating promises which many times have not been met as narrated by a land donor. This is worsened by alteration of communal landholding norms, may not only lead to tenure insecurity but also undermine the integrity of local traditions.

“They told us to write what we wanted as a way of appreciation, we wrote what was within our capacity and they asked us to keep patient, upto now nothing has been given.... I have copies for the requirements and meeting copies... but the meeting was in the interest of the refugees. They forgot us completely...That’s why we are not happy at all, they have not done anything..... We have begged them please, please plant for us trees, nothing... they called for a meeting to come and fulfil our needs but they have never come back.” **Leader-settlement land donors, Rhino, Madi-Okollo**

The introduction of land use rights for refugees, though seemingly beneficial to them, often has negative impacts for host communities. Specifically, the signing of ‘right of use’ agreements by land donors which granted refugees land use rights on customary land that lacks proper documentation was imposed under duress. This practice contradicts the established norms and traditions of customary tenure. The following voices highlight the concerns raised regarding the introduction of documented land use rights for refugees."

“But they signed right of use agreement not selling, that we have offered you this land to use but not to sell with the district and then the district signs with OPM. In that right of use there were structures to be set up like where we are, we have basecamp, we have schools, health centers. Now in those specific areas, because the other one was right of use for settlements, but there are specific areas where the infrastructures needed to be put, so there is another agreement that was signed the right of use to establish permanent structures, there you negotiate with particular clan because that land is now owned by a certain clan so the clan has to have representatives” **OPM official, Bidibidi basecamp**

“Once the landowners are willing to take on the refugees, we go into signing of documents. There has been a document we have been using, it has been in circulation for long, it looks like that, it’s called voluntary land contribution. This is for settlement land offered by landowners. It has to be the specific landowners of that area, if it is clan, we indulge the clan and give us who exactly is in charge and is eligible to sign the consent.” **OPM official, Rhino basecamp**

High rates of land fragmentation and degradation driven by increasing pressure on land use have contributed to growing food insecurity. The OPM official highlighted land degradation issues, particularly caused by tree cutting for cooking and construction purposes.

“These refugees come with negative impacts like, they cut all the forests.... So World Bank through Development response to displaced impact project (DRDIP) is helping in environment interventions, restoring the environment which has been destroyed by refugees” **OPM official, Adjumani.**

The impact of high rate of land related cases pending in judiciary courts and OPM offices was expressed by OPM official in the following

“We have landowners who come complaining about the land, right now I have so many files of cases of landowners to do with issues of compensation, disputes with the government for not fulfilling, and many, but how can I handle these cases” **OPM official, Lamwo.**

5.5 Discussion of Results

This section establishes an analytical relationship between the existing rules and procedures for customary land acquisition and the tenure security for both customary land rights holders and refugees. The analysis is organized into six categories, corresponding to the stages of land acquisition.

5.5.1 Impact of Notification and Consultation Rules and Procedures for Acquisition of Customary land for Refugees on Tenure Security.

One key impact on tenure security is the growing mistrust of customary institutions by community members. This mistrust is primarily caused by non-inclusive and selective notifications and consultations during the customary land acquisition process. Under current practice, notifications about land donations for refugee settlement are typically delivered through the Office of the Prime Minister (OPM) via district leaders, often reaching only select elders or family heads. Many land users, especially those marginalized groups like woman and the youth that rely on communal grazing and hunting grounds are not meaningfully informed or consulted. Traditional land systems continue to dominate, often to the detriment of women's land rights and there is a strong perception that these traditional norms are more powerful than national laws, further entrenching gender disparities in decision-making (Bagaga & Adem, 2024). Gender imbalance was evident in the process of land acquisition where host community female participants were very few compared to the male participants as shown in the demographic information. Deeply ingrained social-cultural practices and power imbalance play a major role in undermining women's access, use, and control over land which leads to gendered power dynamic that underpin land governance systems and practices (MLHUD, 2019). A female local leader highlights the impact of selective consultation on their land access rights for grazing and land scarcity which left them more vulnerable than before.

“Our elders gave away most of the grazing and hunting grounds, even the remaining grazing area the owner got a certificate for it. Now if you want to graze your cows you have to ask him for a share and rent for grazing. That is why you see these goats of mine I am grazing them in my compound. if I take them somewhere, this neighbour of mine will say why do you bring your goat to be grazing here, so that one is already a sign there is shortage of land.” **Female Local leader, Adjumani.**

Selective consultation undermines trust, particularly in customary systems where legitimacy depends on inclusive decision-making. Rangone (2020) emphasizes that trust is grounded in perceptions of fairness and transparency within the decision-making process. Encouraging the active participation of diverse stakeholders including marginalized groups, strengthens community trust and fosters policies that are more equitable and representative (Sánchez-Soriano, 2024).

Selective notification practice clearly deviates from international best practice as outlined in the Voluntary Land Donation Protocol (VLDP) and similar frameworks. The VLDP requires that all affected persons be meaningfully consulted and provided with full opportunities to participate in both planning and implementation stages (Samoa, 2015). Likewise, the Asian Development Bank (ADB) stipulates that notification and consultation must occur in the planning, preparation, and implementation stages (Asian Development Bank, 2012). Delayed or selective notification violates this principle, eroding trust within customary institutions tasked with protecting community interests. Farha (2011) warns that neglecting established international standards can lead to severe, even life-threatening consequences for affected populations. In this context, the breakdown of trust in customary institutions weakens their ability to safeguard community land rights, undermining tenure security and potentially escalating conflict between landowners and refugees.

Secondly, the emergence of disputes between landowners and the OPM, which can delay or disrupt land management and refugee settlement processes, with negative implications for project outcomes and tenure security. Disagreements often emerge when certain family members are excluded from consultations or are only informed abruptly about land donation decisions. Consequently, those who were not involved sometimes return to contest the allocations, arguing that they never consented to the transaction. Rangone (2020) argues that abrupt or inadequate notification can lead citizens to perceive the process as unfair, discouraging their participation in decision-making and, in extreme cases, prompting legal challenges to administrative decisions. Such selective and abrupt consultations violate the VLDP principle of timely and transparent stakeholder engagement. As an OPM official reported in the quote below, family members have disputed land donations on the grounds that they were either absent or uninformed:

“Other family members would come after some time and argue that they were in Kampala and were never consulted to give out land.” **OPM official, Adjumani.**

This failure to follow transparent notification procedures disrupts agreements, generates conflict, and undermines project timelines. Kasimbazi (2017) emphasizes that inadequate or absent documentation and stakeholder exclusion in government-led land acquisition processes especially threaten tenure security among poor or marginalized groups. The rushed, non-participatory

approach observed in the current system sharply contrasts with the VLDP and ADB frameworks that call for advance, comprehensive consultation.

A third significant impact concerns the heightened risk of exploitation and dispossession faced by women, children, and other vulnerable groups. The current notification and consultation practices employed by the Office of the Prime Minister (OPM) are often non-inclusive and selectively implemented, resulting in the systematic exclusion of marginalized stakeholders from critical decision-making processes. By failing to ensure the active participation of women, children, and persons with disabilities, these processes neglect the perspectives and specific land rights of those who are frequently the most affected yet least empowered to claim their entitlements. This exclusion undermines the principle of Free, Prior and Informed Consent and exposes vulnerable groups to disproportionate risks of tenure insecurity and loss of customary land rights. International standards on land governance, including Article 32(2) of the United Nations Declaration on the Rights of Indigenous Peoples (UN General Assembly, 2007) and Chapter 9.9 of the FAO's Voluntary Guidelines on the Responsible Governance of Tenure (FAO, 2022), explicitly require states to consult all affected members of a community and to secure their informed consent prior to implementing measures that impact their land. The selective and opaque notification practices observed in this context therefore deviate from these established principles, entrenching structural inequalities and exacerbating the vulnerability of groups whose tenure rights should be among the most vigorously protected.

The current practice of CLA contravenes both national and international standards. The National Land Acquisition, Resettlement and Rehabilitation Policy (LARRP) identifies significant challenges in the voluntary acquisition of land for hosting refugees, internally displaced persons (IDPs), and other resettlement purposes (MLHUD, 2018). It emphasizes the urgent need for a comprehensive policy, legal, and institutional framework to regulate land acquisition and mitigate risks of impoverishment and related harms. Moreover, vulnerable groups must be meaningfully involved in consultation and decision-making processes (World Bank, 2018; Samoa, 2015). In Uganda's customary settings, entrenched cultural norms already constrain women's land rights, and inadequate notification or consultation further weakens these protections, resulting in exploitative practices and tenure insecurity. Another procedural gap concerns the delayed

performance of the cultural cleansing ceremony—intended to legitimize communal land donation—which often occurs after refugees have been settled due to funding delays. This lapse leads to land being donated without the full knowledge or consent of all customary users, thereby fostering mistrust and undermining tenure security.

5.5.2 Impact of Rules and Procedures of Negotiations for Customary Land Acquisition on Tenure Security.

A primary negative impact of the current negotiation procedures is the subtle coercion of host communities into surrendering their land rights without making fully informed decisions. This coercion is often driven by promises from the Office of the Prime Minister (OPM) that donating land will bring essential social services such as health facilities, schools, and roads services that are frequently lacking in host communities. Although these promises incentivize land donation, they rarely materialize as pledged, leaving communities feeling misled. This practice contradicts the principles of the Voluntary Land Donation Protocol (VLDP) and the FAO's Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), both of which emphasize transparent, honest, and verifiable negotiations to ensure Free, Prior and Informed Consent (FAO, 2022). When such promises remain unfulfilled, landowners are effectively coerced into agreements that undermine their tenure security and erode trust in both state institutions and customary leadership structures. While OPM officials often claim that these promises have been met, testimonies from land donors and local leaders indicate otherwise. For example, although roads leading to refugee settlements are generally well maintained, those serving the host communities remain in poor condition. Similarly, schools designated for refugees tend to be in better condition than those available to local residents. These observations are consistent with Meskers (2019), who found that while governments promised improved services in return for donated land, communities frequently faced delays, poor-quality infrastructure, and temporary structures that quickly fell into disrepair.

Another significant impact relates to the deprivation of communal land use rights. In many instances, negotiations involve only a few elders, family heads, or clan leaders, despite the fact that the land in question belongs to entire clans or families whose broader members hold equal customary rights. Such exclusion means that critical decisions affecting the whole community are

made by a limited group, leaving many without a voice or legal recourse. This practice violates the recommendations of responsible land governance frameworks, which require that negotiations be transparent and inclusive of all affected rights holders (Boudreaux & Neyman, 2015). By failing to uphold inclusive negotiation standards, the current approach exposes communal rights to unilateral decisions, leading to internal disputes and heightened tenure insecurity. The widespread fear of landlessness among host communities, driven by ambiguous or undefined donation terms, particularly regarding the duration of land use. Many agreements fail to specify clear leasehold periods or conditions under which land can be reclaimed. This lack of clarity fosters anxiety among customary landowners about the potential permanent alienation of their land. The FAO (2002) and related VLDP principles underline that tenure security depends strongly on clear, legally enforceable terms of land use, especially for vulnerable groups whose livelihoods depend on continued access. The absence of explicit terms opens space for recurrent renegotiations and frequent extensions of occupation by refugees, deepening tenure insecurity for host communities.

The current negotiation practices deviate from well-established international norms. The FAO's VGGT (Chapter 12:3) and the Operational Guidelines for Responsible Land-Based Investment both emphasize that land-related negotiations must be conducted transparently and inclusively, with fair representation of all affected parties (Boudreaux & Neyman, 2015). Furthermore, the guidelines warn that relying solely on traditional leaders, who may not have a strong fiduciary obligation to represent their communities fully, risks decisions that benefit only a few, while compromising broader communal rights. Best practices require that all stakeholders, especially marginalized groups, be consulted directly to avoid elite capture and ensure fair outcomes. In contrast, private negotiations for land acquisition between individual refugees and host community members are even more precarious. These informal arrangements often exclude local leaders or refugee welfare committees and are typically sealed through verbal agreements rather than written contracts. This informality leaves both refugees and landowners vulnerable to disputes and exploitation. Refugees frequently report being evicted before recovering investments made to clear or improve the land, an issue captured vividly in the following statement:

“Some of these refugees they are very stubborn, they get their friends in the host community if they want to rent and they go alone, when they have their problems that’s when they come to me.” **Local leader, Adjumani**

5.5.3 Impact of Rules and Procedures of Documentation of Acquired Customary Land on Tenure Security.

One critical impact of the absence of proper documentation is the deepening mistrust in government institutions and customary leadership to protect the land rights of host communities. This erosion of trust arises directly from the failure to formalize land transactions through legally binding agreements specifically, the omission of Memoranda of Understanding (MoUs) between the Office of the Prime Minister (OPM) and landowners during the acquisition of customary land for refugee settlements. Although existing literature clearly prescribes that such negotiations should culminate in signed MoUs to safeguard the rights of all parties (UNDP, 2018; Zakaryan, 2018), the study found that these were routinely replaced with informal meeting minutes, contribution forms, or verbal assurances. The lack of clear ownership records and historically weak enforcement of land rights have further intensified tenure insecurity, particularly for women, youth, and other marginalized groups (Bagaga & Adem, 2024). This practice deviates sharply from the Voluntary Land Donation Protocol (VLDP) and the FAO’s Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), both of which emphasize the need for clear, enforceable agreements to strengthen tenure security and promote stakeholder confidence.

The consequences of this procedural gap extend beyond legal ambiguity to seriously undermine community cohesion and trust. Many community members reported that customary institutions and elders had failed to defend communal land interests effectively, largely because no formal agreements were signed when ancestral lands were allocated for refugee settlement. Youth participants in a FGD in Zone 1 of the Bidibidi settlement vividly expressed their disillusionment with local leaders, underscoring a broader perception that traditional governance systems have become inadequate safeguards of communal tenure security. This breakdown in trust has heightened the sense of vulnerability among community members, who fear permanent dispossession and question the legitimacy of both government and customary institutions as stewards of their land rights. Such mistrust highlights the critical need for formalized, transparent

documentation processes to restore confidence, uphold tenure security, and protect the long-term interests of host communities.

Closely linked to this erosion of trust is the pervasive fear among landowners of losing their land rights due to the absence of legally binding documents clearly defining donors' entitlements. In practice, the documentation signed by elders and land donors granted the Office of the Prime Minister (OPM) broad rights to use the land for refugee settlement and to construct permanent structures yet offered landowners and their communities no binding guarantees or compensation. Many perceived these agreements not as protective contracts but as instruments of exploitation that left communities exposed to future dispossession and potential eviction. The lack of reciprocal safeguards or formalized commitments has therefore created a climate of deep insecurity, amplifying concerns about the government's commitment to uphold local tenure rights. This situation underscores the urgent need for stronger, legally enforceable mechanisms to ensure that landowners' rights are adequately protected when community land is repurposed for refugee settlements.

Another deeply embedded consequence of this inadequate documentation is widespread uncertainty about the eventual restitution of land rights after refugees' repatriate. Community members interviewed revealed that the absence of formal contracts makes it nearly impossible to enforce the return of land once its use for refugee settlement ends. The literature and international best practice require that such conditions, especially the timeframe and restitution process be explicitly stated in binding documents. However, OPM's practice of relying solely on informal records or verbal undertakings stands in stark contrast to these standards. As a result, landowners have little confidence that the government will honour verbal commitments, and this uncertainty has driven many to pursue costly and protracted legal battles to reclaim land they fear may never be returned.

The lack of robust documentation has also undermined the authority of customary institutions and landowners to exercise meaningful control over their land. Historically, clan leaders and elders have held the mandate to allocate and protect communal land. However, in the current arrangement, these institutions are bypassed or co-opted through opaque agreements lacking legal

force. The failure to formalise agreements in line with the principles laid out in Chapter 12.3 of the VGGT, which affirms the legal recognition of customary tenure governance, has weakened local institutions and diminished their capacity to protect community interests. This erosion of local authority directly contributes to communities' sense of powerlessness over land allocation decisions that have far-reaching consequences for their livelihoods and identity.

Despite these negative impacts, the gap in formal documentation has triggered some adaptive responses that have improved tenure security for certain groups. Notably, the lack of binding agreements has encouraged many landowners to proactively seek legal documentation for their land through Certificates of Customary Ownership (CCOs). The study shows that the proportion of landowners with registered land rose significantly from only 18% before refugee settlements to over 50% during the settlement period. This response aligns with international recommendations that stress formal registration as an essential safeguard for securing tenure rights (FAO, 2022). In this context, the shortcoming of state-led processes indirectly motivated private actors to adopt more secure tenure practices, partially offsetting the risks created by the absence of MoUs.

Similarly, the documentation gap and the failure to fulfil promised conditions have catalyzed the formation of associations of land donors. These associations emerged as collective platforms to hold the OPM accountable and to strengthen the bargaining power of individual landowners. By acting collectively, these groups have amplified demands for transparent negotiation processes and proper documentation, echoing best practice recommendations that encourage participatory governance and local capacity-building (Boudreaux & Neyman, 2015). While this trend demonstrates community resilience, it also highlights how the absence of standardized procedures has forced landowners to create their own protective structures in response to state shortcomings. However, new threats to tenure security have emerged from the same procedural failings, particularly due to the non-specification of refugees' rights, restrictions, and responsibilities. Interviews revealed cases where refugees, lacking clear restrictions on land use, have used communal land as collateral for loans. This misuse places communal lands at risk of permanent loss through foreclosure or sale—a situation the original donors never envisaged. Such outcomes clearly violate the core principle of informed consent and the obligation to communicate all critical conditions upfront, as outlined in the UN Declaration on the Rights of Indigenous Peoples and the

VGGT. The failure to define and legally bind these limitations exposes host communities to unintended dispossession and further weakens trust in government oversight.

Finally, the indefinite duration of land use arrangements exacerbates tenure insecurity for donors while paradoxically securing tenure for refugees. Interviews with OPM officials and community members confirmed that no binding clause specifies when donated land will revert to its owners. While refugees benefit from indefinite rights to stay until conditions in their countries of origin permit repatriation, donors face profound uncertainty about when, or even if, they will regain full control over their ancestral land. International frameworks unambiguously require that such critical details be communicated and agreed upon in writing before land is transferred (FAO, 2022; UN General Assembly, 2007). The lack of transparency around this aspect has spurred an increase in land disputes and reinforced fears that temporary donations may effectively become permanent expropriations. Additionally, vulnerable groups such as women, youth, and marginalized communities are disproportionately impacted by prevalent land conflicts driven by unclear land ownership and illegal acquisitions (Bagaga & Adem, 2024).

5.5.4 Impact of Rules and Procedures of Valuation and Compensation of Affected Assets on Tenure Security.

A major negative impact of the current valuation rules and procedures is the loss of access to vital livelihood resources, which directly undermines tenure security for host communities. The lack of comprehensive valuation mechanisms of affected assets and land, has left landowners vulnerable to significant economic losses. According to the World Bank's Voluntary Land Donation Policy (VLDP), affected persons must be fully informed and compensated for losses incurred, unless they freely waive such compensation with explicit, written consent (World Bank, 2017). In this context, however, no evidence written or verbal indicates that affected landholders willingly waived compensation for lost assets such as crops, grazing fields, or hunting grounds. Testimonies from landowners confirm that when communal or individual lands were repurposed for refugee settlements, crops and other productive resources were neither assessed nor compensated. This omission has diminished families' ability to maintain their livelihoods, directly contravening both the VLDP and the FAO's Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), which emphasize that loss of livelihood must be avoided or fairly mitigated through transparent processes (FAO, 2022).

The failure to value and compensate existing investments also resulted in unrecovered costs for landowners. Many donors had invested in crops and small-scale grazing, expecting returns over time. When land was reallocated for refugee settlements without assessing the value of standing crops or other assets, landowners bore unreimbursed losses. This not only reduced their immediate income but also weakened their longer-term financial resilience. Such oversight directly contradicts the World Bank's Environmental and Social Framework, which stipulates that voluntary land donations must not impair the landowner's ability to maintain a sustainable livelihood at existing levels (World Bank, 2017). In practice, however, many donors' livelihoods were disrupted without any protective recourse.

A further risk to tenure security stems from the absence of any systematic valuation of land or assets during the acquisition process. By neglecting to establish a fair economic value for donated land and its resources, OPM left landowners exposed to significant financial risks and limited their bargaining position in any future negotiations. Without documented baseline values, landowners were unable to claim restitution or adequate compensation if the land was returned in degraded condition or with diminished productivity. This procedural gap contradicts good practice principles, which recognize that valuation is not merely a financial exercise but an essential safeguard for protecting tenure rights and preventing exploitation (FAO, 2022).

The lack of valuation mechanisms also created broader market distortions that further eroded tenure security. As land scarcity increased due to growing refugee and host populations, so too did the demand for land. However, in the absence of reliable valuation benchmarks, landowners and refugees alike faced inconsistent, often inflated prices for renting, hiring, or selling land. Evidence from local communities shows that grazing areas and cultivation plots were increasingly commodified at unregulated prices, with many households forced to pay higher rents or lease fees to access land that was once freely available for communal use. This shift disproportionately burdened poorer households, constrained access to productive land, and undermined communal tenure norms that had historically ensured more equitable resource distribution. The study found that landowners frequently rented out remaining land parcels below market value due to lack of information on prevailing rates. For example, seasonal rental prices for agricultural plots ranged

from UGX 50,000 to 150,000, but these figures were determined through informal negotiation rather than by reference to formal land valuation records. This discrepancy further weakened landowners' capacity to capture fair economic returns from their remaining assets, effectively exacerbating their economic vulnerability at a time when land scarcity was intensifying.

The communal character of much of the affected land exacerbates these tenure security risks. Without proper valuation and clear consent procedures, the conversion of communal grazing and hunting lands into refugee settlements disrupted local livelihood systems that sustained entire families or clans. This was especially problematic where no mechanisms were put in place to ensure that communal users who may not be the direct signatories to land agreements were adequately consulted or compensated. Such procedural omissions violate both the VLDP and VGGT principles, which emphasize that all affected rightsholders, including collective users, must be fully informed and consulted to ensure Free, Prior and Informed Consent (FAO, 2022; World Bank, 2017).

5.5.5 Impact of Rules and Procedures of Land Use and Administration of Customary Land on Tenure Security.

A critical negative impact of the current land use and administration practices is the increased risk of land grabbing during the land reversion stage, particularly where integrated facilities constructed on donated land are permanently retained by local governments without compensation to the original owners. This practice fundamentally undermines the original understanding between host communities and the government that land provided for refugee settlements would be restored to the customary owners once refugees repatriate. The absence of clear, binding agreements that explicitly define the conditions and timelines for reversion, coupled with inadequate oversight and monitoring mechanisms, creates significant governance gaps that opportunistic local authorities or private actors can exploit. Such gaps directly contradict the Voluntary Land Donation (VLD) framework, which stipulates that donated land must be returned or that adequate restitution measures must be implemented once its intended use concludes (ADB, 2012; Laos, 2019b). The lack of enforceable safeguards severely erodes trust in government institutions to uphold customary land rights, perpetuating widespread tenure insecurity.

The rule that land should revert to its original owners following refugees' voluntary repatriation remains weakly implemented in practice due to the absence of formal documentation and clear operational procedures. The reversion process is also heavily dependent on a sequence of protracted steps, including refugees' voluntary departure, land clearance, settlement consolidation, and official decommissioning. Although OPM officials described these processes as comprehensive and effective for managing potential land grabbers and illegal occupants, landowners and community members consistently expressed concerns that the lengthy and opaque procedures expose them to encroachment and unauthorized occupation. This fear is supported by evidence such as Zakaryan (2018), who documented that in the early 2000s, land at Achol-Pii previously used for refugee settlements was never reverted but was instead converted to other uses, violating the original agreement with land donors.

Further compounding this risk is the experience of land donors who reported that even when land technically reverts, they often do not regain full control. One notable example occurred in 2013, when refugees were relocated without the knowledge or consent of landowners, resulting in the destruction of local investments, such as cultivated gardens. Such instances highlight the absence of a clear and functional grievance redress mechanism (GRM) capable of safeguarding landowners' rights and investments when land management remains heavily centralized under OPM's authority. Without binding agreements and transparent, enforceable reversion procedures, communities remain exposed to involuntary dispossession, fueling persistent tenure insecurity and mistrust in the state's commitment to uphold customary land tenure systems.

The indefinite duration of refugee settlement further threatens the inheritance rights of host communities. By allocating demarcated plots to refugees without defined conditions or time-bound restrictions, OPM's procedures have disrupted generational land use plans and customary inheritance systems. Land that was previously available for heirs within clans or families is now perceived as permanently alienated. This uncertainty erodes the social fabric of customary tenure systems, as land which should pass from elders to younger generations becomes entangled in protracted use by non-nationals. This directly violates the World Bank's VLDP, which states that voluntary donations must not compromise the donor's long-term livelihood or cultural rights, including the right to pass land to future generations (World Bank, 2017).

Another significant impact on tenure security is the increased incidence of land disputes between refugees and host communities. These disputes are largely driven by OPM's centralized management of donated land, which sidelines traditional dispute resolution mechanisms governed by customary authorities. The sole management of land by OPM, combined with the operation of RWC and refugee elders to resolve conflicts internally, undermines the legitimacy and authority of customary cultural leaders. Similar dynamic was reported in Bidibidi, where high rental costs and informal verbal agreements increased land conflict but were mitigated through mediation by community peace keepers (Muhindo, 2025). This dual governance structure generates parallel systems that often issue conflicting decisions, prolonging disputes and undermining confidence in fair resolution. Such fragmentation of dispute resolution mechanisms deviates from international standards such as the VGGT, which stress that customary institutions should be respected and integrated into formal processes to maintain social cohesion and tenure security (FAO, 2022).

The unsatisfactory procedures for land acquisition and administration have also increased the costs borne by OPM in protecting refugees and their property. Because many host community members feel excluded or wronged by the lack of fair procedures and compensation, tensions arise that require OPM to deploy additional resources for security and conflict management. These costs could be minimized if acquisition and allocation adhered to international best practices that promote transparency, fairness, and the inclusion of all stakeholders, thereby reducing grievances and the likelihood of conflict. Despite these negative outcomes, the demarcation and allocation of plots to refugees has had some positive impacts for the refugees themselves. For many, secure plots have conferred a measure of land use rights that enable them to establish homesteads, cultivate food, and plan for longer-term livelihoods. Approximately 71% of refugees reported that plot allocation strengthened their sense of land security and improved their self-sufficiency. In this respect, the procedure partially aligns with international protection frameworks, which recognize that displaced populations require secure access to land to sustain their livelihoods and achieve a degree of resilience (Berke & Larsen, 2022). However, the absence of clear conditions for the duration of this use simultaneously generates deep insecurities among host communities, illustrating the tension between short-term refugee protection and the long-term tenure rights of local landowners.

A further negative consequence of these procedures is the erosion of communal landholding norms. The subdivision of large communal grazing and farming areas into small refugee plots fragments the land base, disrupting traditional communal land governance structures and weakening the authority of customary leaders. This shift fundamentally alters the cultural and social roles of elders and clan heads, who historically allocated land, mediated disputes, and safeguarded communal tenure systems. Without formal roles in the new land administration framework, these traditional leaders lose influence, exacerbating community perceptions that customary norms and values are being systematically undermined. This weakening of customary norms is compounded by the fact that dispute resolution is increasingly handled by RWCs and refugee elders, often without any involvement of the legitimate cultural authorities of host communities. This parallel system not only diminishes the role of local governance institutions but also fosters resentment and mistrust, threatening the long-term viability of customary land tenure arrangements. International guidelines, including the VGGT, strongly advise that traditional governance structures be respected and integrated into any new land management frameworks to protect vulnerable communities and preserve social cohesion (FAO, 2022).

Additionally, inappropriate land use planning and weak restrictions have led to high levels of land fragmentation and environmental degradation. Continuous cropping on small plots, combined with population pressures and unclear boundaries, results in soil exhaustion, declining productivity, and encroachment onto community-designated areas. The resulting environmental impacts place even greater pressure on the already strained land resources, escalating food insecurity and fueling further disputes. This outcome demonstrates a clear departure from good practices in land administration, which require robust planning and clear restrictions to balance competing land uses sustainably (Berke & Larsen, 2022; Meskers, 2019).

Finally, the denial of access to previously communal land by host communities, once it has been demarcated and allocated exclusively to refugees, exemplifies the direct exploitation of community rights within customary systems. Communities that contributed land in good faith now find themselves excluded from areas that historically supported hunting, grazing, and farming activities integral to their cultural identity and survival. This contradicts the VLD's fundamental principle that land donation must produce demonstrable benefits for donor communities and must

not deprive them of essential resources (ADB, 2012; World Bank, 2017). Whereas some aspects of OPM's land use and administrative procedures have enhanced tenure security for refugees, the overall approach has seriously undermined the tenure security of host communities. By disregarding key international standards on voluntary donation thresholds, livelihood restitution, inclusive governance, and clear land use planning, the current system has fostered conflict, disempowerment, and environmental degradation. To address these shortcomings, future land administration must adhere to the VLD and VGGT guidelines, ensuring that all stakeholders especially host communities are equitably consulted, adequately compensated, and meaningfully involved in both land management and dispute resolution. Only through such inclusive, transparent, and principled governance can the dual objectives of refugee protection and community tenure security be harmonized.

5.5.6 Impact of Rules and Procedures of GRM of Affected People on Tenure Security

A fundamental negative impact of the current grievance redress rules and procedures is the persistent inequity in access to land rights between refugees and host communities. This inequity stems directly from the lack of a legal provision ensuring equal access for both groups. While refugees benefit from the clear demarcation and allocation of individual plots, host communities must continue to use the residual land communally, without comparable individual tenure security. This imbalance violates the principles of fair treatment embedded in the World Bank's Voluntary Land Donation Protocol (VLDP), which underscores the need for due diligence and transparent processes to safeguard the rights of all stakeholders (Samoa, 2015). The absence of an equitable and functional GRM to address such disparities exacerbates host community fears of marginalization and fuels resentment towards both refugees and state institutions. The lack of a clearly defined and operational GRM has also contributed to a significant backlog of land-related disputes. The study revealed that over 42% of respondents reported unresolved land disputes pending before judiciary courts and within OPM offices, with many cases stalled for years due to jurisdictional ambiguities and procedural inefficiencies. This situation aligns with the concerns raised by Boudreaux and Neyman (2015), who argue that inadequate grievance systems are a major driver of tenure insecurity and protracted land conflicts. Communities are often uncertain about where and how to report disputes, which increases the risk of unresolved tensions escalating into open conflict, particularly in areas where competition for land between refugees and host

populations is already high. Programs like Kabarole Research and Resource Center – Uganda’s demonstrate how localized, inclusive grievance systems can help rebuild trust and resolve disputes (Muhindo, 2025).

Additionally, the absence of an accessible, credible, and rights-compatible GRM has created deep insecurities for both refugees and host communities. Refugees, for instance, fear resistance and retaliation from host communities, particularly youth groups, who view the land allocation process as fundamentally unjust. This fear is magnified when refugees enter private rental arrangements with local landowners without any institutional safeguards to mediate conflicts if disputes arise. Approximately 34% of refugees surveyed reported anxiety over the potential confiscation of their crops or forced eviction by dissatisfied local residents. This dynamic not only undermines refugees’ confidence in their tenure arrangements but also strains social cohesion between the two groups. Moreover, the ‘right to use agreements’ required by OPM for land with permanent structures compound these insecurities. Land donors noted that these agreements purportedly designed to formalize the temporary use of land for refugee-related infrastructure, often lack enforceable provisions guaranteeing that land will revert to them once its intended use concludes. Many perceive this practice as institutional opportunism that exposes them to the permanent loss of land rights, particularly in contexts where schools, health centers, and base camps become integrated into local government portfolios without restitution. This perceived gap between formal agreements and actual practice has heightened mistrust in the government’s commitment to protect customary tenure rights.

International best practices underscore the importance of robust, transparent, and culturally appropriate grievance systems. The Asian Development Bank (2012) and the World Bank VLDP both stress that GRMs must be easily accessible, free of charge, and available in languages and formats that match the literacy levels of the affected communities. This study revealed that more than 70% of host community members had only completed primary education, while about 40% of host communities were above 50 years of age. These demographic realities demand village-level grievance reporting structures in local languages to ensure genuine access. Ruggie’s (2011) UN Guiding Principles on Business and Human Rights further emphasize that non-judicial

grievance mechanisms must be legitimate, equitable, and rights-compatible, yet the current system falls short of meeting such standards.

Despite the humanitarian motivations behind voluntary land donation as reflected in the 36% of land donors who offered land on the basis of solidarity due to their own past experiences as internally displaced persons (IDPs). This generosity does not negate the state's obligation to establish clear and functional avenues for redress. The lack of such mechanisms violates the FAO's (2022) Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), which stress that due diligence processes must avoid infringing on legitimate tenure rights and that accessible non-judicial grievance procedures are essential for safeguarding human and tenure rights. Worse still, the widespread backlog of unresolved land cases, inequitable land access, and the growing fear of dispossession among both host communities and refugees all stem from the absence of an effective, transparent, and community-appropriate GRM. Rectifying this gap requires OPM and other actors to urgently operationalize grievance systems that align with international standards such as legitimate, accessible, equitable, and rooted in local contexts, to protect tenure security and foster trust between refugees, host communities, and the state.

5.6 Concluding Remarks

This chapter examined the impacts of the rules and procedures governing the acquisition of customary land for refugees on tenure security in host communities. While a few positive outcomes were identified, the findings overwhelmingly highlight significant negative consequences, particularly for the tenure security of host communities. These adverse impacts are rooted in procedural deviations from internationally recognized principles of Voluntary Land Donation (VLD). By failing to adhere to established standards of fair valuation, transparent consultation, binding agreements, and robust grievance redress mechanisms, the current practices undermine the very objectives of equitable, consensual, and sustainable land governance. Addressing these gaps is critical to ensuring that future land acquisition processes safeguard the tenure rights of both refugees and host communities equally.

CHAPTER 6: IMPROVED RULES AND PROCEDURES FOR CUSTOMARY LAND ACQUISITION

6.1 Introduction

This chapter introduces new rules and procedures for acquiring customary land to enhance tenure security for both refugees and host communities. Building on the preceding chapter which examined how existing rules and procedures affect tenure security. This chapter proposes targeted reforms to address identified gaps and align practices with international standards. The study analyses the customary land acquisition practices currently implemented by the Office of the Prime Minister (OPM) in refugee-hosting communities, evaluating them against established principles of good practice that safeguard tenure security. This mapping identifies the strengths and weaknesses of existing procedures, providing a foundation for improvement.

To ensure the proposed rules are comprehensive and practical, the study draws on internationally recognized frameworks, including the World Bank's Voluntary Land Donation Protocol, the Asian Development Bank's Voluntary Land Donation Framework, the International Finance Corporation's Performance Standards, the FAO's Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), USAID's operational guidelines for responsible land-based investment, and the United Nations Guiding Principles on Business and Human Rights. Additionally, comparative insights are drawn from land acquisition practices for refugees in other African and European host countries to identify approaches that promote tenure security and peaceful coexistence. These practices are further validated through expert consultations to ensure feasibility within Uganda's legal and cultural context.

6.2 Basis for Improving Rules and Procedures for Acquisition of Customary Land for Refugees.

Guided by these international standards, the study mapped the existing rules and procedures applied at each stage of customary land acquisition to identify areas of alignment and gaps. The results of this mapping inform the proposed improvements, ensuring they respond to the specific context and challenges of the study area. This section presents:

- i. The existing rules and procedures at each stage of land acquisition,

- ii. The corresponding international good practices and standards, and
- iii. The identified alignments to and deviations from the good practices of VLD, which together provide a basis for improving the existing rules and procedures.

6.2.1 Basis for Improving Rules and Procedures under Notification and Consultation Stage.

Current notification and consultation procedures involve only land donors or community elders, excluding other stakeholders. Good practice principles require that all individuals be consulted transparently and separately, as illustrated.

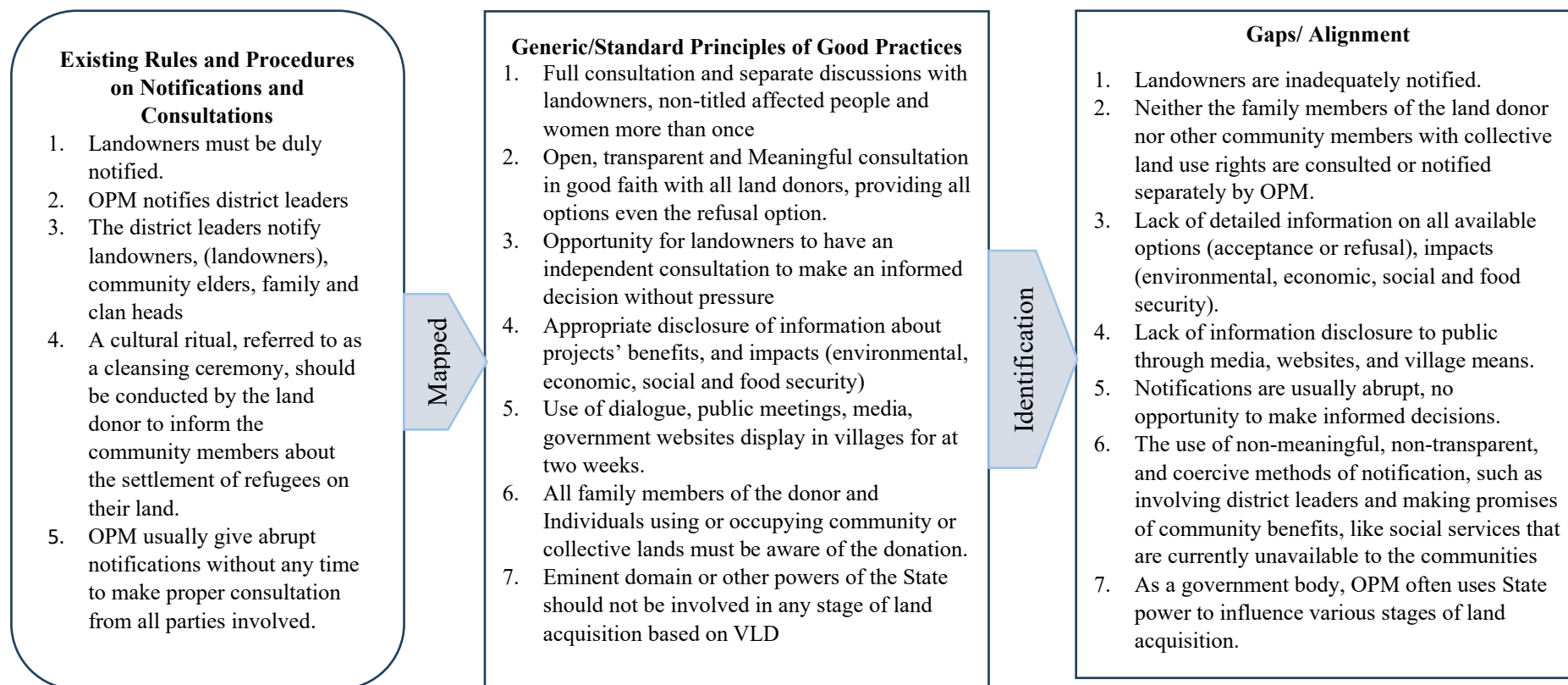


Figure 6-1: Actions conducted to improve the notification rules and procedures of acquisition of customary land for refugees

6.2.2 Basis to Improve Rules and Procedures of Negotiations for Customary Land Acquisition for Refugees.

Current negotiations for acquiring customary land for refugees are limited to the OPM and customary leaders (clan and family heads), which contradicts international good practice standards. Table 6-1 analyses these existing negotiation practices, providing a baseline for improving rules and procedures.

Table 6-1: Analysis to improve notification rule and procedures in customary land acquisition for refugees

Existing Rules and Procedures on Negotiations	Generic Principles of Good Practices	Gaps/ Alignment
<ol style="list-style-type: none"> 1. The land must be dispute-free. 2. Donation is temporary based. 3. Dialogue-based negotiations. 4. Refugees shall have no right to sell, lease, or otherwise alienate. 5. Negotiations are done between OPM and only affected landowners without involving the affected community members 6. District leaders are involved in the negotiations as witnesses. 7. Refugees privately negotiate with landowners for extra land for farming purposes without the involvement of OPM or local leaders which yield informal and verbal agreements 	<ol style="list-style-type: none"> 1. Transparent, good faith, fair and participatory negotiations with community stakeholders to enable appropriate conditions and establishment of FPIC. 2. Negotiations should include protection of natural features with cultural heritage sites for communities like hunting and grazing grounds. 3. Negotiation for Community development agreements or memoranda of understanding. 4. Non-discriminatory and gender sensitive negotiation with special considerations of secure access to land for the vulnerable. 5. Negotiations and agreed terms between refugees and host communities on private land should be transparent, documented and witnessed by authority 6. Land to be donated should be free from any dispute on ownership or any other encumbrances 	<ol style="list-style-type: none"> 1. Disputed land is donated and accepted by OPM. 2. Non-transparent, discriminative and non-participatory negotiations. 3. Lack of FPIC principle during negotiations. 4. Disrespect and no protection or value of natural features or cultural heritage sites. 5. No negotiations for community development agreements or memoranda of understanding 6. Gender insensitive negotiations without special considerations of secure access to land for the vulnerable. 7. Private negotiations between refugees and host communities are mostly verbal. 8. Agreed terms from negotiations are documented and witnessed by district leaders.

6.2.3 Basis for Improving Rules and Procedures in the Documentation Stage.

Current documentation practices by the OPM during the acquisition of customary land for refugees do not include recording agreed terms and conditions in a legally binding document. No Memorandum of Understanding (MoU) is signed apart from a land use agreement, which grants use rights to the OPM and refugees but does not specify the rights of the donors, leaving their tenure security at risk. Table 6-2 analyses these documentation practices and provides a basis for improvement.

Table 6-2: Analysis for Improving Documentation Rules and Procedures for Customary Land Acquired through VLD

Existing Rules and Procedures on Documentation	Generic Principles of Good Practices	Gaps/ Alignment
<ol style="list-style-type: none"> 1. Customary land acquisition process should be concluded by signing MoU. 2. All land donors shall sign use rights agreements. 3. The duration of land use shall not be specified. 4. At the end of a negotiation no MoU is signed, but rather meeting minutes, agreements and voluntary land contribution forms were signed between OPM, landowners and witnessed by the district leaders. 5. The rights of land donor are undocumented. 	<ol style="list-style-type: none"> 1. VLD must be documented in legal documents. 2. Documentation of non-coerced voluntary consent of land donors, mutually accepted process, consultations and outcomes of negotiations as well as dissenting views. 3. Agreements, MOUs, meeting minutes should be documented in languages that can be understood by all affected persons, verified by two witnesses from the community and made publicly available. 4. For community or collective land, donation can only occur with the consent of individuals using or occupying the land. 5. The donated land should be legally processed for its ownership status after the land is donated. 6. Refugees' rights to use land, including duration and conditions, should be clearly documented. 	<ol style="list-style-type: none"> 1. Consents of land donors are documented in voluntary land contribution forms and minutes and witnessed by district leaders. 2. Rights of OPM/refugees on the donated land are documented in land use agreements. 3. Land donations are not documented in legal documents/ MoUs. 4. Consent of individuals using or occupying the community or collective land is not attained. 5. Dissenting views of affected persons not documented such as disputed donated land. 6. All signed documents cannot be accessed by the community members or the landowners. 7. Rights of land donors and beneficiaries are not documented. 8. No legal processing of ownership for the donated land by government. 9. Refugees' rights of use, duration, conditions on allocated plots is not documented.

6.2.4 Basis for improving Rules and Procedures for Valuation of Affected Assets during Customary Land Acquisition.

Customary land for refugee settlement is acquired voluntarily under a no-monetary policy. A common practice by the OPM during this process is the absence of valuation for the land and any assets located within the donated area. This section maps current valuation practices against the good practices of Voluntary Land Donation (VLD) for communal land to identify gaps and alignments as a basis for improvement. Details are provided in Table 6-3.

Table 6-3: Basis for improving Valuation rules and procedures for CLA for refugee settlement

Existing Rules and Procedures of Compensation and Valuation of	Generic Principles of Good Practices	Gaps/ Alignment
<ol style="list-style-type: none"> 1. All customary land offered to OPM for refugees’ access is acquired temporarily on a ‘No-Monetary’ Policy. 2. No valuation nor compensation shall be provided for livelihood assets found on the donated land. 3. All land donors should receive a uniform token of appreciation, regardless of the size of the land donated. 4. Land acquired privately by refugees is rented between UgX50,000 to 150,000 per season or annually. 	<ol style="list-style-type: none"> 1. The landowner needs to be informed about their rights to receive compensation before making the decision to donate the land voluntarily. 2. Licensed appraisers should do valuation and compensation of asset or livelihoods of APs 3. All voluntary land contribution should be entitled to compensation for loss of assets at replacement cost, except where land donors have consented in writing not to be compensated. 4. Standing crops, trees and other assets cannot be donated and should be compensated in cash. 5. Compensation can be in form of development of non-donated land to increase its productivity. 6. Compensation of structures and assets on donated land must be paid four weeks prior to their removal. 	<ol style="list-style-type: none"> 1. Customary land donors are never informed about their rights to compensation. 2. No valuation nor compensation of assets or livelihoods for affected persons is conducted. 3. Appreciation tokens in terms of money or animals are offered to land donors inconsistently. 4. Crops, trees, foods are destroyed without compensation nor written or verbal consent of the affected land donors. 5. Compensation in form of non-monetary benefits to land donors is selective. (Fulfillment of promised benefits by OPM to the land donors is to a smaller extent) 6. Donated land is taken Possession of before agreeing on any compensation mechanism for the lost assets and livelihoods.

6.2.5 Basis for Improving Rules and Procedures for Land Use and Administration Stage.

At this stage, the main practice involves mapping the donated land and demarcating it into plots allocated to refugees. Whereas the UNHCR technical team reports conducting land use planning, some refugee shelters were observed outside the designated parcel boundaries of the donated land. Additionally, the rights, restrictions, and responsibilities are not clearly documented or disclosed to all parties. Table 6-4 presents the existing procedures, their alignments and gaps with good VLD practices in land use and administration, providing a foundation for improving the rules and procedures under this stage of land acquisition.

Table 6-4: Basis for improving land use and administration rules and procedures for CLA for refugees

Existing Rules and Procedures of Land Use and Administration	Generic Principles of Good Practices	Gaps/ Alignment
<ol style="list-style-type: none"> 1. Donated land shall be subdivided into plots. 2. Refugees are allocated plots individually or as families by the settlement commander. 3. Refugees utilize the allocated land free without any regulations controlling them. 4. Refugees who wish to expand or move to other plots do so with the permission of the settlement commandant. 5. Host communities shall not have access to land donated to refugees. 	<ol style="list-style-type: none"> 1. Donated land should not exceed 10% of the donor’s total productive land. 2. The location and size of the land should be identified by affected persons (APs) and verified by facilitators and the community forum. 3. Mapping should confirm that the donated land is free of any environmental or health risks. 4. Donated land should not contain structures of historical or cultural value. 5. The exercise of eminent domain or other state powers should not be involved in voluntary land acquisition. 6. Surveying should document current ownership, occupancy, land uses, boundaries, utilities, livestock corridors, claims, easements, common natural resources, and other points of community relevance. 7. Local partners, communities, and civil society should be trained to participate in mapping and boundary validation processes. 8. Awareness-raising activities should be conducted prior to surveying and mapping. 	<ol style="list-style-type: none"> 1. Percentage of donated land exceeded 10%. 2. Location and size of donated land was determined by OPM and landowners/elders. 3. Environmental, health and food insecurity risks were not assessed. 4. Donated land was communally owned grazing, hunting and cultivation grounds. 5. Land was acquired by OPM (government body) as the major party on behalf of refugees. 6. Surveying was conducted by a private firm that conducted plot demarcations, creation of access roads and distribution of plots to refugees. 7. Local community was involved as chainmen (youth) and witnesses (landowners) but not fully participatorily engaged. 8. There was no time for awareness-raising prior to surveying. Most of the surveying exercises were conducted one or two day(s) prior to refugees’ settlement. 9. No maps were displayed for public viewing.

	<p>9. Validated maps should be made publicly accessible for a reasonable period, allowing for comments, complaints, and suggestions.</p> <p>10. Host states implement quota policies regulating refugees' access to land to prevent landlessness among nationals</p>	<p>10. Absence of percentage quota policies in the procedures of land allocation to refugees.</p>
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6.2.6 Basis for Improving Grievance and Redress Mechanisms Rules and Procedures for Customary Land Acquisition.

Although there is no clearly established Grievance Redress Mechanism (GRM) for the acquisition of customary land for refugees, the study categorized some existing rules and procedures under this stage. Table 6-5 presents the current GRM rules and procedures alongside internationally accepted VLD practices, highlighting alignments and deviations to provide a basis for improving the existing practice.

Table 6-5: Improved Rules on Grievance and Redress Mechanisms of Affected People

Existing Rules and Procedures of Grievance and Redress Mechanisms	Generic Principles of Good Practices	Gaps/ Alignment
<ol style="list-style-type: none"> 1. Donated land shall revert to the original owners once refugees voluntarily repatriate, and resettlement consolidation, land decommissioning, and document verification are completed. 2. Land occupied by permanent structures shall revert to the original owners only after the intended purpose of the structures have been fulfilled. 3. OPM has not fulfilled the commitments made to land donors during the negotiation stage, and there is no formal platform for affected individuals to raise their grievances. 4. Refugees shall have free access to land for use. 	<ol style="list-style-type: none"> 1. Establishment of sound, effective, proportional, culturally appropriate, accountable, and community protective GRM that respond to and manage grievances of communities, women, and other vulnerable groups. 2. Affected individuals or communities to be provided with full and reliable on impacts of proposed activities on donated land. 3. Verification that land donations do not impoverish individual household by putting up livelihood restoration measures. 4. Provide stakeholders with an open-door policy, that encourages AP to bring forward their concerns. 5. Non-judicial GRM should be Legitimate, Accessible, Predictable, Equitable, Transparent, Rights-compatible, source of continuous learning and dialogue-based and community-engaging. 6. Implementation of community investment activities which are operational with a fair system of GRM. 7. GRM should have neutral reviewers who are not land seekers nor traditional leaders who are party to the donation process. 	<ol style="list-style-type: none"> 1. Lack of an operational, accessible, and sound GRM which is either judicial or non-Judicial. 2. Comprehensive information on conditions and impacts of refugees’ settlements on the donated land were not fully provided to land donors. 3. Land donations affected the poor and impoverished most land donors. 4. Lack of predictable, open-door policies in GRM. 5. Existence of open-door policy to refugees’ concerns and grievances. 6. Lack of community investment activities with a fair and operational GRM. 7. Most land donors did not receive direct benefits from the donations they offered. 8. Majority of land holders who donated land were culturally assigned representatives of the customary communities. 9. Presence of dispute resolution mechanisms for boundary disputes within refugee settlements. 10. Absence of dispute resolution mechanisms between host communities and refugees or OPM.

<p>5. Host communities shall co-exist peacefully with the refugees.</p>	<p>8. Voluntary land donors should not be poor, should receive direct benefit and should be the legitimate owners of the donated land.</p> <p>9. Land conflicts should be resolved through a hierarchical process, from the village level up to the national level.</p> <p>10. VLD should not cause relocation nor loss of landowners' land and livelihood significantly.</p> <p>11. Voluntarily donated land must only apply to agreed priority project purpose, otherwise it should be returned to the donors.</p> <p>12. Land for public use (social services) should be acquired according to Article 26 of the Constitution of Uganda not voluntarily.</p> <p>13. The host government impose restrictions on certain land use sectors, reserving them exclusively for nationals.</p>	<p>11. VLD led to loss of communally owned land/ grounds and livelihoods of people.</p> <p>12. Voluntarily donated land for refugees' settlements has many times been swapped for other purposes/uses without reverting it back to the donors.</p> <p>13. Communities voluntarily donated land in exchange for public services like health, schools, water etc.</p> <p>14. Refugees use the allocated land without any proper regulations and impact the environment.</p>
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6.3 Improved Rules of Acquisition of Customary Land for Refugees

Building on the good practices, alignments, and gaps identified for each stage in Section 5.2, this study proposes improved rules and procedures for each stage of customary land acquisition for refugees in Northern Uganda. These improvements are specifically designed to address contextual challenges and to strengthen tenure security for both refugees and host communities. The concept of appropriateness underpins these improved rules and procedures. Appropriateness, as applied in this study, refers to rules and procedures whose expected benefits for tenure security outweigh any potential negative impacts. Fitch et al. (2001), for example, define appropriateness in the medical field as an intervention where expected health benefits exceed the associated risks. This aligns with the negative tenure security impacts identified in Chapter 4, which resulted from current rules that deviate from accepted standards. From a humanitarian perspective, Abdelmagid et al. (2019) describe appropriateness as meeting the needs of affected populations while ensuring local ownership, accountability, and cost-effectiveness. Similarly, in economics, Patnaik and Tarei (2022) view appropriateness as grounded in development principles that promote long-term economic and environmental sustainability.

Drawing on these perspectives, this study adopts appropriateness as the guiding measure for the proposed rules and procedures: they must demonstrably deliver greater benefits and positive impacts on tenure security than any risks they might pose. The improved rules are organized across six key stages of customary land acquisition for refugee settlement: (1) notification and consultation with affected persons; (2) negotiation of acquisition terms; (3) documentation of the acquired land; (4) valuation and compensation for affected assets; (5) land use planning and administration; and (6) the establishment of grievance and redress mechanisms.

6.3.1 Improved Rules and Procedures under Notification and Consultation Stage.

Inclusive and comprehensive notification practices are paramount to ensuring that the tenure needs of all stakeholders are addressed in voluntary communal land donations. Table 6-6 presents the proposed improved rules to guide the notification and consultation procedures for acquiring customary land for refugees.

Table 6-6: Improved notification rules for acquisition of customary land for refugees.

1. Early and transparent notification by OPM.
2. Multi-level notification protocol: OPM shall formally notify all stakeholders.
3. Public disclosure and community access to information.
4. Structured community consultations: at least two formal consultation meetings must be conducted.
5. Recognition of cultural practices or rituals such as the cleansing ceremonies.
6. Notification and consultation should be treated as a multi-stage, continuous process.
7. Use of independent neutral facilitators such as civil society organizations, academic institutions to guarantee fairness and inclusivity.

6.3.2 Improved Rules of Negotiations for Customary Land Acquisition for Refugees.

Negotiation practices during the acquisition of customary land should adhere to international good practices for Voluntary Land Donation (VLD) by ensuring that all conditions for donation are transparently discussed through dialogue-based processes and agreed upon by all parties and their representatives. Table 6-7 outlines the improved negotiation rules designed to strengthen tenure security for land donors while guaranteeing secure access for refugees.

Table 6-7: Proposed improved negotiation rules for customary land acquisition.

1. Inclusive and participatory negotiations: Negotiations must be inclusive of all stakeholders.
2. Negotiations must be conducted in a public and transparent manner, avoiding one-on-one or secretive deals.
3. Verification of land rights and dispute status through preliminary mapping, impact assessments, and public consultation.
4. Community-wide consent for land sharing including witness statements or signed community declarations.
5. No alienation of the allocated land by refugees.
6. Clarity on duration and review mechanisms through transparent dialogue-based negotiations between the acquisition party (OPM) and the donors.
7. Regulated access to additional land by refugees.
8. Livelihood support or incentives.
9. Monitoring and compliance oversight.

6.3.3 Improved Documentation Rules for Acquisition of Customary land for Refugees.

Documentation is crucial for ensuring tenure security in all tenure arrangements at every level. Recording the rights of all parties is not only mandatory in voluntary land donations but also in all forms of land acquisition. The improved documentation rules for customary land acquisition (CLA) proposed by this study, and aligned with international VLD practices, are presented in Table 6-8.

Table 6-8: Improved Documentation rules for acquisition of customary land for refugee.

- | |
|---|
| <ol style="list-style-type: none">1. Legally binding, written agreements: The land acquisition process must culminate in a binding document, preferably a certificate of land use.2. Comprehensive capture of rights, restrictions, and responsibilities (RRRs).3. Use of standardized and translated documentation templates endorsed by the MLHUD.4. Agreements should use standardized formats endorsed by the MLHUD or OPM.5. Registration and archiving at multiple levels.6. Geo-referencing and Mapping of Acquired Land: All documented parcels must be geo-referenced, mapped, and attached to the agreement.7. Issuance of a certificate of land use (CoLU) to OPM, who also issues sub-CoLU to refugees.8. Documentation of collective and individual land donors' rights.9. Verification of voluntariness and consent: Free, Prior and Informed Consent (FPIC) principles must be observed. |
|---|

6.3.4 Improved Rules for Valuation of Affected Assets during Customary Land Acquisition.

Valuation of assets is often overlooked during the acquisition of customary land for refugees in Uganda, despite its critical role in the VLD process. The valuation rules that should be adopted to ensure tenure security for both refugees and host communities are presented in Table 6-9.

Table 6-9: Improved valuation rules for acquiring customary land for refugee.

4. Land and asset valuation are mandatory: All land and associated assets to be donated must be formally valued.
5. Valuation must be conducted by independent, qualified personnel.
6. Participation and consent of landowners and community representatives.
7. All findings must be shared in an accessible format and agreed upon in writing before any land is committed.
8. Valuation must be context-specific.
9. Use of valuation to negotiate community benefits.
10. Use of transparent and standardized methodologies of valuation.

6.3.5 Improved Rules for Land Use and Administration for Acquisition of Customary Land for Refugees.

Land use and management of donated communal land for refugee settlement in Uganda has largely been controlled solely by the Office of the Prime Minister (OPM), a practice that has often undermined tenure security for host communities. This study proposes the establishment of a Joint Land Administration Committee, involving diverse stakeholders, to ensure more effective management and to strengthen tenure security for both host communities and refugees. A comprehensive list of the improved rules on donated communal land use and administration is provided in Table 6-10.

Table 6-10: Improved Land Use and Administration Rules for Customary Land Acquisition for Refugees

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| <ol style="list-style-type: none">1. Participatory and Inclusive Land Use Planning: All donated land must be administered based on a jointly developed land use plan, prepared in consultation with all stakeholders.2. Transparent equitable and Documented Land Allocation: This process should be overseen by a Joint Land Administration Committee (JLAC).3. Regulated Land Use with Clear Rights and Responsibilities: Refugees shall use allocated land according to agreed rules.4. Establish a Joint Land Administration Committee (JLAC) at settlement level.5. Inclusion of Host Communities in Shared Access and Services.6. Environmental Protection and Land Stewardship: Refugees must adhere to environmental protection guidelines.7. Exit Strategy and Reversion Provisions: Administration must be linked to a clear exit or reversion plan. |
|--|

6.3.6 Improved Grievance and Redress Mechanisms Rules and Procedures for Customary Land Acquisition.

Grievance and redress mechanisms are crucial for providing communities with a platform to raise concerns, identify risks, and determine appropriate solutions. However, interviews conducted for this study revealed that land donors lack an effective channel through which their complaints can be heard and addressed. Table 6-11 presents the proposed rules on grievance redress mechanisms for customary land acquisition for refugees, designed to enhance tenure security for host communities and refugees.

Table 6-11: Improved Grievance and redress mechanism rules for acquisition of customary land for refugee.

1. A functional GRM (judicial and non-judicial) should be established to ensure accessibility, legitimacy, fairness, transparency, and community engagement through dialogue.
2. Dispute resolution mechanism: A multi-tier dispute resolution mechanism should be established.
3. The land reversion plan: Land must revert to the donor if not used for the intended purpose through a transparent plan.
4. Land acquisition for public use must comply with Articles 26 and 237 of the Ugandan Constitution.
5. Communally owned land must not be donated without individual written consent from each group member.
6. Refugees should be restricted from certain land use sector as a way of ensuring host communities security of their land rights.
7. Verification and grievance process: A mechanism should be available for disputing or appealing valuation results before final donation.
8. Link valuation to tenure safeguards: The valuation process should help define the terms of land use, duration, and return conditions etc.
9. Periodic Review and Adaptation: The land administration framework must be reviewed periodically at an agreed interval.

6.4 Improved Procedures of Customary Land Acquisition for Refugees' Settlement

The procedures for acquiring customary land for refugees, as illustrated in Figure 6-2, are guided by the improved rules developed in this study. The process begins with a formal notification stage, marked as Step 1 in the figure, and concludes with dispute and grievance redress at Step 14. The new improvements are highlighted by the orange colour. The Office of the Prime Minister (OPM), as the lead acquisition authority, initiates the process by notifying the local government of the land requirement. This information is then communicated to host communities to ensure that all stakeholders are fully informed and able to participate meaningfully from the outset.

Once land is voluntarily offered by willing communities, an official inspection is carried out to assess its suitability. This is followed by community awareness sessions, which generate preliminary maps that are publicly displayed to invite community feedback and objections. The acceptance of proposed donated areas initiates negotiations overseen by a Joint Land Administration Committee (JLAC), comprising representatives from local government, OPM, host communities, and refugees. To promote gender inclusivity and address persistent imbalances in customary land governance, the committee requires that each group (host communities and refugees) include at least one female representative to ensure that women's voices are meaningfully represented in decision-making. This participatory negotiation process ensures that all conditions are transparently discussed and agreed upon. The agreed terms are formally documented in binding agreements, which are verified by the JLAC to ensure their legitimacy and community endorsement. Following the agreement, participatory surveying and mapping are undertaken using accurate techniques. The resulting coordinates are geo-referenced to existing physical features and plotted by a district staff surveyor. The final maps, together with the verified agreements, are then submitted to the District Land Board for review and approval. Upon approval, the recorder acting on behalf of Ministry of Lands, Housing and Urban Development (MLHUD) issues a Certificate of Land Use (CoLU) to OPM. This grants official use rights for the larger donated parcel on behalf of the customary landowners.

The CoLU prompts the undertaking of detailed land use planning and demarcation of individual plots for refugee settlement. To enhance tenure security, OPM subsequently issues sub-CoLUs to refugee households for the allocated plots, providing them with clear, temporary legal status while

explicitly outlining their rights, restrictions, and responsibilities. Any disputes or grievances that arise during or after the land allocation process are addressed through a transparent, multi-tiered grievance redress mechanism. This mechanism, overseen by the JLAC, ensures that conflicts are resolved fairly and equitably, thus reinforcing tenure security for both host communities and refugees. Collectively, these improved procedures embed safeguards at every stage, ensuring that land acquisition remains voluntary, participatory, and capable of protecting the tenure rights of all parties involved.

The valuation process plays a critical role in formally recognizing the value of land and non-land assets. Although often overlooked, it is essential for enabling informed negotiations by clarifying what is being given up, supporting legal defensibility in the event of disputes, and providing a baseline should land reversion become necessary. Proper valuation ensures transparency and informed consent, acknowledges both the economic and social value of donated land and assets, and protects host communities from undue loss. It also facilitates benefit-sharing negotiations and creates a record for future reference in cases of restitution or return. Therefore, this study proposes integrating valuation as an improved procedure to be undertaken during the mapping stage or even earlier in the acquisition process.

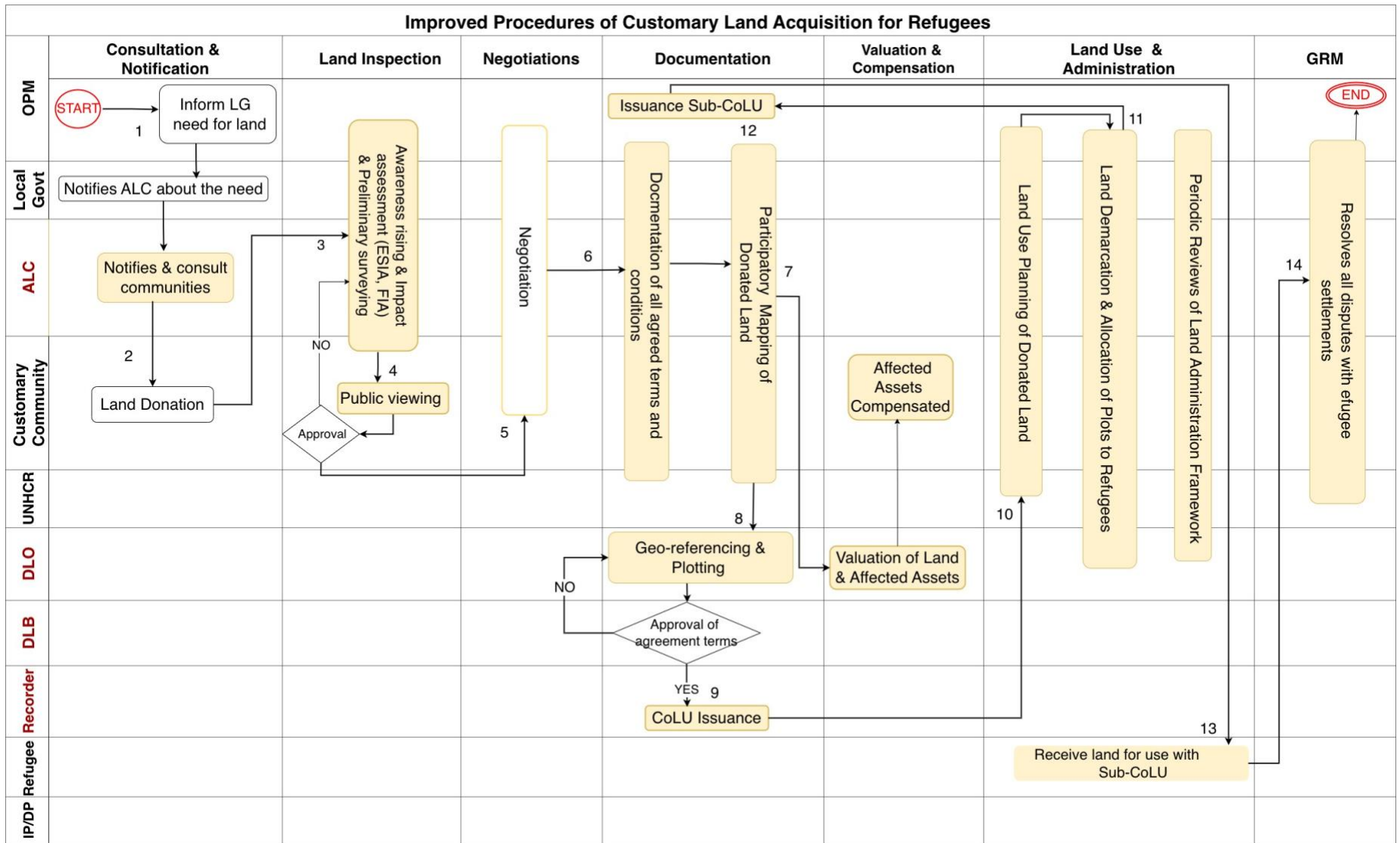


Figure 6-2: Flow of improved procedures of customary land acquisition highlighting the activities and responsible institution

6.5 Discussions of Results.

This section presents an analysis of the proposed improvements to the rules and procedures governing customary land acquisition for refugee settlement. It examines the rationale for these improvements, drawing on current practices employed by the Office of the Prime Minister (OPM) as the primary acquisition authority, relevant international Voluntary Land Donation (VLD) guidelines, and the broader requirements for strengthening tenure security. The discussion is structured around six key stages of customary land acquisition for refugees: notification and consultation with affected persons; negotiation of acquisition terms; documentation of acquired land; valuation and compensation for affected assets; land use and administration; and grievance and redress mechanisms.

6.5.1 Improved Notification and Consultation Rules and Procedures for CLA.

This study strongly recommends the use of independent, neutral facilitators to oversee notification, consultation, and any negotiation processes. Contracting qualified civil society organizations, legal aid clinics, academic institutions, or accredited land professionals through transparent procurement processes minimizes the risk of coercion that can arise when state entities exercise eminent domain powers under the guise of public benefit. Independent facilitation is widely endorsed by ADB (2012) and IFC (2012) as a safeguard for ensuring fairness, balancing power asymmetries, and protecting the rights of vulnerable groups. By guaranteeing impartiality, this approach reinforces the voluntary nature of land donations and aligns Uganda's refugee settlement practices with international best practice in responsible land governance.

In line with international best practice on responsible land governance (FAO, 2012; World Bank, 2017), this study emphasizes that the Office of the Prime Minister (OPM) must provide early and transparent notification at least 30 days prior to any proposed land acquisition for refugee settlement. Such notification must clearly communicate the purpose, scope, and likely implications of the planned settlement to all potentially affected communities. The findings reveal that in previous cases, delays or lack of clear advance notice created uncertainty and contributed to misinformation and suspicion among landowners. Early notification would align Uganda's practice with the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) by

empowering communities to make informed and voluntary decisions, thereby enhancing tenure security for customary landholders.

To address historical shortcomings in which notifications were often selectively communicated to only a handful of individuals, this study proposes that OPM adopt a robust multi-level notification protocol. Formal notification should reach district authorities, sub-county and parish chiefs, traditional and cultural leaders, all landowners including communal rights holders, and village-level leaders such as LC1s, clan and family heads, and elders. This approach is consistent with international guidance (IFC, 2012; ADB, 2012) which emphasizes the necessity of inclusive processes that prevent elite capture and ensure broad-based awareness. By ensuring that all relevant stakeholders are formally informed, the risk of marginalization and conflict is reduced, and tenure arrangements gain stronger social legitimacy.

Beyond notification, affected communities must have reliable access to information through public disclosure in accessible formats and languages. Consistent with the World Bank (2017) and VGGT guidelines, this study proposes that all notifications be made publicly available in local languages, displayed at visible community points such as churches, schools, and notice boards, and adapted for non-literate groups through oral or pictorial formats. Past practices in which information was either withheld or poorly communicated undermined the communities' ability to fully comprehend the environmental and socio-economic impacts of hosting refugees. Transparent and accessible disclosure would not only build trust but also strengthen communities' capacity to engage in land decisions that safeguard their long-term livelihood security.

Formal, structured consultations must accompany notification to ensure that community voices shape the land donation process. This study finds that at least two formal meetings should be conducted, one dedicated to landowners and their representatives and another with the wider host community, explicitly including women, youth, elderly persons, and persons with disabilities. These meetings must be properly documented with attendance records and written summaries of concerns and responses. The importance of participatory and documented consultations is emphasized by IFC (2012) and Boudreaux & Neyman (2015), who demonstrate that failing to consult different groups separately especially marginalized groups such as women can result in

social conflict and inequitable impacts. Properly structured consultations are therefore critical to achieving socially legitimate and sustainable voluntary land donations.

While formal legal consultations must take precedence, this study recognizes that cultural practices such as cleansing ceremonies play an important complementary role in securing the social legitimacy of tenure arrangements. The study stresses that such rituals should only occur after informed consent has been obtained and documented. Nagujja et al (2025) also asserts that such ceremonies are frequently delayed until after refugees have already been settled, further eroding trust in both OPM and traditional institutions by the majority host communities. Past cases show that relying solely on cultural rites, often conditional on discretionary funding, leaves tenure arrangements ambiguous and open to dispute. Harmonizing customary norms with formal processes, as endorsed by FAO (2012), ensures that the cultural identity of communities is respected without compromising the legal certainty of voluntary land transactions. Finally, international good practice of VLD demands that consultation and engagement should not be treated as a single event but rather as an ongoing process throughout all phases of land acquisition. The study confirms that past one-time or sporadic consultations have left communities uninformed about key developments, exacerbating suspicion and disputes. To align with IFC (2012) and World Bank (2017) standards, OPM and its partners must maintain continuous dialogue from the initial proposal through to the final land transfer and beyond. This ongoing engagement allows concerns to be addressed in real time, strengthens trust between stakeholders, and ensures that the community remains an active participant in shaping outcomes that affect their tenure security.

6.5.2 Improved Negotiations Rules and Procedure for Customary Land Acquisition

Inclusive and participatory negotiations must form the cornerstone of improved customary land acquisition for refugee settlement. In line with the VGGT and other international guidelines (FAO, 2022), this study asserts that negotiations must include not only affected landowners (donors) but also household heads, family members, clan leaders, community elders, vulnerable groups such as women, youth, persons with disabilities and the elderly, local leaders at various levels, and refugee representatives where feasible. Current practices under the OPM have marginalized many legitimate rights holders, resulting in power asymmetries that erode tenure security (Oldenburg & Neef, 2014). Samsura (2015) highlights that inclusive, gender-sensitive participation is essential

for balanced outcomes and genuine consent, ensuring that those whose livelihoods and identities are bound to the land are fully represented in decisions over its allocation.

Negotiations must be conducted in a public and transparent manner to align with responsible governance principles and mitigate risks of elite capture and backdoor arrangements. The VGGT explicitly stresses that tenure-related transactions should be open and conducted in good faith (FAO, 2022). In the Ugandan context, evidence indicates that private deals and non-transparent negotiations often dominated by the OPM, have excluded community members and other legitimate stakeholders from critical discussions, undermining trust and contributing to land conflicts. Boudreaux and Neyman (2015) affirm that community trust is fostered only when negotiation processes are open, verifiable, and collectively witnessed. A transparent framework ensures that power imbalances do not translate into exploitative or unfair deals.

Verification of land rights and dispute status prior to any negotiation must be mandatory to ensure donated land is free of conflicting claims or encumbrances. The VGGT and ADB's VLDF both underscore that due diligence, including mapping and verification, is a prerequisite for voluntary land donation (ADB, 2012; Herawati, 2017). Contrary to this standard, OPM's routine practice of negotiating before conducting detailed surveys and community consultations has contributed directly to recurrent disputes and grievances. Smyth & Steyn (2015) and Boudreaux and Neyman (2015) show that thorough mapping clarifies occupancy patterns, land uses, and hidden conflicts. Verifying the status of land in advance protects both donor and recipient communities by preventing future contestations that often undermine tenure security.

Community-wide consent must be documented through formal witness statements and declarations, filed at local and district land offices, to satisfy Free, Prior and Informed Consent (FPIC) requirements. For family or communal land, it is insufficient for only a few individuals to sign away collective tenure rights without broader approval. As the FAO (2022) emphasizes, FPIC safeguards communities from involuntary alienation and ensures that consent is fully informed and representative. Historical practice in Uganda, where individual leaders or household heads have committed entire communities to land transfers, demonstrates the risks of ignoring FPIC. By embedding community-wide declarations in official records, this rule reinforces legitimacy and durability of consent.

No Alienation by Refugees must be clearly stipulated in all agreements to protect host communities' customary tenure systems. Under no circumstances should refugees be allowed to sell, lease, or transfer donated land to third parties. They must use the land solely within the agreed scope including residence, livelihood use as defined by the agreement. The absence of this clause in previous agreements has led to fears among landowners that donated land might be permanently alienated or commercialized without community consent (ADB, 2012). Limiting use rights strictly aligns with the principles of responsible governance and protects the communal basis of customary tenure, which typically forbids individual alienation.

Clarity on Duration and Review Mechanisms must be embedded in agreements to safeguard communities against indefinite or open-ended loss of access to their land. In line with the ADB's Voluntary Land Donation Framework (VLDF), all agreements should be verified by at least two independent, neutral community leaders who are not beneficiaries of the project, to ensure impartiality and protect community interests (Rana, 2022). Each agreement must clearly stipulate the start and end dates, explicit conditions for extension or termination, regular review intervals such as every three years, and fair provisions for withdrawal by host communities if circumstances change. Smyth and Steyn (2015) emphasize that periodic reviews are critical for adjusting to evolving community needs and maintaining the fairness of land-sharing arrangements over time. At present, the absence of clear timelines often leaves communities uncertain about when, or even whether, donated land will be returned, which undermines trust and exacerbates tenure insecurity. Embedding clear, independently verified terms and review mechanisms restores the community's agency over their land and aligns local practice with internationally recognized safeguards for voluntary land donations.

Regulated access to additional land by refugees must be incorporated into the primary or supplementary agreements, formally coordinated by OPM or designated local authorities, and witnessed and documented. Verbal or informal deals which are commonplace in refugee-host contexts must be explicitly prohibited as they generate disputes and complicate tenure arrangements (Meskers, 2019; Yami & Asten, 2018). Responsible governance requires that any secondary access for agriculture or other purposes be negotiated openly and documented

rigorously to secure tenure certainty for both parties. This measure responds to evidence that informal agreements frequently leave host communities and refugees equally vulnerable to later disputes.

Livelihood support or incentives agreed during negotiations must be formalized within the same documentation to ensure mutual benefit and avoid exploitation. Host communities often contribute land in the expectation of reciprocal benefits like good road networks, schools, functional health facilities, yet vague or undocumented promises lead to dissatisfaction and weakened community resilience (ADB, 2012). Clear, written commitments guarantee that communities will receive the agreed and promised support, whether in the form of livelihood programs, infrastructure, or other offsets that help compensate for lost productive land. Such provisions align with VGGT recommendations that compensation or benefit-sharing must be transparent and fair (FAO, 2022).

Lastly, monitoring and compliance oversight must be carried out by a local committee comprising representatives of both host and refugee communities. This committee should oversee adherence to agreed terms, mediate misunderstandings, and recommend adjustments where necessary. Samsura (2015) and Boudreaux and Neyman (2015) stress that enduring tenure security depends not only on sound agreements but also on effective, locally legitimate monitoring mechanisms. Without active oversight, breaches and exploitation are more likely, undermining the spirit of voluntary donation and communal trust.

6.5.3 Improved Documentation Rules and Procedure for Customary Land Acquisition.

All land donation arrangements must be formalized through written, legally recognized agreements signed and witnessed by the landowners, community representatives, local government officials, and OPM representatives. This standard aligns with the World Bank's Voluntary Land Donation Practice (Herawati, 2017), which emphasizes the need for written documents to protect tenure security. The inclusion of explicit clauses on duration, permitted uses, roles and responsibilities, and termination safeguards the donor's interest while clarifying expectations for refugees and authorities. Periodic reviews every two to three years ensure that agreements remain responsive to evolving community and refugee dynamics, echoing USAID's good practices for responsible land-based investments (Boudreaux & Neyman, 2015). The current

reliance on informal minutes instead of binding Memoranda of Understanding undermines communities' security and exposes them to risks of land usurpation (Ashukem, 2020). Thus, formal, legally enforceable documents are indispensable to mitigate tenure insecurity.

Geo-referencing and mapping of acquired land is crucial in ensuring documentation of the donated land. USAID's operational guidelines for responsible land-based investments recommend that land surveying and mapping be undertaken through participatory processes that are locally recognized and legitimate. Communities should be trained to use appropriate tools such as GPS and geospatial technology, or icon- and pictogram-based methods where literacy levels are low, as reflected in this study's demographic findings. Effective participatory mapping engages elders and community leaders to verify village and family land boundaries within communal customary tenure systems, ensuring their credibility. Involving diverse stakeholders including women, pastoralists, farmers, and hunters, adds essential local knowledge and strengthens the validity of the mapping exercise (Boudreaux & Neyman, 2015).

Integrating participatory mapping as a core stage of land acquisition guarantees that boundaries, adjoining landowners, and designated land use zones are clearly defined and documented. Attaching geo-referenced maps to agreements reduces the risk of disputes, overlapping claims, and future encroachments, thereby ensuring transparent transactions. Veršinskas et al. (2020) emphasize that participatory surveying helps communities safeguard tenure rights and mitigates the risk of exploitation by external actors. This study highlights that participatory mapping must move beyond tokenistic involvement such as limiting local roles to chainmen and instead empower communities to lead and validate the process. Comprehensive mapping creates an inventory of all relevant land and assets likely to be affected by land donation activities. This includes identifying natural and existing boundaries, current ownership and occupancy patterns, overlapping claims, shared resources, and the precise extent of the land designated for donation. Embedding such participatory mapping approaches in VLD strengthens community agency, reduces tenure insecurity within vulnerable communities.

Comprehensive documenting of all rights, restrictions, and responsibilities within each agreement is crucial to safeguard the interests of both donors and recipients. Agreements must define the

duration of land use, permitted activities such as settlement or farming, explicit prohibitions against the resale or leasing of land by refugees, and clear rights of the land donor to reclaim land once the term expires. This reflects best practice standards, including the Asian Development Bank's VLDF, which stresses explicit documentation of RRRs (ADB, 2012). Inclusion of renewal or exit clauses and grace periods prevents disputes and ensures both parties understand their obligations. Without these details, as Kasimbazi (2017) and Ashukem (2020) caution, communities remain exposed to creeping tenure insecurity and possible land loss through ambiguous or exploitative arrangements.

To ensure understanding and inclusivity, agreements must use standardized templates endorsed by the Ministry of Lands or OPM, translated into local languages and complemented by visual aids for non-literate participants. The World Bank (2017) and Boudreaux and Neyman (2015) highlight that clarity of information is foundational to informed consent and tenure security. In practice, failure to provide accessible documentation in a language clearly understood by many, disenfranchises vulnerable community members, especially women, elders, and marginalized groups. Such vulnerabilities are further magnified by procedural failures around refugee land acquisition. Standardization and translation build local trust and prevent misinterpretations that could later escalate into conflicts or claims of coercion.

Registration and archiving at multiple levels. All signed land agreements should be archived at district land offices, registered at the sub-county level, and retained by the OPM, the land donor, and the community itself. Where feasible, digital archiving should complement physical records to guarantee long-term traceability. According to FAO (2002) and Ashukem (2020), weak record-keeping in customary contexts fuels tenure insecurity and invites external claims. Multi-level registration institutionalizes these records and offers legal recourse if disputes arise. This systematic archiving addresses the common fear, as expressed by elders in Zakaryan's (2018) study, that future generations may lose access to ancestral land due to poor documentation.

Issuance of a Certificate of Land Use (CoLU) to OPM by the MLHUD on behalf of the land donors, and sub-CoLU to Refugees, clarifies the legal standing of the donor and the users. Certificate of Land Use (CoLU) should be issued for each household, specifying the location, size,

permitted uses, duration, and limitations. The CoLU does not confer ownership but formalizes legitimate land use, protecting refugees from arbitrary eviction or exploitation by unscrupulous actors. This measure parallels Herawati's (2017) Statement Letter for Land Donation under the World Bank's VLDP. Moreover, Meskers (2019) and Yami & Asten (2018) argue that clear tenure arrangements reduce conflicts and protect both refugees and host communities from informal, undocumented deals that breed misunderstandings and tenure disputes. Documentation of collective and individual land donors' rights is critical to protect land donors' rights by explicitly documenting restitution rights, access rights during the use period, and clear expectations of the OPM's responsibilities. The absence of such protections has historically left customary communities vulnerable to land grabbing and unregulated appropriation by district leaders (Bea, 2021). Embedding these rights within the agreement prevents long-term alienation and reinforces the community's ability to reclaim land, as recommended under the ADB's VLDF (Rana, 2022). This measure restores community confidence that their contribution to refugee resettlement will not translate into permanent dispossession.

Verification of voluntariness and consent is fundamental to safeguarding tenure security. It is mandatory to ensure that land acquisition rest on the Free, Prior and Informed Consent (FPIC) principle for all legitimate rights holders, without coercion or undue inducement. This study reveals that in regions such as West Nile, inadequate public services are frequently leveraged to pressure communities into donating land in exchange for promises of roads, schools, or healthcare services to which they are constitutionally entitled as citizens. Article XIV (ii) of the Constitution of Uganda affirms the state's responsibility to ensure that all Ugandans have access to education, healthcare, clean water, and food security (The Republic of Uganda, 1995). Conditioning land donations on these essential rights undermines the principle of voluntary contribution, contradicts the standards of Voluntary Land Donation (ADB, 2012), and erodes trust in public institutions. To be valid, donations must be genuinely consensual, with full disclosure of potential environmental, socio-economic, and food security impacts, and must never depend on promises of basic state services. To ensure this, each agreement must include a signed consent form for every land donor, confirming that the donation is voluntary, informed, and legally valid. The World Bank (2017) underscores that FPIC is central to protecting tenure rights in voluntary transactions. Ashukem (2020) further illustrates how coercion and informal pressure are prevalent in contexts where

customary communities face significant power asymmetries with state actors. Properly documented, individual consent safeguards against allegations of forced appropriation and ensures that donors fully understand the terms and implications of their contribution.

6.5.4 Improved Valuation Rules and Procedure for Customary Land Acquisition.

Valuation is not merely an administrative formality; it is an essential safeguard that formalizes community contributions, prevents exploitation, and anchors fair negotiation within the VLD framework. In its absence, the risk of tenure insecurity endures, undermining the credibility of Uganda's obligations under regional and international standards. Embedding rigorous, context-specific valuation in the acquisition of customary land through voluntary donation, as this study recommends, provides a credible pathway to protect rural livelihoods, foster trust, and preserve the genuinely voluntary nature of land sharing for refugee settlement.

Land and asset valuation should be mandatory in recognizing the economic and social value of customary land and its associated assets is fundamental for securing tenure during VLD. Valuation should not be perceived merely as a precursor to compensation but as a vital measure to ensure transparency, informed consent, and fairness (ADB, 2012). This study demonstrates that in Uganda, the lack of formal valuation has left land donors vulnerable to exploitation, with symbolic 'appreciation' tokens such as goats or small cash gestures, failing to reflect the true value of land, trees, crops, or structures lost. As the National Land Policy acknowledges, land is the primary source of employment and livelihood for most Ugandans (Republic of Uganda, 2013). Therefore, establishing a formal record of the economic value of donated land and assets strengthens tenure security by providing a basis for fair negotiations and potential restitution.

Valuation must be conducted by independent, qualified personnel. To maintain objectivity and credibility, valuation must be undertaken by qualified government valuers or independent registered professionals, supported by local council officials, the Office of the Prime Minister (OPM), and community witnesses. Involving multiple stakeholders mitigates conflicts of interest and aligns with global standards for fair land governance (Herawati, 2017). The absence of professional valuers in past donations has enabled inconsistent and often arbitrary estimations, which has eroded donor confidence. This research highlights that formal, independent valuation

safeguards communities from elite capture and ensures that the economic significance of donated land is properly recognized.

Participation and consent of the community throughout the valuation process is essential. Landowners and community representatives must be actively involved in identifying boundaries and inventorying all assets to prevent undervaluation and ensure transparency (Boudreaux & Neyman, 2015). Evidence from West Nile illustrates that donors were rarely consulted during boundary demarcation, resulting in vague agreements and overlapping claims. By engaging local elders, women, youth, and other stakeholders, the process affirms community ownership and builds trust which is cornerstones of tenure security.

Valuation results must be documented and disclosed. A valuation report detailing land size, boundaries, asset inventories, and the total indicative value must be attached to the Memorandum of Understanding (MoU) or Certificate of Use (CoU). Sharing this report in accessible formats like translated into local languages where needed, ensures that donors fully understand what they are contributing and what they are entitled to in return. As Laos (2019a) and World Bank (2017) emphasize, full disclosure reduces the risk of disputes and strengthens the legal defensibility of agreements. This study finds that the failure to share valuation findings has perpetuated suspicion and conflict between host communities and authorities.

The study proposes a context-specific valuation. Values that are applicable and defined specifically within a context of refugee-host communities including communal customary cultural, legal and institutional frameworks should be calculated from information gathered and applicable to the users or affected communities. context-specific values are necessary to understand human needs and purposes for decisions made, engages valuation agents that can elicit human values and take value-aligned actions. A robust valuation framework must go beyond market price, capturing the customary and livelihood value of land. Many rural Ugandans rely on customary land for subsistence agriculture, cultural practices, and communal ties. Thus, valuation must incorporate non-monetary aspects such as social cohesion, cultural heritage, and livelihood security (Republic of Uganda, 2013). Ignoring these dimensions, as current practices do, devalues community

contributions and heightens tenure insecurity. Recognizing the multifaceted significance of land reinforces community agency and ensures that donations do not undermine local resilience.

The use of valuation to negotiate community benefits is critical because, even when land is donated voluntarily without direct monetary compensation, a formal valuation provides an objective basis for negotiating appropriate non-monetary benefits such as schools, boreholes, or roads (ADB, 2012). Crucially, these negotiated benefits must not be confused with constitutionally guaranteed social services (Republic of Uganda, 1995). This study reveals that promises of basic infrastructure have been used coercively to secure land donations, a practice that undermines voluntariness and violates FPIC principles. Proper valuation shifts these negotiations towards transparent, benefit-sharing arrangements that genuinely enhance donor livelihoods without substituting state obligations. Morscher-Unger et al. (2024) argue that recognizing and valuing the diverse relationships between people and land helps to legitimize the land rights of vulnerable populations. They further contend that incorporating the Social Tenure Domain Model (STDM) into valuation processes particularly for unregistered land rights ensures that all forms of tenure are acknowledged, thereby contributing to enhanced tenure security and poverty reduction. Similarly, Herawati (2017) emphasizes that standardized approaches, aligned with national land valuation guidelines or project-specific templates, promote consistency and fairness across regions. Valuation information should therefore be standardized, publicly accessible, and easily understood by all stakeholders through locally managed databases administered by district authorities. This approach aligns well with the Land Administration Domain Model (LADM) II, Part 4, which serves as a framework for integrating valuation databases into existing standardized, interoperable, and comprehensive land administration systems, thereby enhancing the accuracy, consistency, and transparency of land-related data (Morscher-Unger et al., 2024).

6.5.5 Improved Land Use and Administration Rules and Procedure for Acquisition of Customary Land for Refugees.

The study proposed a Joint Land Administration Committee (JLAC) for joint oversight through a multi-stakeholder committee. Establishing this committee at the settlement level is vital for ensuring accountable and transparent oversight of donated customary land. By including representatives from the Office of the Prime Minister (OPM), host community leaders, Area Land

Committees (ALC), elected refugee leaders, local government, and civil society observers, the JLAC directly aligns with international good practice on inclusive governance and participatory decision-making (Ashukem, 2020). This structure distributes power more equitably, prevents unilateral control by state authorities, and ensures that donors' and refugees' interests are protected during plot allocation, land use monitoring, dispute resolution, and revisions to land use plans. This participatory oversight mirrors similar multi-stakeholder approaches adopted in Kenya's Community Land Act (2016), which enhances tenure security by embedding community voices in decision-making structures.

Developing a participatory and inclusive land use planning for all donated land is critical to prevent ad hoc settlement patterns and unsustainable land exploitation. Under this rule, land use planning must involve host community members (including original owners), refugee leadership, local government, and settlement authorities. This aligns with USAID's Responsible Land-Based Investment guidelines (Boudreaux & Neyman, 2015), which emphasize participatory planning to balance residential, livelihood, community, and environmental needs. Zoning donated land into designated areas for residential plots, agriculture, communal facilities, and conservation protects shared interests and reduces conflict. Comparable practices are evident in Ethiopia's participatory land use planning for pastoralist areas, which has helped safeguard communal grazing rights while accommodating new settlements (Gebresenbet, 2016).

Document and transparent allocation of plots to refugees, with each household receiving a sub-Certificate of Land Use (sub-CoLU) specifying plot size, location, permissible uses, and responsibilities, ensures clarity of rights and reduces disputes. Geo-referencing plots and recording this information at sub-county and district levels aligns with FAO's Voluntary Guidelines on the Responsible Governance of Tenure (FAO, 2012), which advocate systematic documentation of tenure rights to strengthen security. Compared to ad hoc or undocumented allocations, this approach creates a defensible record of rights, making it more difficult for powerful actors to appropriate land or for informal markets to erode agreed use terms. Countries like Rwanda have demonstrated the impact of systematic land registration in strengthening tenure security and reducing disputes (Ali et al., 2014).

Regulated land use with clear rights and responsibilities ensures that refugees adhere to defined land use restrictions such as prohibitions on sub-letting, leasing, or selling plots, preserves the original terms of the voluntary donation and prevents informal tenure arrangements that undermine communal control. Any changes in use must be formally requested, reviewed by the JLAC, and reflected in an updated CoLU. This rule echoes the Mozambican model, where refugees can access land through the National Refugee Support Institute (INAR) but cannot own, sell, or convert it outside agreed purposes (UNHCR, 2010). Clear rules strengthen accountability, protect donor interests, and ensure that the donated land remains within the intended community framework, thus mitigating tenure insecurity.

Inclusion of host communities in shared access and services such as water points, health centres, schools, and markets promote co-existence and equitable benefit-sharing. This inclusive approach is consistent with ADB's (2012) VLD guidelines, which emphasize that voluntary land contributions must yield tangible benefits for the broader community, not just refugees. Joint-use areas strengthen social cohesion and reduce resentment by ensuring that hosting refugees does not deprive original owners of vital services. This is comparable to Turkey's regulated access approach for mixed refugee-host areas, which preserves host communities' rights to public services (UNECE, 2021).

Environmental protection and land stewardship that embeds clear environmental safeguards like bans on wetland encroachment, regulated harvesting of firewood, sustainable water use, and proper waste management, ensures that refugee settlements do not degrade the ecological integrity of the donated communal land. This aligns with USAID's operational guidelines on responsible land investments (Boudreaux & Neyman, 2015), which stress integrating environmental risk assessments into project design. Refugees must be supported through training and awareness to adopt sustainable practices, as overuse and continuous cropping of fragmented plots have led to land degradation and reduced fertility in contexts like Uganda's refugee settlements (Berke & Larsen, 2022). The proposed model of consolidating small plots into shared five-acre parcels further supports sustainable land use by enabling coordinated farming, soil conservation, and efficient input use (Veršinskas et al., 2020).

Establishment of a legally binding exit strategy and reversion plan safeguards communal tenure integrity by ensuring that donated land is rehabilitated and returned once the agreed duration or purpose is fulfilled. This prevents donated land from being absorbed permanently without re-negotiation, which would violate the voluntary nature of the donation. The World Bank and ADB's VLD principles stress that temporary use must not result in de facto expropriation (ADB, 2012; Samoa, 2015). Comparable models exist in Mozambique, where refugee land access is limited to fixed terms under government oversight (UNHCR, 2010). Without such provisions, Uganda risks repeating past patterns where donated land for refugee settlement became effectively alienated, eroding customary tenure systems and fueling local grievances.

6.5.6 Improved GRM Rules and Procedure for Acquisition of Customary Land for Refugees

To strengthen tenure security in refugee-hosting contexts, this study proposes the establishment of a functional Grievance Redress Mechanism (GRM) that encompasses both judicial and non-judicial avenues, ensuring accessibility, legitimacy, fairness, transparency, and genuine community engagement through dialogue. Boudreaux and Neyman (2015) emphasize that an effective GRM provides communities with a platform to express concerns, address risks, and secure redress where rights have been compromised. However, evidence from key informants demonstrates that Uganda's current Voluntary Land Donation (VLD) arrangements lack an institutionalized grievance mechanism, leaving land donors with no meaningful recourse when promises made during land transfers remain unfulfilled. This institutional gap directly undermines tenure security, as local leaders repeatedly highlighted broken promises and inadequate engagement in settlement areas such as Egge Village and Mireyi Settlement. Aligning with the UN's Guiding Principles on Business and Human Rights (Ruggie, 2011) and the International Finance Corporation's core principles for effective GRMs (IFC, 2012), the proposed mechanism must be embedded in public institutions, recognized by law, and proportionate, culturally appropriate, accessible, and transparent. Embedding these standards would prevent unaddressed grievances that weaken tenure security and social cohesion.

A second critical safeguard is the implementation of a clear, multi-tier dispute resolution mechanism. Disputes are inevitable in customary land contexts, particularly where donated land overlaps with communal rights or family interests. The study proposes a structured, hierarchical

system beginning with mediation led by the Joint Land Administration Committee (JLAC) and, if unresolved, escalating sequentially to local council courts, then to district or Office of the Prime Minister (OPM) offices. All cases and outcomes should be systematically documented and monitored to maintain transparency and institutional memory. Comparative practice supports this tiered approach: in Tanzania's refugee settlements, dispute resolution begins at the village level, escalating through local leaders and elders, which enhances trust and prevents escalation (Herawati, 2017). Without such clarity, as seen in Uganda, disputes shift between fragmented local offices, prolonging resolution and fueling uncertainty. A transparent, structured mechanism would therefore directly enhance tenure security for both host communities and refugees by providing predictable pathways to address disputes.

Equally vital is the inclusion of a legally enforceable land reversion plan to safeguard donors' tenure rights. Land must revert to the original owners if it is no longer used for its intended purpose, with clear timelines and procedures communicated publicly via community notice boards, local radio, and forums. The absence of clear reversion frameworks in Uganda has left many landowners doubtful about ever regaining their land, as demonstrated in multiple settlements where narratives highlight perpetual refugee occupation or the repurposing of land without consultation (Zakaryan, 2018). Ethiopia and Mozambique offer instructive precedents: in Ethiopia, land used by refugees is leased for defined periods under national land-use laws, typically seven years (F.D.R.E., 2005), while Mozambique's two-year renewable land use periods for foreigners ensure regular review and accountability (USAID, 2011). By contrast, Uganda's indefinite timelines deepen tenure insecurity, heightening the risk of land grabbing and misuse. A transparent, time-bound reversion plan aligns with these international practices and reassures donors that their land rights remain intact.

Furthermore, any land acquisition for public use must fully comply with constitutional safeguards under Articles 26 and 237 of Uganda's Constitution, which govern compulsory acquisition and the rights of landowners. The current conflation of VLD with elements of eminent domain blurs the boundary between voluntary and compulsory processes, creating grounds for grievances when donations feel coerced or indefinite. Reinforcing the constitutional distinction protects customary

owners from de facto expropriation under the guise of voluntary donation, ensuring that tenure security is not undermined by state overreach.

In addition, the study underscores that communally owned land must not be donated without individual, written consent from every group member with a legitimate claim. Key informants revealed recurring disputes when absent family members returned to contest donations they had not approved, underlining a fundamental gap in the current practice. The World Bank (2017) mandates that land-based investments document all agreements and dissenting views to ensure donations are genuinely voluntary and conflict-free. This requirement aligns with best practice: in Ghana's customary systems, for example, collective land decisions must secure broad-based clan consent to prevent future disputes (Kasanga, 2003). Upholding individual consent within communal groups in Uganda would therefore provide a robust safeguard against internal family disputes and future land insecurity.

A further protective rule restricts refugees from using donated land for certain high-risk sectors that could jeopardize host communities' tenure security, such as large-scale agriculture or commercial exploitation. While host communities are often willing to share land for subsistence use and settlement, they fear commercial-scale activities may lead to permanent loss of control. Countries like South Africa address such concerns by prohibiting direct refugee access to communal land altogether, instead offering social support mechanisms (Greenburg & Polzer, 2008). This restriction aligns with the constitutional principle that non-citizens may only lease land under tightly defined conditions (Republic of Uganda, 1995).

To further strengthen safeguards, the valuation process for donated land must be transparent, allowing landowners to dispute or appeal results before any final agreement. Valuation must be a neutral, informational tool rather than a coercive tactic. As Boudreaux and Neyman (2015) note, proper valuation clarifies fair compensation and prevents hidden exploitation. Linking this valuation explicitly to tenure conditions such as defining use, duration, and reversion terms in legally binding agreements, ensures both donors and users are protected. This approach mirrors how valuation frameworks under the IFC's Performance Standards embed fair benefit-sharing and legal enforceability for host communities (IFC, 2012).

To ensure that land administration frameworks remain relevant, periodic reviews must be institutionalized every two to three years. Such reviews should evaluate demographic shifts, emerging land pressures, and feedback from both host communities and refugees. Participatory reviews strengthen institutional memory, correct shortcomings in policy implementation, and reflect good practice in adaptive governance. For instance, Turkey's refugee quota policy is periodically reassessed to balance refugee hosting with national resource protection (UNECE, 2021). Regular review in Uganda would help adjust tenure safeguards to changing conditions, ensuring durable protection of land rights. Finally, this study reinforces that all these proposed improvements collectively align with international standards for voluntary land donations, which emphasize minimal loss of productive land to protect livelihoods (ADB, 2012). By integrating a robust, transparent GRM, clear reversion provisions, constitutional compliance, community consent, regulated land use, fair valuation, and regular review, Uganda can uphold tenure security and mitigate conflict risks in refugee-hosting contexts. These reforms are essential for achieving fair, sustainable co-existence between refugees and host communities while respecting the fundamental land rights that underpin rural livelihoods.

6.5.7 Concluding Remarks

In summary, this chapter has set out clear and contextually grounded improvements to the rules and procedures governing the acquisition of customary land for refugees, firmly anchored in international good practices for Voluntary Land Donation (VLD). The proposed measures ranging from strengthened participatory governance structures, transparent land allocation and documentation, robust grievance redress and dispute resolution mechanisms, to regulated use, clear reversion plans, and periodic review, are designed to address existing gaps and uncertainties that undermine tenure security for both refugees and host communities. By aligning customary land acquisition practices with tested national and international standards, these reforms protect host communities from unintended land loss while providing refugees with predictable and regulated access to land, thereby reducing conflict, supporting sustainable livelihoods, and upholding social cohesion. Ultimately, these measures ensure that land-sharing arrangements remain voluntary, equitable, and capable of safeguarding the tenure security of all stakeholders over the long term.

CHAPTER 7: AN ENHANCED INSTITUTIONAL FRAMEWORK FOR ACQUISITION AND ADMINISTRATION OF CUSTOMARY LAND FOR REFUGEES-HOST COMMUNITIES

7.1 Introduction

This chapter critically analyses and strengthens the institutional framework governing the acquisition and administration of customary land for refugees' use, with the overarching aim of identifying how such frameworks can guarantee tenure security for both host communities and refugees. The analysis is guided by the core research objective: to assess whether existing institutional structures and practices align with principles of good land governance and to propose improvements where gaps and inconsistencies are evident. The discussion draws on a combination of primary and secondary data. Document analysis included relevant policies, legal instruments, operational guidelines, and international standards such as the FAO's Good Governance in Land Tenure and Administration and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs). Empirical insights were further enriched by semi-structured interviews and focus group discussions with key stakeholders, including government officials, customary leaders, landowners, local council representatives, refugees, and civil society actors.

The chapter is organised into seven sections. Following this introduction, Section 7.2 provides an overview of current institutional frameworks and the mandates of key actors. Section 7.3 presents findings from the document review, highlighting key policies, laws, and institutional arrangements analysed. Section 7.4 discusses insights from interviews with key stakeholders. Section 7.5 synthesises the main institutional gaps and constraints identified through both document review and stakeholder consultations. Section 7.6 examines user perspectives on what an improved institutional framework should entail. Finally, Section 7.7 provides a discussion of the findings, linking them to national legal frameworks and international best practices, and outlines their implications for institutional reform and tenure security.

7.2 Overview of Current Institutional Frameworks.

This section presents an overview of the current main institutions involved in the acquisition and administration of customary land for refugees in Uganda. It draws on documentary evidence and stakeholder interviews to outline the mandates and specific roles each actor plays in facilitating refugee settlement on customary land.

7.2.1 Office of the Prime Minister (OPM)

The Office of the Prime Minister (OPM) is formally designated under Article 189(1) of the Constitution of Uganda as the lead institution for refugee protection and management (Republic of Uganda, 1995). This mandate is further operationalised through the Refugees Act, 2006 and relevant policy instruments, placing the refugee response coordination function within the Department of Refugees under OPM (Republic of Uganda, 2019). The OPM remains the central authority for managing all matters related to refugee settlement on customary land, with wide-ranging responsibilities including negotiation, acquisition, administration, and dispute management.

The specific roles of OPM in the acquisition and administration of customary land include:

1. Engaging district leaders to identify land suitable for refugee settlement.
2. Convening and conducting consultative and negotiation meetings with landowners.
3. Signing land use agreements with landowners on behalf of the Government.
4. Occasionally acquiring land where disputes arise.
5. Representing UNHCR and refugees in negotiations and land-related matters.
6. Contracting private surveyors to demarcate land and allocate plots to refugee households.
7. Managing all land disputes within refugee-hosting communities.
8. Coordinating the process of land reversion where applicable.
9. Making commitments to land donors, although fulfilment of these commitments remains inconsistent.
10. Setting terms and conditions for land donations, often without adequate community consultation.

7.2.2 Host Communities and Customary Institutions

The authority to grant refugees access to customary land ultimately lies with host communities, typically acting through their cultural or traditional leadership structures. Without the explicit consent of customary institutions and landowners, OPM lacks the mandate to compel land donations. Interviews confirmed that in some cases, entire communities declined to host refugees, requiring OPM to negotiate with alternative elders willing to provide land.

Decisions to allocate communally owned land are made by clan leaders and landowners on behalf of wider community members, often with expectations of reciprocal community benefits such as improved infrastructure, schools, health centres, and employment opportunities. The key roles of customary institutions and host communities include:

1. Leading decision-making meetings on whether to donate land.
2. Mobilising and persuading other family and clan members to support refugee settlement.
3. Negotiating terms and conditions for land donation with OPM.
4. Formally offering or donating land for refugee settlements and related social services.
5. Signing land use agreements, negotiation minutes, and voluntary contribution forms with OPM.
6. Notifying community members through cleansing or other customary ceremonies about incoming refugee settlements.
7. Preparing budgets for, organising, and accounting for funds used in such ceremonies.
8. Participating in dispute resolution processes involving host communities, OPM, and refugees.
9. Engaging in private negotiations with refugees on renting land for agricultural use.
10. Following up on promises made by OPM regarding community benefits.
11. Maintaining private rental arrangements for land access where needed.
12. Promoting peaceful coexistence between refugees and host communities.

7.2.3 Local Government

District local governments act as intermediaries between OPM and customary communities, providing critical administrative and political support during the process of customary land acquisition. Local government officials are often responsible for identifying large customary landholders, persuading them to provide land, and witnessing agreements to ensure legitimacy. In

some cases, however, district leaders have been linked to allegations of irregular or non-transparent land acquisition practices during the Customary Land Acquisition (CLA) process.

The main roles of district local governments include:

1. Notifying landowners, elders, and clan heads about potential land contributions.
2. Signing as witnesses on all official land documents transferring land to OPM for refugee use.
3. Enacting by-laws that may govern community land use or management.
4. Participating in meetings and processes to resolve land disputes.

7.2.4 UNHCR

The United Nations High Commissioner for Refugees (UNHCR) holds an international mandate to protect refugees and ensure they enjoy a broad range of fundamental rights and freedoms (UN General Assembly, 2004). In Uganda, UNHCR collaborates closely with OPM and the Ministry of Local Government (MoLG), providing technical support and funding to secure access to customary land for refugees and to uphold their settlement rights.

The core roles of UNHCR in the context of customary land acquisition include:

1. Financing the entire process of customary land acquisition (CLA) where necessary.
2. Providing funds for implementing land acquisition activities in host communities.
3. Supporting the development of essential social services in refugee-hosting areas.
4. Overseeing and regulating dispute resolution measures related to land in host communities.
5. Deploying technical teams to advise and support OPM on the management of acquired customary land.
6. Contributing to policy development to strengthen refugee protection and land security.

7.2.5 Implementing and Development Partners (IP/DP)

National and international non-governmental organisations (NGOs) and other development partners (DPs) play a significant role in supporting Uganda's refugee response. These partners carry out humanitarian and longer-term development activities that complement national and local efforts to secure refugee access to land and promote sustainable livelihoods (Republic of Uganda,

2019). While their role is more pronounced in private land acquisition arrangements for livelihood purposes, they are also involved in supporting broader tenure security measures.

Key roles of implementing partners and development partners include:

1. Participating in land dispute resolution processes (e.g., Danish Refugee Council).
2. Promoting tenure security with a focus on safeguarding refugees' settlement rights.
3. Facilitating peaceful coexistence between host communities and refugees.
4. Providing funding for renting additional land for refugees' agricultural use.
5. Drafting tenancy agreements to secure refugees' legal access to privately acquired customary land.

7.3 Analysis of Legal Framework on Acquisition of Customary Land for Refugees.

This section presents key findings from the review of relevant national policies, laws, and operational guidelines that shape the acquisition and administration of customary land for refugee settlements in Uganda. The review also identifies areas of institutional linkages and fragmentation and assesses the extent of alignment with international best practices such as those outlined by UNHCR, the FAO, and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests (VGGTs). Uganda has developed a comprehensive set of national laws and policies that articulate the State's responsibility to protect the rights of all individuals within its borders, including refugees (Amatsimbi, 2024). The 1995 Constitution explicitly guarantees fundamental rights and freedoms and protection against discrimination (The Republic of Uganda, 1995). Article 189(1) designates the Office of the Prime Minister (OPM) as the lead government institution responsible for refugee management, establishing a clear institutional linkage between refugee protection and central government structures. Chapter Four further outlines the rights of all individuals but restricts landownership for non-citizens to leasehold tenure only an important linkage that shapes refugees' legal access to land.

The Refugee Act (2006), which domesticates Uganda's obligations under the 1951 Refugee Convention, codifies the rights and responsibilities of refugees in the country (The Republic of Uganda, 2006). These include the issuance of identity documents and travel permits, legal protection from discrimination, access to judicial services and education, freedom of religion, and specific protections for women. The Act also operationalizes OPM's refugee response

coordination function through its Department of Refugees (The Republic of Uganda, 2019). Section 65 of the Refugee Regulations (2010) permits refugees in designated settlements to use land for housing, farming, or grazing but prohibits selling, leasing, or transferring that land to others. These provisions create an important legal link between refugee welfare and land use, but do not extend to explicit guidelines on tenure security for host communities.

The National Land Policy (MLHUD, 2013) further reinforces Uganda's commitment to international frameworks by addressing forced displacement, resettlement, and cross-border environmental impacts, aligning with global instruments like the Kyoto Protocol and the VGGTs. The policy explicitly prioritizes the protection of land rights for marginalized groups. However, despite this stated commitment, the policy exposes a critical institutional gap: it lacks specific provisions for land designated for refugee settlements and does not clarify how tenure security for both refugees and host communities should be protected in practice (MLHUD, 2013). This policy gap fragments the linkages between refugee policy and land tenure administration and has contributed to conflicts between host communities and refugees. Moreover, the National Land Policy does not specify how or when land allocated to refugees should revert to original owners, creating further uncertainty.

Similarly, the Land Act (1998) promotes decentralization of land governance, supports customary tenure security, and sets out dispute resolution mechanisms. This Act provides important linkages by defining the roles of local government institutions in land administration. However, it does not extend its scope to cover refugee settlements or explicitly assign responsibilities for managing land designated for refugees. As a result, key institutions such as OPM often act without clear legal direction when acquiring or administering customary land for refugees. This lack of specificity represents a point of institutional fragmentation, undermining efforts to ensure consistent protection of tenure security for host communities and refugees alike.

Another relevant framework is the Settlement Transformative Agenda (STA), under the National Development Plan. The STA recognizes the importance of land management in refugee-affected areas, including both gazetted and non-gazetted settlements. According to the World Bank (2016), the STA prioritizes efficient and sustainable management of settlement land. However, it does not

articulate an explicit strategy to secure tenure for host communities or clarify how land contributed for refugee use should be administered in the long term. This omission further illustrates fragmented institutional arrangements. While the World Bank has supported the STA through operations like the Development Response to Displacement Impacts Project (DRDIP), its focus has been primarily on environmental rehabilitation rather than directly addressing tenure security. This focus was highlighted by one of the key informants in the office of regional desk in Adjumani:

“These refugees come with negative impacts like, they cut all the forests.... So, World Bank through Development response to displaced impact project (DRDIP) is helping in environment interventions, restoring the environment which has been destroyed by refugees” **OPM official, regional desk office, Adjumani.**

Uganda’s legal and policy frameworks establish some institutional linkages that align with international best practices by upholding refugee rights and general land governance principles. However, significant fragmentation persists where refugee policy and land tenure governance intersect. The lack of clear, detailed operational guidance on land acquisition, use, restitution, and tenure security in settlement contexts leaves OPM and other implementing actors with broad mandates but little legal clarity. This weakens coordination across institutions and creates a gap in aligning Uganda’s practice fully with international standards such as the FAO’s Good Governance in Land Tenure and the VGGTs.

7.4 Findings from Interviews with Key Stakeholders.

This section synthesizes empirical evidence gathered through interviews with a diverse range of stakeholders, including government officials, customary leaders, local landowners, refugees, and NGOs. The findings are presented thematically to illustrate the key perceptions, challenges, and opportunities identified in the customary land acquisition (CLA) processes for refugee settlements.

7.4.1 Perceived Roles and Coordination

Stakeholders universally agreed that the Office of the Prime Minister (OPM) is perceived as the primary actor in customary land acquisition for refugee settlements. This perception was confirmed by OPM officials themselves and echoed by other stakeholders, who highlighted OPM’s central role in coordinating notifications, negotiations, and documentation. OPM’s coordination

typically involves engaging district leaders to notify landowners and collaborating directly with customary landowners during negotiations and formalization processes. This coordination process was summarized by an OPM official:

“We do consultative meetings with different landowners first as a step expressing the need for land, if landowners are willing to take on refugees, they tell us we are willing to host refugees but these are our expectations. We then go into signing of documents; we engage them in signing the land contribution form. But it has to be the specific landowners of that area. After filling the land consent form, the landlord would now draft a budget saying that I have given you land as OPM, culturally we have to do land cleansing, ideally if a person has drafted a budget, they have consented. Plots are then created of about 50m by 50m and allocated to refugees. Lastly, depending on the nature of dispute, the relevant people are brought on board.” **OPM Official, Basecamp, Rhino Settlement, Terego.**

7.4.2 Institutional Effectiveness

Many stakeholders questioned the effectiveness of OPM’s land acquisition practices, particularly regarding the protection of host community tenure rights. Numerous host community members and land donors described the process as heavily skewed towards fulfilling refugee protection obligations while neglecting commitments to landowners and host communities. Unfulfilled promises of community benefits were a recurring concern as expressed.

“Government promised us houses, livelihood ventures but it has not fulfilled anything. Our roads to our homes are bad, the market lost business. We have been called for a meeting but we were asked to sign the minutes and we refused. We as landowners of zone1, we are going to come up with a plan to demand our land back.” **Landowners, Bidibidi Zone 1, Yumbe.**

“Like this place where the base camp is seated, it’s without a cost, nothing was given to the person who owns this place, and this is an individual property not community land, but nothing was paid, it’s like saying it was grabbed.” **Local Leader, Nyumanzi, Egge Village, Adjumani.**

FAO (2007) defines efficiency and effectiveness in land governance as the ability to formulate and implement policies while delivering high-quality services. By this definition, key informant testimonies indicate that OPM's actions have been effective in settling refugees but ineffective in safeguarding land donors' rights:

“They told us to write what we wanted as a way of appreciation, we wrote what was within our capacity in 2014 and they asked us to keep patient, up to now nothing has been given. I have copies for the requirements and meeting copies, but the meeting was in the interest of the refugees. They forgot us completely...That’s why we are not happy at all, they have not done anything.” **Settlement Land Donors, Adjumani.**

7.4.3 Practical Challenges

Stakeholders described significant practical challenges undermining effective CLA, including overlapping mandates, limited capacity, and weak enforcement of customary norms. While customary institutions are expected to manage communal land according to traditional norms, the refugee settlement process introduced conflicting practices such as empowering refugees to handle boundary disputes within settlements, thereby undermining customary institutions' authority. The host communities believe the elders were weakened and did not perform to the best of their expected mandate in protecting the interests of the communities.

“Our elders were blindfolded and gave away our land, no MoU was signed, and today we are now giving birth to children, what are we going to give them, these are our ancestral lands that were given away.” **Youth Group, Bidibidi Settlement.**

7.4.4 Host and Refugee Experiences

Experiences shared by host communities consistently emphasized that the arrival of refugees heightened tenure insecurity rather than alleviating it. Local leaders and landowners highlighted the unresolved nature of tenure claims and fears about the future:

“Everyone knows the land doesn’t belong to the government, the community gave it to the government, so I said we find a way to appreciate people, and since then nothing has been done, so we just keep sitting on a time bomb.” **Official from regional desk office, Arua.**

7.4.5 Community Trust and Legitimacy

The findings reveal eroded trust in both statutory and customary institutions. Many communities now rely on informal associations to reclaim their land and assert rights that they feel OPM has inadequately protected. This was reflected in candid statements by community leaders and land donors:

“The elders were convinced that you know, when refugee go, OPM would just leave. But can you occupy this basecamp, it will now be a government property, they will take it over. So those are the cheap things they talked to our elders and they accepted.” **Local Leader, Nyumanzi, Adjumani.**

“I can abuse myself that for us we were fools to accept refugees on our land, we have regretted and completely up to today, we did a very big mistake, and even if I die, I will tell to my children don’t allow them again, this is a very dangerous thing.” **Land Donor, Adjumani.**

Some stakeholders now perceive the CLA process as tantamount to land grabbing, with donors considering legal redress to reclaim their land.

7.4.6 Opportunities for Strengthening

Stakeholders identified clear opportunities to address these gaps: improving transparency in notifications and negotiations, ensuring thorough documentation, conducting proper land surveying, and creating accessible grievance mechanisms. These measures are seen as vital for balancing the tenure security of land donors with the protection needs of refugees. One land donor vividly described the consequences of hasty, undocumented land acquisition:

“When refugees were at the border, camp commandant came to me that landlord, we are now stuck, we do not have where to put these people, allow us to drop these people here. I said NO, let me contact some other landowners and the community around whether these people can be allowed to come back here, give me time. He said no, we are stuck, we shall speak on everything later, the moment he is like you there, a truck of refugees has already come before I accept.” **Land Donor, Adjumani.**

This scenario is further confirmed by the unplanned pattern of refugee shelters verified during field validation under Chapter 8, highlighting the urgent need for strengthened acquisition practices, proper planning, and robust documentation to guarantee tenure security for host communities while ensuring safe land access for refugees.

7.5 Synthesis of Key Institutional Gaps and Constraints.

This section synthesizes evidence on the major gaps and constraints identified within the current institutional framework governing the acquisition and administration of customary land for refugees in Uganda. It highlights how each institutional weakness contributes to tenure insecurity for both host communities and refugee populations, and points to specific areas requiring improvement.

7.5.1 Office of the Prime Minister (OPM)

OPM is the principal institution overseeing refugee land management in customary settings. However, several aspects of its functionality reveal significant gaps when mapped against principles of good governance and tenure security.

1. Legitimacy is not recognized, using coercive approaches: This undermines the voluntary nature of land donations and generates mistrust, making tenure security for landowners fragile.
2. Fails to provide services responsive to the needs of land donors: Without addressing donor needs, communities lose confidence and may contest land access, threatening stable land use for refugees.
3. No legal framework mandates OPM to administer customary land for refugees: This legal vacuum creates ambiguity in authority, which exposes tenure arrangements to disputes and contestation.
4. Lacks collaboration with other stakeholders: By operating in isolation, OPM weakens collective oversight, which could otherwise safeguard legitimate tenure rights for all parties.
5. Does not recognize or respect all legitimate tenure right holders: Excluding rightful stakeholders erodes the security of existing customary interests and fosters conflicts.

6. Does not safeguard legitimate tenure rights of land donors against threats: This exposes host communities to loss of land without guarantees of restitution or compensation.
7. Non-transparent land acquisition processes: The lack of openness fuels perceptions of land grabbing, compromising both donor trust and refugees' perceived right to occupy the land safely.
8. Infringes upon rights of land donors: This breeds resentment among communities, which can escalate into tenure disputes that destabilize settlements.
9. Does not promote or facilitate the enjoyment of land rights by holders: Without secure tenure, landowners face continued uncertainty about the status of their land.
10. Lacks public trust and confidence: Diminished trust limits the social legitimacy of land arrangements, increasing the risk of disputes and withdrawal of land use rights.
11. Excludes customary institutions from participating in land governance: This marginalization disrupts traditional governance structures that could reinforce tenure stability.
12. Inconsistent, unpredictable, and partial, does not follow clear rules nor provide redress: The absence of reliable procedures exacerbates conflicts and undermines tenure certainty.
13. Does not ensure accountability and has failed to build trust with citizens: Weak accountability reduces incentives for good practice, leaving both host and refugee communities exposed to tenure risks.

7.5.2 Customary Communities

Customary communities comprising leaders and members organized through clan systems—are core actors in communal land decisions. Their roles are intended to safeguard community rights, but various gaps compromise this mandate as highlighted below:

1. Customary institutions' service provision is non-responsive to community interests: This failure weakens community confidence in traditional governance, eroding tenure protection.
2. Did not ensure the safety of land rights for legitimate users: Unprotected communal rights expose residents to displacement and resource conflicts.
3. Did not promote enjoyment of legitimate rights for users of donated land: This creates internal disputes over residual rights on communal lands.

4. Elders acted exclusively when donating communal land: Non-inclusive decisions marginalize affected families, triggering future claims and conflicts.
5. Donors were unaccountable for decisions made without wider consultation: This breeds internal mistrust and questions the legitimacy of the donation.
6. Customary roles were undermined in the CLA process: Exclusion weakens the authority of traditional structures that could otherwise monitor tenure arrangements.
7. The act of offering and donating land lacked transparency: Hidden negotiations open the door for contestation and competing claims.
8. Communities were not engaged to participate in the land donation process: Limited participation fuels grievances that can destabilize tenure agreements.
9. Failed to ensure accountability and broke trust of rights holders: Eroded trust encourages community members to reclaim donated land through informal or confrontational means.
10. Did not demand open, transparent access to information about impacts: This prevents informed consent and perpetuates misunderstanding of the consequences of land loss.
11. Failed to provide clear information to communities on the safety of donated land: Without assurances, residents remain uncertain about the security of their residual tenure.
12. Customary elders disclosed communal heritage sites for exploitation: Loss of cultural sites damages the community's social fabric and may spur future disputes over spiritual or historical claims.

7.5.3 Local Government

Local governments are tasked with oversight roles in CLA processes but have also been implicated in undermining tenure security through appropriate practice as mentioned below:

“The districts have gone ahead through their own initiatives, this is now in a crude way, to get community land, they say that in order to have this school here, we need this land here, and they have started to acquire some of this donated land. The districts are acquiring land in crude ways, where there is a health facility they survey the land, and they say this is now for the government. They have now started with the integrated facilities like schools which serve both refugees and host communities” **OPM official, Adjumani.**

This narrative affirms the listed gaps in the roles of local governments in the acquisition of customary land for refugees.

1. Lacks integrity and supports corrupt practices for improper land acquisition: Corruption delegitimizes the acquisition process and exposes communities to involuntary dispossession.
2. Deals unfairly and partially with land donors: Bias in local administration undermines confidence in tenure arrangements.
3. Acts inconsistently, unpredictably, and partially: Weak governance increases the likelihood of tenure disputes and inconsistent enforcement.
4. Fails to advocate for or promote tenure security and stability: Communities lose a critical institutional ally for defending their rights.
5. Does not account for its actions or provide proof: Lack of transparency enables misuse of communal lands and obstructs remedies for affected communities.

7.5.4 UNHCR and NGOs (Implementing and Development Partners)

UNHCR and NGOs are central to protecting refugee rights but their limited engagement with host community tenure issues has unintended consequences.

1. Have not advocated for equity and fairness towards host communities: The imbalance of protection reinforces host grievances and threatens coexistence.
2. Have not adequately sensitized refugees to comply with relevant laws: Lack of awareness may lead refugees to inadvertently violate local tenure norms.
3. Do not advise OPM to adopt transparency in information-sharing with donors: The absence of open dialogue sustains mistrust and tenure disputes.
4. Have not promoted public trust in OPM to enhance tenure security: Silence on governance shortfalls undermines the sustainability of refugee settlements.
5. Provide unequitable support, favouring refugees over land donors: Perceived bias intensifies resentment, risking community hostility.
6. Do not recognize or respect all legitimate tenure holders or customary mandates: Ignoring local tenure systems jeopardizes integrated and peaceful co-existence.
7. Do not integrate customary norms into refugee support programmes: Disregard for local traditions weakens community acceptance and tenure security for both hosts and refugees.

7.5.5 Areas for Improvement

The evidence demonstrates that to strengthen tenure security for both host communities and refugees, urgent improvements are needed across multiple fronts: clarifying OPM's legal mandate; ensuring transparent, inclusive, and accountable processes; restoring the participatory role of customary institutions; enhancing local government integrity and oversight; and requiring international partners to advocate more equitably for both host and refugee rights, with explicit integration of customary norms into support programs.

7.6 User Perspectives on Improved Institutional Frameworks.

This section presents the perspectives of host communities, refugees, and other key stakeholders on what an effective institutional framework for the acquisition and administration of customary land for refugees should entail. Drawing on empirical evidence, stakeholders propose a strengthened framework that redefines and clarifies the roles of core actors as illustrated in Figure 7-1. The Office of the Prime Minister (OPM) should closely work with other relevant ministries such as Ministry of Lands, Housing and Urban Development (MLHUD) and Ministry of Justice and Constitutional Affairs (MoJCA) in ensuring tenure security for both customary land rights holders and refugees. Integrating critical land governance institutions at local government level such as Area Land Committees (ALCs), District Land Boards (DLBs), District Land Offices (DLOs), and recorders is key. The roles of customary communities, local governments from LC1 to LC5, UNHCR, and NGOs should be enhanced as detailed in the following sections. While According to participants, this enhanced framework must address long-standing gaps in coordination, transparency, accountability, and dispute resolution to balance the rights and interests of host communities and refugees alike. Host communities particularly emphasize the need for clear legal mandates, inclusive consultation, enforceable agreements, robust monitoring, and the recognition of customary institutions alongside statutory bodies. Refugees, likewise, call for mechanisms that protect their use rights while ensuring that relations with host communities remain stable and mutually beneficial. Overall, this section synthesizes user-generated proposals and aligns them with established international best practices to inform a more equitable and resilient model for customary land acquisition and management in refugee-hosting areas. The proposed roles and responsibilities of these institutions are further detailed below:

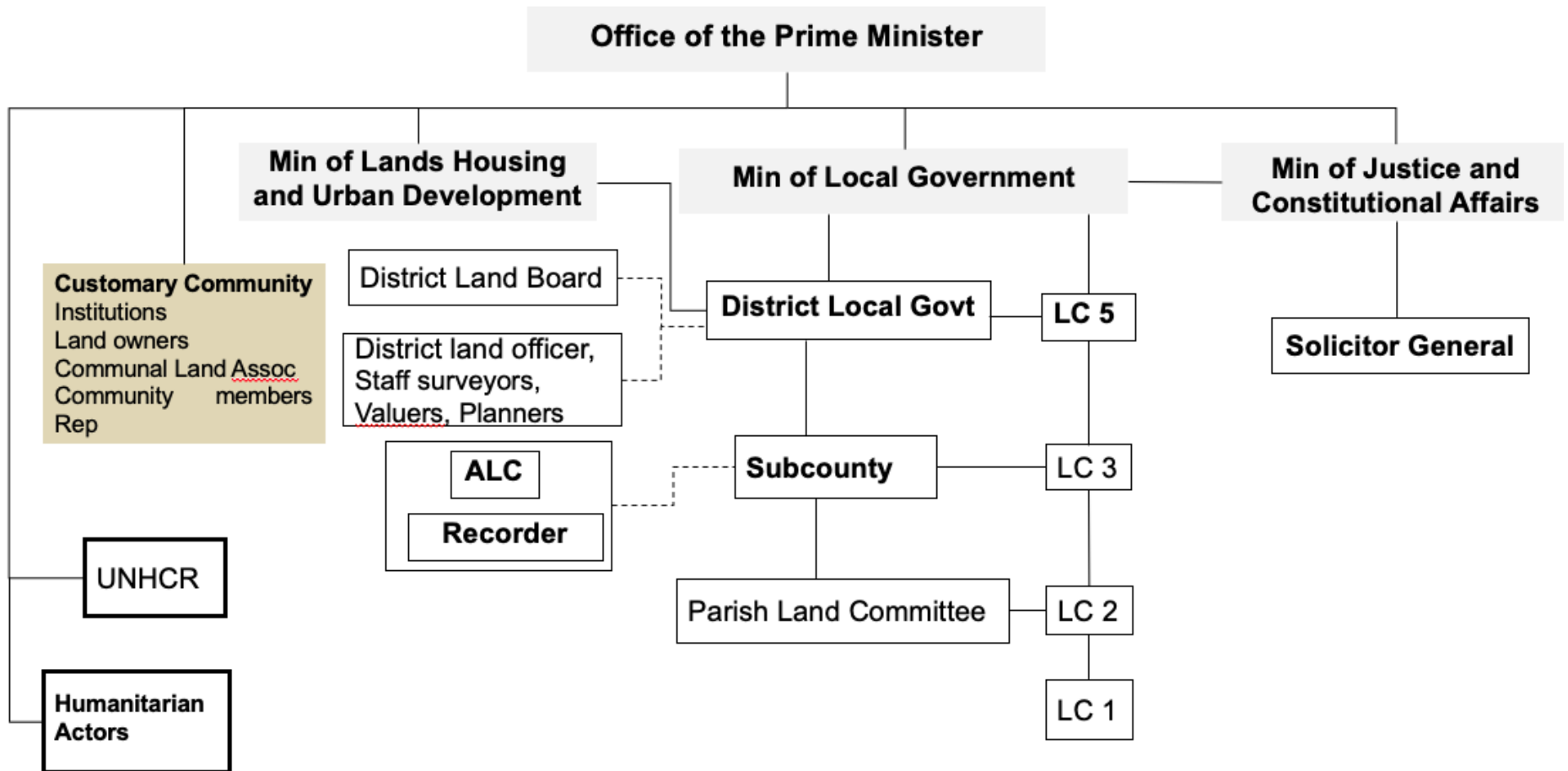


Figure 7-1: Improved institutional framework for acquisition and administration of customary land for refugees

7.6.1 *OPM the Main Land Acquisition Institution.*

This section details the strengthened roles and responsibilities of the Office of the Prime Minister (OPM) as the principal institution for acquiring customary land for refugees, aligning its mandate with community expectations and international standards of accountability, transparency, and protection of tenure rights.

Table 7-1: Reviewed roles and responsibilities of OPM in Acquisition of Customary Land for Refugees

<ol style="list-style-type: none">1. Initiate the request to acquire community land to local government officials.2. Negotiate with the Host Community to identify land under Voluntary Land Donation (VLD).3. Negotiate with donor communities on agreement terms including the duration of use for the donated land.4. Transparently document agreed terms with land donors, in presence of neutral facilitators as verifying witnesses.5. Sign agreements with the donors which culminate into certificates of land use (CoLU).6. Issue clear documentation (sub-CoLU) to refugees specifying their rights, restrictions and responsibilities.7. Collaborates with MLHUD agencies for mapping and planning, valuation, binding documentation etc.8. Coordinates where possible compensation of affected livelihood assets with the guidance of DLO and ALC.9. Receive grievances from refugees and host communities and handle them collaboratively with other stakeholders.10. Receive documented donated customary land on behalf of refugees.11. Adhere to all terms, rights, restrictions, and responsibilities specified in the CoLU.12. Coordinate UNHCR with other institutions on land matters related to acquisition of customary land for refugees.

7.6.2 *Customary Communities*

Table 7-2 outlines the enhanced roles and responsibilities of customary communities as the primary land-donating institution in customary land acquisition for refugees, ensuring their practices uphold community interests and conform to international principles of inclusivity, transparency, and tenure security.

Table 7-2: Improved roles and responsibility of customary communities in acquisition and administration of customary land

<ol style="list-style-type: none">1. Transparently donate land for refugee settlements and social services with the consent of community members.

2. Engages with OPM in land donation negotiations.
3. Verify the negotiation agreements and ensure they are documented correctly.
4. Mobilize all community members for activities such as public viewing, opinion seeking, handover etc, to promote transparency and inclusiveness.
5. Provide all necessary and accurate information during valuation of affected assets and to be cooperative and participatory.
6. Respond and participate in land dispute resolution processes.

7.6.3 Ministry of Lands Housing and Development (MLHUD) and Area Land Committees.

This section presents the strengthened roles of the Ministry of Lands, Housing and Urban Development (MLHUD) under Table 7-3 and Area Land Committees (ALCs) under Table 7-4 and in customary land acquisition for refugees, ensuring technical oversight, registration, and dispute resolution align with community needs and international standards of tenure security.

Table 7-3: Proposed roles and responsibilities of MLHUD in acquisition and administration of customary land for refugees

1. To develop regulatory policy strategies on acquisition, administration and usage of customary land for refugees.
2. To establish a feasible mechanism for land to revert to the rightful customary land donors upon the expiration of the use duration.
3. To set policy strategies to preserve natural features, cultural heritage sites and lands with livelihood assets from being donated.
4. To set a strategy restricting change of land use for the donated customary land from refugee settlements to other uses.
5. To set clear guidelines on donated customary land which is later designated for permanent infrastructures and social services.
6. To establish a policy strategy on compensation of crops, trees, foods and other livelihood assets found on land prior to any activities that may be conducted on that land.
7. To guide the process of taking possession of the donated land.

Table 7-4: Proposed roles and responsibilities of ALC in customary land acquisition and administration

<ol style="list-style-type: none">1. Coordinate with OPM during consultation, notification, negotiations meetings involving host communities.2. Work with OPM in the process of impact assessment.3. Participate in awareness rising meetings.4. Work with OPM and other MLHUD agencies in land mapping, and land use planning.5. Collaborate with OPM and other stakeholders to come up with an optimal dispute resolution mechanism and GRM for host communities and refugees.6. Advocate for accessible and operational stations to receive grievances and complaints from host communities.7. Work with local authorities to regulate and minimize the rate of private renting, selling and buying of customary land by refugees.

7.6.4 Ministry of Justice and Constitutional Affairs (MoJCA).

Access to justice and dispute resolution in the land sector are recognized as essential components of good governance, contributing to conflict reduction and improved tenure security. The Land Sector Strategic Plan stipulates that the dispute-resolution system should primarily rely on local courts, while overarching guidance and policy direction are provided by the mainstream courts under the Ministry of Justice and Constitutional Affairs (MoJCA). Consequently, the MoJCA should be integrated into the administration of customary land for refugees, with its specific roles outlined in Table 7-5.

Table 7-5: Proposed roles and responsibilities of MoJCA in customary land governance for refugees' use

<ol style="list-style-type: none">1. To Strengthen policy, legal, regulatory and institutional frameworks2. To reduce backlog and streamline the land justice delivery system by OPM.3. To try and determine matters relating to donated customary land held within the territorial area where the courts are located.4. To order for Reconciliation, Declarations, Compensation, Restitution, Costs or apology.5. To continuous monitor to ensure that negotiated agreements in CoLU or memorandum of understanding between OPM and customary land donors are being implemented.6. Provide access to justice and dispute resolution in regard to the land sector7. To guide local courts at the lower level in transparency and fairness in their decisions.

7.6.5 District Land Office, District Land Board (DLB) and Recorder

The District Land Board (DLB), District Land Office (DLO), and recorders play pivotal roles, complementing the functions of the Area Land Committees (ALC) in safeguarding tenure security for customary land. Integrating their roles alongside ALCs will help ensure that both refugees and customary land rights holders obtain secure and formally recognized tenure. Table 7-6 outlines the proposed roles and responsibilities of these institutions in managing donated customary land for refugees.

Table 7-6: Proposed roles and responsibilities of DLO, DLB and recorder in customary land acquisition and administration

Responsibilities of DLO in Acquisition of Customary Land for Refugees	
<ol style="list-style-type: none"> 1. To provide technical advisory services to DLB, OPM, and UNHCR in areas of valuation of land designated for permanent infrastructures and livelihood assets. 2. To geo-reference and plot the ground coordinates to support and ease the process of impact assessment and documentation of donated land. 3. To direct and execute the formation of communal land associations. 4. To keep recordation of the donated land, the land occupied by refugees, and any other information on land accessed by refugees. 	
Responsibilities of DLB in Acquisition of Customary Land for Refugees	Responsibilities of Recorder in Acquisition of Customary Land for Refugees
<ol style="list-style-type: none"> 1. To approve the information to be put in the certificate of use. 2. To take over land designated for permanent infrastructures and manage all registration processes (compensation, registration, transfer of interests of the land to the government) in an equitable manner. 	<ol style="list-style-type: none"> 1. To issue certificates of land use (CoLU) specifying agreed terms and rights, restrictions and responsibilities of refugees and host communities (land donors).

7.6.6 Local Government

The proposed roles of district local government leaders build on their existing responsibilities but are strengthened to enhance transparency, accountability, and equitable engagement, as detailed in Table 7-7.

Table 7-7: Reviewed roles and responsibilities of local government in customary land acquisition and administration

<ol style="list-style-type: none"> 1. Coordinate with OPM to ensure all stakeholders are notified and consulted. 2. Participate in consultation, negotiation, and documentation processes as witnesses. 3. Participate in the handover event of the donated land. 4. Set by-laws for the safety of both host communities and refugees, such limitation of private land acquisition by refugees.

7.6.7 UNHCR, Implementing and Development Partners (IP/DP)

The revised roles presented in Table 7-8. aim to ensure that the actions of UNHCR, IP, and DP contribute not only to the protection of refugees' rights but also to maintaining the security and rights of host communities, ultimately fostering a more balanced and secure land tenure system for both groups.

Table 7-8: Reviewed roles and responsibilities of UNHCR and IP/DP in customary land acquisition and administration

Proposed UNHCR's Roles and Responsibilities in CLA for Refugees	Proposed IP/DP's Roles and Responsibilities in CLA for Refugees
<ol style="list-style-type: none"> 1. Guide OPM to adhere to the agreed terms. 2. Provide funds for compensation of affected assets. 3. Monitor and evaluate refugees' adherence to rights, restrictions and responsibilities. 4. Participate in dispute resolution meetings and provide technical guidance to OPM and refugees if necessary. 	<ol style="list-style-type: none"> 1. Promote GRM compliant to customary norms. 2. Participate in dispute resolution meetings to offer advise but not to influence final decision. 3. Advocate for security and fairness of both host communities and refugees. 4. Promote peaceful co-existence while balancing between refugees and community members.

7.7 Discussion of Results

This section critically interprets the key findings on the proposed enhanced institutional framework for the acquisition and management of customary land for refugees. It systematically links each finding to relevant national legal and policy frameworks, such as Uganda's Land Act, the National Land Policy, and the Refugees Act, while comparing them to international best practice guidelines, notably the FAO Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs) and

UNHCR standards on refugee-host relations. By doing so, the section draws out the practical implications of these findings for institutional reform and the strengthening of tenure security for both host customary landholders and refugee communities. Ultimately, this integrated discussion sets the stage for advancing a context-sensitive, lawful, and accountable framework that addresses past governance weaknesses and aligns Uganda's refugee land acquisition and administration practices with globally recognized principles of good land governance.

7.7.1 Institutional Framework for Acquisition and Administration of Customary Land for Refugees

The developed institutional framework delineates the roles and relationships of both statutory and non-statutory institutions involved in the acquisition and administration of customary land for refugees, with an emphasis on ensuring tenure security for both refugees and host communities. The framework reflects a multi-faceted legal approach, incorporating various state interventions that regulate land tenure, ownership, and management through different legal instruments. For instance, the 1998 Land Act facilitates effective decentralization of land governance, strengthens customary tenure security, and promotes land dispute resolution mechanisms. In contrast, the National Land Policy (UNLP) aims to ensure that all Ugandans fully enjoy their land rights, with a particular focus on safeguarding the land rights of marginalized groups and communities. Additionally, the UNLP proposes the creation of a semi-autonomous state agency responsible for land administration and management at the national level.

The UNLP further emphasizes the importance of customary institutions in the management of land, specifically recognizing their role in land governance, dispute resolution, and the protection of land rights. This reflects the vital involvement of customary communities in the administration of land for refugees, particularly in the stages of dispute resolution and active participation in land demarcation. However, while the Office of the Prime Minister (OPM) acknowledges the role of customary landowners in land acquisition for refugees, their involvement is largely limited to providing land, signing land contribution documents, and witnessing the land demarcation process. Importantly, customary landowners do not participate in critical stages that influence tenure security, such as establishing rules and procedures that protect land rights. To address this gap, the framework recommends the appointment of neutral, trusted representatives from the customary

community individuals with no vested interest in the land offered who would represent the rights of the customary landowners. Additionally, the UNLP advocates for the incorporation of traditional institutions in land surveys and mapping, emphasizing the need for enhanced training and regulation of demarcation, surveys, and mapping of customary land.

The framework assigns key responsibilities to the Ministry of Lands, Housing, and Urban Development (MLHUD) and customary communities, particularly in land surveying and demarcation, community consultation, notification, negotiation, environmental and social impact assessment (ESIA), and the registration of land rights for both refugees and host communities. The OPM, while playing an oversight role, is not legally mandated to administer customary land unless acquiring it compulsorily, as stipulated by legal frameworks. This lack of mandate has contributed to tenure insecurity, especially for customary communities, as the OPM's primary responsibility in refugee affairs is coordinating stakeholders involved in refugee-related matters, as defined by sections 7 and 8 of the Refugee Act. The framework, therefore, proposes that the OPM take an oversight role, focusing on technical activities carried out by MLHUD and customary institutions, while also engaging in activities such as document signing and dispute resolution.

In this framework, the United Nations High Commissioner for Refugees (UNHCR) UNHCR's primary functions remain to provide technical support to ALC and to finance and provide advisory roles through the OPM. The refugee community itself is structured as a beneficiary of tenure security, with its interactions primarily facilitated by the OPM and UNHCR, the institutions responsible for protecting refugee rights. The existing land management structure permits RWCs and elders to resolve land disputes within refugee settlements. However, this undermines the principles of customary tenure, as foreign nationals do not have the mandate to decide on matters related to communal customary land. Instead, they are required to use the land in accordance with the rules of the community in which the land is located. Local government institutions, as mandated by the UNLP, are participated in land administration and management, primarily through their participation in land dispute resolution and serving as witnesses to land offering documents. The study reveals, however, that local government officials have, in some cases, shown unclear interests in communal land, leading to situations where communities have lost their land rights without compensation. The UNLP encourages the involvement of non-state actors in

land administration through Strategy 97(v), which advocates for the promotion of participation from implementing partners and stakeholders to protect land rights and enhance tenure security for vulnerable groups.

The framework outlines the procedure for land acquisition when settling refugees on customary land. Upon receiving a request for land acquisition, the OPM is responsible for notifying the local government, which in turn informs the Area Land Committee (ALC). The ALC organizes consultative meetings with customary leaders and community members whose land rights are likely to be affected. Communities agreeing to offer land participate in a preliminary survey to assess land conditions, the proposed size, the presence of any livelihood support assets, and the potential environmental and social impacts. ALC prepares a report that is made available for public viewing and consultation, allowing affected communities to provide feedback. This feedback informs whether adjustments should be made to the survey or whether the initial proposal should proceed. Representatives from the community and land committees ensure that land offered for refugee settlements is free from livelihood support activities, or, where this is not possible, that compensation for impacted assets is provided before the land is handed over to the OPM. This process is followed by negotiations, document signing, final surveys, map production, and approval of the information related to the land rights of both refugees and host communities, culminating in the issuance of the Certificate of Occupancy (COU). Any grievances or disputes arising during this process are directed to the ALC for transparent management.

The current management structure of customary land for refugees reveals several governance challenges, particularly the OPM's failure to adhere to the principles of good governance (Nagujja et al., 2025). According to the FAO (2007), one indicator of weak governance is the presence of corruption, where officials are bribed to perform duties that citizens have a right to expect. This practice is evident in the OPM's request for free communal land, promising social services in return—an act that undermines both integrity and the principles of good governance. The Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs) emphasize the need to safeguard legitimate tenure rights and promote their enjoyment without threats or infringements (FAO, 2022), a principle that the OPM has failed to uphold in its management of communal land rights for host communities. Conversely, the MLHUD has a clear mandate to develop policies that

promote land security and mitigate threats to land rights for land donors, particularly marginalized customary communities. This responsibility is reinforced in several provisions of the UNLP and the Land Act, which position the MLHUD as the key institution for protecting land rights and promoting tenure security.

The framework also introduces a robust institutional structure for managing land disputes within customary host communities, which is essential for mitigating tenure insecurity. The resolution of land disputes often requires tailored approaches due to the unique challenges posed by the presence of non-nationals and the protection of land by a powerful government agency. The current dispute resolution structure is fragmented, with cases being directed to various offices without a clear procedural pathway, resulting in many unresolved disputes. Therefore, the proposed hierarchical dispute resolution mechanism, as outlined in this framework, offers a more structured and effective approach to addressing land disputes in refugee-hosting customary communities, ensuring that all stakeholders can engage in transparent and fair management of land rights.

7.7.2 Enhanced Roles and Responsibilities of the Office of the Prime Minister (OPM)

The Office of the Prime Minister (OPM) remains the principal government institution coordinating refugee management in Uganda under Article 189(1) of the 1995 Constitution and serves as Secretariat to the Refugee Eligibility Committee (REC) (UNHCR, 2024). However, its current approach to acquiring customary land for refugee settlements has consistently fallen short of established national frameworks and global standards of tenure governance, contributing to insecurity for both host communities and refugees. This section discusses how OPM's proposed revised roles can align its operations with the Uganda National Land Policy (2013), the Land Act (1998), and international best practice, particularly the FAO Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs) and UNHCR's guidelines on settlement management.

The proposed enhanced roles of the Office of the Prime Minister (OPM) in the acquisition and administration of customary land for refugees address longstanding governance weaknesses that have historically undermined tenure security for host communities and refugees alike. The first critical reform is that OPM should initiate any request to acquire community land formally through

local government officials. This step is not only procedural but essential to rooting the acquisition process within Uganda's decentralized governance framework as mandated by the Local Governments Act (1997) and supported by the Uganda National Land Policy (2013), which emphasizes subsidiarity in land governance. By respecting local government authority, OPM's role aligns with the FAO's Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs), which require state actors to engage with legitimate local institutions and avoid centralised, opaque processes. This procedural compliance can help rebuild trust and counter perceptions of coercion, thereby strengthening the security of tenure for donor communities who otherwise feel side-lined.

The mandate for OPM to negotiate transparently with donor communities on the terms of land use, including duration, conditions of use, and benefit-sharing. This role addresses a longstanding deficiency where communities have repeatedly reported that their consent was not informed or voluntary and that promises made were neither documented nor fulfilled. Legally, the Land Act (1998) obliges all dealings with customary land to be based on Free, Prior and Informed Consent (FPIC), while the Uganda National Land Policy insists on clarity and equity in all land agreements. Internationally, both the VGGTs and UNHCR's guidelines for host community relations underscore that negotiated agreements must be clear, inclusive, and equitable. Transparent negotiation processes thus provide the foundation for mutual accountability, protect land donors from exploitation, and enhance tenure security by transforming what has often been an informal, coercive transaction into a documented and enforceable legal relationship.

To complement genuine negotiation, the OPM must then document the agreed terms in the presence of neutral facilitators, such as local government representatives or independent witnesses, to ensure legitimacy and verifiability. This provision remedies a frequent failure whereby informal minutes or poorly drafted MoUs are misused in place of binding, witnessed contracts. Nationally, the Registration of Documents Act requires formal recording of any agreement affecting land rights, while the VGGTs stress the critical function of accessible and transparent recording systems in protecting customary tenure. Witnessed documentation closes loopholes that have historically allowed for the erosion of host community rights, limiting the risk of future contestation and safeguarding both donor and refugee interests.

Building on this, the OPM's role to sign clear, binding agreements culminating in Certificates of Land Use (CoLU) directly addresses the widespread insecurity arising from ambiguous or non-binding land contribution forms. This step formalizes tenure relations in line with the Land Act, which recognizes Certificates of Customary Ownership (CCOs) as an instrument to document and protect rights to customary land. Internationally, formalized documentation echoes the VGGTs' directive that state actors secure clear, enforceable records of tenure arrangements to prevent dispossession. By signing and issuing CoLUs, OPM not only legitimizes refugees' temporary land use but also sets clear boundaries on duration and conditions, which can protect donors against indefinite or expanded occupation without consent.

Crucially, these CoLUs should then translate into sub-certificates for refugees (sub-CoLUs) detailing their precise rights, restrictions, and responsibilities under the principal agreement. This detail is vital given that the Refugees Act (2006) and the Refugees Regulations stipulate that refugees must respect host community laws and conditions governing settlement areas. UNHCR also emphasizes that refugees must have clarity on the scope of their land use to prevent encroachment and conflict with host communities. Sub-CoLUs address this by clarifying tenure arrangements for refugees themselves, mitigating tensions between refugees and hosts, and minimizing opportunistic occupation or expansion beyond agreed terms.

To ensure these arrangements are technically sound, the OPM's enhanced role requires systematic collaboration with the Ministry of Lands, Housing and Urban Development (MLHUD) and its technical agencies specifically the Area Land Committees (ALC), District Land Boards (DLB), District Land Offices (DLO), and recorders on tasks such as mapping, valuation, and registration. Nationally, these agencies hold the statutory mandate for land surveying, registration, and administration, as prescribed under the Land Act (Republic of Uganda, 1998). Internationally, the VGGTs warn against fragmented or siloed governance and recommend integrated frameworks that harness statutory, customary, and administrative functions coherently (FAO, 2012). This collaboration ensures technical precision, deters boundary disputes, and embeds the refugee land acquisition process within Uganda's broader land management system, promoting robust and defensible tenure security for all stakeholders.

Once agreements are concluded, the OPM's role extends to receiving the documented, donated customary land on behalf of refugees, assuming the legal custodianship necessary to operationalize settlement while remaining bound by the terms agreed with donor communities. While the 1995 Constitution under Article 189(1) mandates the OPM to manage refugee affairs, this custodial role must be properly circumscribed by the CoLU's conditions to avoid mission creep or misuse of custodianship powers. The VGGTs reinforce that such custodianship must uphold community rights, ensuring that land remains under community ownership, with the state acting solely as a temporary steward. This institutional clarity would prevent ad hoc or indefinite land control that erodes donor tenure rights. OPM must adhere to all stipulated terms, rights, restrictions, and responsibilities specified in the CoLU without deviation or unilateral modification. This requirement responds directly to grievances from land donors who report unfulfilled promises and disregard for agreed conditions, which not only undermine trust but expose donors to loss of livelihoods and identity connected to customary land. The Contract Act (2010) and the Land Act bind public authorities to perform contractual obligations in good faith, while the VGGTs place state accountability at the heart of responsible tenure governance. Strict adherence will help restore public confidence in state commitments, encourage future voluntary land contributions under fair conditions, and strengthen social cohesion between refugees and host communities.

These enhanced roles, when implemented holistically, signals a necessary institutional recalibration for the OPM. While the OPM's constitutional mandate over refugee management remains intact, its operational practice must shift toward greater collaboration with statutory land agencies, local governments, and customary authorities, as well as toward rigorous legal and procedural safeguards. This alignment with Uganda's legal frameworks and international best practice not only addresses historical governance failures, including opacity, coercion, and poor accountability, but also establishes a clear pathway toward tenure security for customary landowners and refugees alike. The ultimate implication is that by disentangling refugee welfare management from land tenure governance, and instead embedding land administration within legally competent agencies like MLHUD and its decentralized structures, Uganda can advance a balanced, lawful, and equitable framework for refugee settlement that does not compromise the rights and livelihoods of host communities.

7.7.3 Revised Roles and Responsibilities of Customary Communities in Acquisition and Administration of Customary Land for Refugees

Although safeguarding citizens' land and natural resources remains a fundamental obligation of government under various national legal frameworks, there are currently no explicit provisions or targeted strategies to secure tenure for communities that host refugees. Bjørkhaug (2020) emphasizes the need for critical scrutiny of Uganda's refugee policies, warning that they can inadvertently fuel local conflicts and deepen the marginalization of host citizens. In parallel, Nakayi (2017) observes that while the law formally recognizes customary tenure and customs related to land governance, it does not adequately define or operationalize the role of customary institutions in managing and regulating land rights. This institutional gap partly accounts for the limited performance of customary authorities in CLA processes for refugee settlements, often leaving community land rights insufficiently protected. Strengthening and clarifying the roles and responsibilities of customary host communities is therefore vital to improving tenure security within customary land acquisition for refugee settlement. As Nakayi (2017) further underscores, customary institutions are legally empowered under the Land Act to mediate land disputes, and their active, recognized involvement remains crucial, even alongside the exercise of state authority.

First, the expectation that communities should transparently donate land with the informed consent of all community members underscores the principle of Free, Prior and Informed Consent (FPIC), which is a cornerstone of international best practice under the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGTs) (FAO, 2012). Nationally, this aligns with the Ugandan Constitution (1995) and the Land Act (Cap 227), which recognize customary tenure and community decision-making as fundamental to the governance of land held under customary arrangements. However, as the study reveals, the lack of clear mechanisms for securing consent and recording collective decisions has enabled elite capture by customary leaders acting in isolation, as highlighted by Nakayi (2017). This failure to operationalise consent at the collective level has directly contributed to tenure insecurity, especially among youth and other marginalized community members, who fear losing their ancestral land without adequate protection or compensation, as vividly illustrated by the youth testimony from Bidibidi settlement.

The active engagement of customary communities in negotiations with the Office of the Prime Minister (OPM) represents a critical step toward balancing power asymmetries that have historically favoured state institutions over local communities. This role finds support in Uganda's National Land Policy (2013), which calls for participatory approaches to land governance and specifically recognises the legitimacy of customary leaders and community assemblies in decision-making. Yet, the evidence indicates that, in practice, negotiations often lack transparency and are confined to selected elders or elite representatives, with minimal checks to ensure that agreed terms reflect the community's collective will. Compared to the VGGTs and UNHCR guidelines on host-refugee relations (UNHCR, 2014), such gaps reflect a divergence from principles of transparency and inclusivity, which are vital for preventing conflict and building community trust in land transactions.

The responsibility of customary leaders and communities to verify negotiation agreements and ensure proper documentation is pivotal for converting oral agreements into enforceable records. Under Uganda's Land Act and Registration of Titles Act, documentation is essential for recognising land rights in formal systems. Internationally, the FAO VGGTs stress the importance of formalising customary rights through written records to secure tenure and reduce disputes (FAO, 2012). The failure of customary institutions to insist on, and maintain, proper documentation such as Certificates of Customary Ownership (CCOs) or CoLU as proposed by this study, has left many host communities without proof of agreed terms, creating room for disputes and future contestations over land use and restitution. As Bjørkhaug (2020) and Nyende (2021) caution, such oversights risk undermining peaceful co-existence between hosts and refugees when competition over land intensifies.

Community's role in mobilising all members for activities such as public viewing, consultation, and handover ceremonies, which not only demonstrates transparency but also reaffirms collective ownership of land-related decisions. This practice is consonant with customary norms embedded in clan assemblies and aligns with the participatory provisions under the Land Act. The FAO VGGTs similarly emphasise broad-based participation, especially of women and youth, as a safeguard against elite capture and unilateral decision-making (FAO, 2012). Yet, the research highlights that many communities failed to operationalise these collective actions, resulting in

decisions made in secrecy, thus eroding trust and undermining tenure security for vulnerable groups.

Providing accurate information during the valuation of affected assets and participating fully in these processes is another critical obligation. Nationally, Uganda's Land Acquisition Act (1965) and the National Land Policy require transparent valuation to ensure fair compensation for affected communities. However, the evidence shows that lack of community awareness and weak technical capacity limit meaningful participation, resulting in undervaluation and delayed or absent compensation. The VGGTs reiterate that legitimate tenure rights holders must be fully informed and able to engage in valuation processes to ensure just outcomes. Failure to do so breeds dissatisfaction and fuels grievances, particularly when promised livelihood restoration and social services do not materialise.

Finally, the expectation that communities will respond to and participate in dispute resolution is a core safeguard for upholding tenure security. The Land Act and the National Land Policy assign customary institutions, including elders and clan committees, a legally recognised role in local dispute resolution. Comparative international guidelines, such as the UNHCR's Global Strategy for Settlement and Solutions, stress that accessible, trusted grievance redress mechanisms (GRMs) are vital to managing conflicts and preventing escalation in refugee-host contexts. However, the findings reveal that such mechanisms remain underdeveloped or inaccessible, with grievances often unaddressed due to poor record-keeping, lack of follow-up, or the absence of formal links between customary forums and statutory institutions like the Area Land Committees (ALCs).

Taken together, the evidence points to a persistent gap between the roles customary communities are expected to fulfil and their actual capacity and willingness to do so in line with national law and international good practice. This gap undercuts tenure security for both host communities and refugees, fuelling conflicts and undermining trust in both customary and formal institutions. Therefore, the study proposes that these roles be strengthened through a clearer legal mandate and robust institutional support. This includes formalising the documentation of community consent, strengthening community capacity for negotiations and valuation, and establishing accessible, accountable GRMs embedded within the MLHUD structure. Additionally, there is an urgent need

to amplify the voices of youth and other marginalised groups within customary communities, who have demonstrated commitment to safeguarding communal land rights (Atkinson et al., 2018). Their meaningful inclusion would reinforce community cohesion and resilience against exploitation. As Ggoobi (2019) and Kaddu et al. (2023) remind us, policy design alone is insufficient; effective implementation requires funding, technical training, and inter-institutional coordination to translate statutory recognition of customary rights into real protections on the ground.

7.7.4 MLHUD Agencies (ALC, DLO, DLB, Recorder) in Acquisition and Administration of Customary Land for Refugees.

The National Land Acquisition, Resettlement and Rehabilitation Policy mandates that all voluntary land acquisition and resettlement processes comply with national laws and explicitly assigns the Ministry of Lands, Housing and Urban Development (MLHUD) the responsibility to coordinate all relevant ministries, departments, and agencies (MDAs) (MLHUD, 2018). MLHUD holds a broad mandate to develop regulatory and policy frameworks governing the acquisition, administration, and utilization of customary land for refugee settlements. This mandate is grounded in the 1995 Constitution, the Land Act (Cap. 227), and the Land Sector Strategic Plan (LSSP, 2020), which collectively task the MLHUD with safeguarding land tenure rights while balancing national development priorities. In fulfilling this role, MLHUD must ensure the protection of natural features, cultural heritage, and livelihood assets, preventing their inappropriate alienation under the pretext of land donation for refugee hosting. This policy direction aligns with international standards, particularly the FAO's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGTs), which emphasize the state's duty to protect tenure rights especially those of women, children, disabled and other marginalized and vulnerable groups from unjust expropriation or dispossession (FAO, 2012).

In operationalizing this mandate, the Area Land Committees (ALCs) are positioned to coordinate closely with the Office of the Prime Minister (OPM) during all phases of consultation, notification, and negotiation with host communities. By embedding the ALCs in early-stage stakeholder engagements, the process aligns with Section 64 of the Land Act, which confers upon ALCs the duty to adjudicate and demarcate land, ensuring that all claims and counterclaims are transparently

addressed (The Republic of Uganda, 1998). Internationally, this participatory engagement mirrors best practice principles endorsed by the UNHCR Handbook for Emergencies, which calls for full consultation with host communities to mitigate conflict and protect tenure security during large-scale displacement responses. By serving as conveners and moderators in such consultations, ALCs can ensure that customary landowners are not coerced or inadequately informed a common driver of tenure insecurity when customary norms are bypassed.

Complementing this, the ALCs are expected to collaborate with OPM in conducting impact assessments and awareness-raising meetings. This function directly supports compliance with national Environmental Impact Assessment guidelines and aligns with the VGGTs' emphasis on Free, Prior and Informed Consent (FPIC). Such consent processes are critical in customary tenure contexts where communal and lineage-based rights may otherwise be overlooked. The implication for tenure security is profound: where communities are well-informed of the socio-economic and ecological impacts of donating land for refugee settlements, they are better positioned to negotiate equitable terms and safeguard their residual rights. A further enhancement to tenure security arises from the ALCs' proposed involvement in land mapping and land use planning. Coordinating this technical process with OPM and other MLHUD agencies situates the exercise within Uganda's statutory cadastral frameworks under the Land Act and Survey Act. By ensuring that donated parcels are geo-referenced and clearly demarcated, the likelihood of boundary conflicts and overlapping claims is significantly reduced, a governance safeguard that echoes the VGGTs' recommendation for accurate and accessible tenure records.

In addition to the ALCs, the District Land Office (DLO) assumes a pivotal technical role by providing advisory services on land valuation to the District Land Board (DLB), OPM, and development partners such as UNHCR. This function is indispensable for upholding fair compensation principles enshrined in the Constitution and the Land Acquisition Act. By ensuring that communities receive just valuation for land designated for permanent infrastructures or livelihood assets, the DLO operationalizes the VGGTs' core principle of safeguarding legitimate tenure rights holders from uncompensated expropriation. Technical geo-referencing and plotting of ground coordinates by the DLO further enhances the evidentiary base for impact assessments and official documentation, thereby minimizing disputes and enhancing security of tenure for both

refugees and land donors. Record-keeping and transparency are central to tenure governance. Here, the DLO's role in maintaining accurate records of donated land and land occupied by refugees is vital. This aligns with the statutory mandate under the Land Act and supports the national goal of building a robust Land Information System (LIS). From an international perspective, this resonates with the VGGTs' call for states to maintain easily accessible, up-to-date records as a foundation for secure tenure. For host communities, the implication is significant: when records of donated land are properly maintained and accessible, the risk of unauthorized transfers, encroachment, or contested reversion is markedly reduced.

At the district governance level, the District Land Board (DLB) plays a complementary governance and regulatory role by approving the information included in certificates of land use and managing the equitable registration, compensation, and transfer processes for land designated for permanent refugee infrastructure. Legally mandated under Section 59 of the Land Act, the DLB's oversight of such certificates institutionalizes formal recognition of negotiated land rights. This aligns with UNHCR guidelines that advocate for formalization as a tool for protecting refugees' temporary tenure while safeguarding host community rights to reversion and compensation.

The Recorder's issuance of Certificates of Land Use (CoLU) further operationalizes this governance continuum. By specifying the agreed terms, rights, restrictions, and responsibilities of both refugees and host communities, the Recorder formalizes temporary tenure arrangements in a manner consistent with Section 6 of the Land Act on certificates of customary ownership. The VGGTs and UNHCR both underscore that legal recognition of tenure arrangements is critical for preventing disputes, clarifying use rights, and promoting social stability. This administrative clarity strengthens the legal basis for host communities to reclaim donated land once its agreed purpose is fulfilled, directly enhancing tenure security.

Moreover, the proposed role of ALCs and local authorities in regulating and minimizing unsanctioned private renting, selling, or buying of customary land by refugees addresses an often-overlooked vulnerability. Left unchecked, informal land transactions can undermine communal tenure rights, fragment customary holdings, and generate intra-community grievances. By

enforcing local land management norms in collaboration with MLHUD's broader policy oversight, ALCs uphold the principle of tenure integrity, a governance safeguard endorsed in the VGGTs under Sections 7.3 and 8.10. Taken together, these proposed institutional roles and responsibilities not only reinforce Uganda's legal and policy frameworks but also align with international best practices for responsible land governance in displacement contexts. Their collective implementation would close current governance gaps that have exposed host communities to tenure insecurity and conflict risks. Critically, by embedding principles of participation, legal recognition, transparency, and equitable compensation, these roles provide a robust institutional architecture for safeguarding the rights of customary landholders while enabling refugees to access land on fair, clear, and temporary terms.

Repositioning of MLHUD's agencies ALCs, DLOs, DLBs, and Recorders represents a substantive institutional reform imperative. By anchoring local land governance within national frameworks and aligning with global standards, Uganda can strengthen tenure security for host communities and refugees alike. This not only enhances social cohesion and mitigates land-related conflict but also upholds the constitutional and international obligations to respect, protect, and fulfil land tenure rights in complex humanitarian contexts. Such reforms if effectively implemented, will serve as a model for balancing the imperatives of refugee protection with the legitimate tenure interests of vulnerable host communities, advancing the broader agenda of sustainable and equitable land governance.

7.7.5 Local Government in Acquisition and Administration of Customary Land for Refugees

A key element in securing tenure for both host communities and refugees lies in strengthening the capacity and accountability of local governments in the customary land acquisition process. The first critical role proposed is for local governments to coordinate directly with the Office of the Prime Minister (OPM) to ensure that all relevant stakeholders are adequately notified and meaningfully consulted when customary land is identified for refugee settlement. This responsibility reflects the principle of participatory governance embedded in Uganda's Local Governments Act (Cap. 243) and the Land Act (Cap. 227), both of which affirm the centrality of local authorities in representing community interests during land transactions. Effective notification and consultation address the recurrent problem where host communities are often

displaced without consent, resulting in deep-seated resentment and localised conflict, as highlighted by Judith and Chidiebere (2022). International best practices, particularly the FAO's Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs), stress the obligation of states to protect legitimate tenure rights by ensuring Free, Prior and Informed Consent (FPIC) during land acquisitions (FAO, 2012). UNHCR guidelines equally underscore the necessity of involving local populations early to mitigate disputes and foster social acceptance of refugees. Therefore, institutionalising this coordination function would compel local governments to operationalise participatory frameworks that protect community landowners from dispossession under opaque or coercive arrangements. By embedding structured, transparent notification mechanisms, tenure security is bolstered because communities can contest or negotiate terms from an informed position rather than reacting after dispossession has already occurred.

Local governments actively participating in all consultation, negotiation, and documentation processes related to land donations, serving as neutral witnesses to ensure the integrity and enforceability of agreements. At present, while local governments do facilitate some aspects of consultation, weaknesses persist in how these processes are documented and verified, often leaving land donors vulnerable to exploitative practices (UNDP, 2018). Under the Land Act, local councils are recognised as legitimate authorities for authenticating customary tenure transactions, while customary law equally relies on community witnesses to validate land transfers. The VGGTs reinforce this by calling for robust documentation systems and verifiable processes that guard against fraudulent transactions and future contestations (FAO, 2012). Similarly, the UNHCR Handbook for Emergencies emphasises written agreements and independent verification to safeguard both host and refugee claims (UNHCR, 2015). Therefore, embedding local governments as formal witnesses institutionalises checks and balances that deter irregular practices. It also strengthens the evidentiary basis for any future claims or grievances by creating a documented trail that can be referenced in dispute resolution. This clarity not only protects customary owners from involuntary or ambiguous alienation of land but also gives refugees legal certainty about their right to occupy donated land within the agreed terms, reinforcing tenure security for both groups.

The direct participation of local governments in the physical handover of donated land to refugee authorities. This role, while seemingly ceremonial, is vital in legal and governance terms as it

publicly confirms the agreed conditions of transfer and the social legitimacy of the new tenure arrangement. Such formal witnessing aligns with Uganda’s statutory and customary practices, where the presence of trusted local leaders authenticates land transactions and deters future contestation. The Land Act implicitly supports this by recognising the evidentiary value of community and local government endorsements in land adjudication processes. Internationally, the VGGTs stress that tenure arrangements must be transparent and that local institutions should support the formalisation of tenure changes through open, inclusive ceremonies that communicate the scope and limits of new use rights (FAO, 2012). UNHCR best practice similarly recommends that land handovers be accompanied by clear public announcements to foster local buy-in and prevent subsequent encroachment or disputes over boundaries (UNHCR, 2015). For tenure security, this practice strengthens the social contract between hosts and refugees by publicly anchoring the rights and obligations of each party within a legitimate, community-sanctioned process. It also operationalises the principle of reversion, ensuring that host communities can credibly reclaim donated land once its agreed use expires.

Local governments’ role in enactment of by-laws that protect the tenure interests of host communities and refugees alike. This includes placing reasonable limitations on private land acquisition by refugees to prevent informal and often exploitative transactions that fragment customary tenure systems. Currently, local governments issue by-laws under the Local Governments Act, but these have not been effectively used to regulate emerging informal land markets around refugee settlements—an omission that has contributed to land grabbing, loss of communal land, and social tensions (Judith & Chidiebere, 2022). The VGGTs explicitly call for the protection of customary tenure regimes from unregulated market pressures that can displace vulnerable communities (FAO, 2012, paras. 7.3–8.10). UNHCR guidance echoes this by advising host states to put safeguards in place to prevent refugees from entering into informal arrangements that undermine both their legal status and local tenure systems. By enacting and enforcing by-laws that manage secondary land transactions—such as restrictions on private rentals or purchases by refugees—local governments can ensure that the integrity of communal tenure is preserved. This regulatory capacity directly enhances tenure security for host communities by maintaining clear communal boundaries and usage norms. Simultaneously, it protects refugees by discouraging exploitative informal arrangements that leave them without documented or recognised rights.

7.7.6 UNHCR and IP/DP in Acquisition and Administration of Customary Land for Refugees

A careful analysis of the enhanced roles and responsibilities of the United Nations High Commissioner for Refugees (UNHCR) and its implementing partners (IPs/DPs) reveals both the potential and the shortcomings of the current governance framework in addressing tenure security for refugees and host communities.

UNHCR's role in guiding the Office of the Prime Minister (OPM) to adhere strictly to the agreed terms for land acquisition and refugee settlement, responds directly to documented failures of transparency and consistency in Uganda's refugee management practices. Under the Refugees Act (2006) and Refugees Regulations (2010), the OPM holds principal responsibility for coordinating refugee settlement, yet evidence from Meskers (2019) shows that its discretionary practices often conflict with the spirit of these frameworks. Internationally, the FAO's Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs) mandate that states and implementing partners ensure that tenure-related processes are transparent, equitable, and participatory (FAO, 2012). UNHCR's own guidelines stress the obligation to respect host community rights while implementing durable solutions for refugees (UNHCR, 2015). By actively guiding OPM to comply with clear, pre-negotiated conditions, UNHCR and its partners can safeguard host communities from dispossession and uphold refugees' right to stable settlement. Institutionalising this role would address recurring governance gaps by embedding accountability within the core operational partnership between OPM and UNHCR.

The provision of funds for compensating affected assets and ensuring that host communities are not left to bear the financial burden of refugee resettlement alone. International guidance, particularly under the VGGTs, reinforces the principle that communities should receive fair value when land use changes affect livelihoods (FAO, 2012, Paras. 12.6–12.10). Moreover, UNHCR's Handbook for Emergencies recognises that sustainable settlement requires resources to restore or enhance the livelihoods of those affected (UNHCR, 2015). By systematically earmarking funding to compensate for assets such as crops, homesteads, and lost access to communal resources, UNHCR would redress historical inequities and embed fairness into refugee land governance. This practice would secure tenure for hosts by reducing resentment to refugees and potential avenues for confiscating their harvests. This also creates legitimacy for refugees' occupancy.

Monitoring and evaluating refugees' adherence to their rights, restrictions, and responsibilities is the third enhanced role necessary for ensuring mutual trust and tenure security. The Refugees Regulations (2010, Section 65[1]) already establish refugees' duty to respect national laws, but weak sensitisation has contributed to misunderstandings and non-compliance, creating unnecessary disputes (Meskers, 2019). The VGGTs stress that tenure systems must be supported by mechanisms that monitor compliance with agreed restrictions and conditions to prevent conflict and illegal encroachment (FAO, 2012). Likewise, UNHCR's standards for settlement management underline the need for continuous monitoring to ensure peaceful co-existence. Establishing robust, context-sensitive monitoring frameworks—such as periodic reviews, community reporting systems, and clear sanctions for non-compliance—would clarify land rights and obligations for refugees while reassuring host communities that their land is not at risk of informal alienation. This oversight role would fill a critical governance gap, aligning operational practice with both national law and international best practice.

Participation in dispute resolution meetings and provision of technical guidance to OPM and refugees. Under Uganda's National Land Policy (2013), local dispute resolution is rooted in customary norms and practices, which emphasise consensus and reconciliation. The VGGTs reinforce this by recommending that grievance redress mechanisms (GRMs) respect local tenure systems and be accessible, impartial, and culturally appropriate (FAO, 2012). UNHCR's presence in such processes can add technical value by clarifying legal frameworks, helping parties understand their rights and obligations, and supporting the documentation of settlements. However, it is essential that UNHCR's advisory role does not translate into undue influence over final outcomes, which could undermine local legitimacy. By promoting GRMs that are compliant with customary norms yet aligned with national law and international standards, UNHCR would help institutionalise fair and trusted pathways for conflict resolution, directly enhancing tenure security for both groups.

Advocacy for the security and fairness of both host communities and refugees within broader governance structures. At present, stakeholder feedback reveals a perception that UNHCR's operational priorities favour refugee security at the expense of host community rights (Meskers, 2019). This imbalance contradicts the good governance principles enshrined in the VGGTs, which

require equal treatment of all legitimate tenure rights holders (FAO, 2012). By adopting a more explicit advocacy role such as engaging with the OPM, local governments, and international donors, UNHCR can help correct this asymmetry and embed the principle of balanced support. This includes pushing for policy measures such as quota limits on donated land and ensuring the 50% funding allocation for host community support is fully implemented and transparently accounted for. Such advocacy directly improves tenure security by ensuring that communities that host refugees are not left more vulnerable in the process.

Promotion of peaceful co-existence while balancing the interests of refugees and community members. Peaceful co-existence is not merely an aspirational goal but a necessary condition for maintaining tenure security in areas where resources are limited and customary rights often informal. National policy frameworks such as the Refugee and Host Population Empowerment (ReHoPE) strategy explicitly call for integrated approaches that strengthen community resilience alongside refugee self-reliance. This aligns with the VGGTs and UNHCR's own global strategy for durable solutions, which both recognise that securing tenure is fundamental to sustainable peace (UNHCR, 2015). By implementing targeted community engagement programs, conflict sensitivity training, and livelihood interventions that reduce competition for land and water resources, UNHCR can operationalise this balancing role. The outcome is greater mutual trust and reduced likelihood of disputes, thus strengthening both host and refugee tenure security.

The redefined roles and responsibilities of UNHCR and its implementing partners must be firmly embedded within national legal frameworks and consistent with international tenure governance standards. By guiding OPM's compliance, funding compensation, monitoring refugee obligations, facilitating culturally appropriate dispute resolution, advocating for balanced security, promoting peaceful co-existence, and ensuring technical rigour in land demarcation, UNHCR can transform its operational approach into one that robustly safeguards tenure security for both refugees and host communities. This rebalancing of governance responsibility is essential for addressing entrenched grievances, preventing resource-based conflicts, and fostering durable peace and social cohesion. Ultimately, the institutionalisation of these roles would close critical governance gaps, strengthen accountability and fairness, and align Uganda's refugee settlement practices with its

constitutional and international obligations providing a sustainable foundation for co-existence and development in refugee-hosting areas.

7.7.7 Refugee Communities

Refugees' inherent vulnerabilities compel governments, international agencies, and humanitarian organizations to provide displaced populations with safe havens and essential resources in an effort to recreate an environment that approximates a sense of home. However, while principles of equal treatment are fundamental to protecting refugees' rights in most spheres of life, they are not necessarily appropriate within the realm of land governance, particularly where customary tenure is concerned. Effective governance of customary land requires individuals with intimate knowledge of the land's history, social norms, patterns of use, allocation criteria, and other critical local dynamics. In Uganda, customary land governance is traditionally entrusted to elders who have attained both the age and societal standing necessary to exercise such authority. This ensures that those overseeing land matters possess the requisite experience and legitimacy to uphold the integrity of customary tenure systems. By contrast, younger community members who have yet to acquire this status are generally excluded from direct governance roles.

This study's findings highlight a clear mismatch between the demographic composition of refugee populations and the customary governance requirements of host communities. Specifically, of the sampled refugees, 36% were aged between 20–29 years, 29% between 30–39 years, and 24% between 40–49 years, illustrating the predominantly youthful profile of refugee communities. This demographic profile does not align with the cultural expectation that customary land governance be managed by respected elders with deep-rooted knowledge and authority. This system, sustained by generational respect and local legitimacy, is critical to safeguarding tenure security and social cohesion within host communities. However, the involvement of refugees in governance over donated customary land often through mechanisms such as Refugee Welfare Councils (RWCs) or the appointment of refugee elders to dispute resolution committees, risks undermining these traditional governance norms. Although the Office of the Prime Minister (OPM) may regard such involvement as inclusive and administratively practical, it introduces significant risks for host communities. Refugee participation in customary land governance can dilute the authority of local elders, disrupt established norms, and threaten the security of tenure for local landholders. If not

carefully managed, such practices could generate unintended consequences, including contested land claims, erosion of community trust, and ultimately, social instability that could escalate into large-scale conflicts.

In response to these concerns, this study strongly recommends that refugees be granted clearly defined temporary land use rights, subject to explicit restrictions and responsibilities as set out in national law. This position aligns with Section 65(1) of Uganda's Refugees Regulations, which emphasises that refugees' rights to occupy land should be temporary and conditional upon compliance with national laws. By reinforcing the temporary nature of refugee land rights, this approach aims to protect the tenure security of host communities, ensuring that their customary rights remain intact and respected. Moreover, by safeguarding the land rights of host communities, this approach contributes to broader social stability and reduces the risk of tension and conflict that could otherwise arise if local rights were perceived to be undermined.

Furthermore, the role of Refugee Welfare Councils should be clearly delineated to avoid encroaching upon customary land governance structures. RWCs play an essential role in mobilising refugees for livelihood initiatives, promoting peaceful coexistence, and representing refugees' social and humanitarian needs to the OPM and other actors. These functions are vital and should be maintained. However, RWCs should not participate in the governance of customary land or in adjudicating land-related disputes, which should remain exclusively within the purview of local elders and established governance institutions. RWCs can continue to serve as intermediaries for communicating refugees' grievances and concerns related to land to the OPM or other relevant bodies, but their direct involvement in customary land governance should be avoided to preserve the integrity of traditional management systems and protect the tenure security of both host and refugee communities. The principle of respecting established customary governance structures while recognising refugees' temporary rights to land use is critical to sustaining tenure security, social cohesion, and peaceful coexistence. Any departure from this principle risks undermining the stability that both refugees and host communities require to rebuild secure and resilient livelihoods.

7.8 Concluding Remarks

This chapter has examined the complexities and shortcomings of Uganda's existing institutional arrangements for acquiring and administering customary land for refugee settlement. Drawing on insights from policy documents and rich stakeholder interviews including perspectives from host communities, refugees, local leaders, government officials, and NGOs, the analysis revealed persistent gaps in mandates, coordination, capacity, and legitimacy that continue to undermine tenure security for both refugees and host communities. By systematically comparing national practices with international standards such as the FAO VGGTs and UNHCR guidelines, this chapter has highlighted the urgent need for a coherent, transparent, and inclusive institutional framework. The synthesis of findings and user perspectives underscores that only through strengthened linkages, clarified roles, and culturally grounded dispute resolution can institutionally reforms safeguard customary land rights in the course of generously offering land to settle refugee.

Chapter 8: A MODEL FOR TENURE ARRANGEMENT FACILITATING REFUGEE ACCESS TO CUSTOMARY LAND

8.1 Introduction

Uganda's formal land tenure systems which include freehold, leasehold, and customary tenure, are not well-suited to address the unique tenure security needs of refugees who settle on customary land, particularly in rural host communities. These tenure systems are primarily designed for citizens with legal claims, not for displaced non-nationals seeking temporary and humanitarian-based access to land. Leasehold system in particular is designed for investors who need land for viable investment projects, and is always subject to development conditions, ground rent or premium which must be approved by land control boards on the basis of economic and social criteria. The key gaps in the current tenure systems include:

- i. **Exclusion of Refugees from Statutory Rights:** Refugees are not legally entitled to own land under freehold or leasehold, and the law does not provide for structured, temporary tenure arrangements for non-citizens on customary land, leaving refugees in a legal vacuum.
- ii. **Informality and Lack of Documentation in Customary Tenure:** Most refugee settlements on customary land are verbal or undocumented, with no clear definition of duration, boundaries, or rights. This lack of legal recognition exposes both refugees and landowners to future disputes.
- iii. **Absence of Legal Framework for Temporary Humanitarian Land Use:** Uganda's land laws do not explicitly accommodate temporary or conditional land use agreements that reflect the humanitarian and transitional nature of refugee settlement. This limits the development of secure, accountable tenure arrangements.
- iv. **Risk of Land Alienation and Community Conflict:** Without proper safeguards, landowners risk losing control of land permanently, especially where use by refugees becomes long-term. Conversely, refugees lack legal protection from eviction or exploitation.

While designing a conceptual model for a new tenure arrangement for refugees on customary land, the above factors should be highly considered.

8.1.1 Land Administration Domain Model: Basis for the New Tenure Arrangement.

The conceptual model adapted the general principles of the Land Administration Domain Model (LADM) to the context of land acquisition and administration for refugees, integrating components such as rights, responsibilities, restrictions, parties, spatial units, and basic administrative units (BAUnit), which served as building blocks for the model. The LADM is structured into three main packages which include:

- i. The Party package: The package includes the class Party (representing individual parties), with a specialization for GroupParty (a group of parties) and an optional association class PartyMember. Parties can include natural persons, groups of natural persons, or juridical persons (non-natural persons) such as company, municipality, the state, or church, community, constituting identifiable entities.
- ii. The Administrative package: This encompasses the abstract class Social Tenure Relationships (RRR), with three concrete subclasses: Right, Restriction, and Responsibility, as well as the class Basic Administrative Unit (BAUnit).

The Spatial Unit package: This comprises several classes that include SpatialUnit and SpatialUnitGroup, Level, SpaceNetwork, SpaceBuildingUnit, and RequiredRelationshipSpatialUnit. Spatial units are represented as multi-point or multi-line entities, forming polygons.

The model integrates selected terminologies from the Social Tenure Domain Model (STDM) to capture informal land contexts, acknowledging that many formal terms used in the LADM do not fully reflect the social realities of customary land acquisition for refugees. STDM offers a standardized approach for representing people–land relationships regardless of their level of formality, legality, or technical precision. According to Djurfeldt (2020), the formalization of land rights can, in some cases, reinforce gender-based inequalities by legitimizing all customary land rights holders including those of women and other marginalized groups.

8.1.2 UML Represents the New Tenure Arrangement

Conceptual information modelling focuses on describing the relevant entity types within a domain and the relationships among them. Wagner (2014) defines a conceptual model as a solution-

independent representation of a real-world problem domain, from which a platform-independent simulation design model can be derived to address specific research questions. The most advanced and widely used language for conceptual modelling is the unified modelling language (UML) class diagram, which allows for the modelling of both object types and event types, as well as the representation of randomness (Robinson et al., 2015). UML is a visual modelling language that represents an entity type as a class rectangle containing its name, properties, and operations, typically organized into one, two, or three compartments, depending on the level of detail (Wagner, 2014).

The conceptual model for the new tenure arrangement is presented as an LADM_UML class diagram, which depicts the three primary packages:

- i. Administrative shown in yellow.
- ii. Party shown in green.
- iii. Spatial unit shown in blue.

The model uses the acronym RCLA (Refugee-Customary Land Administration) across all classes. It illustrates the key parties, improved rules and procedures which are captured as Rights, Restrictions, and Responsibilities (RRR), and the spatial entities. These components are structured into the three core packages: Party, Administrative, and Spatial Units

8.2 Tenure Arrangement Requirements (Entities and Attributes)

The model comprises three main categories of classes with many sub-classes, which represent both spatial and non-spatial real-world objects grouped under the spatial unit, party, and administrative, valuation information, social tenure relationship classes. Table 8-1 represents the requirements defined by identification, name, description, and class category according to LADM-STDM framework.

Table 8-1: Core requirements for the tenure arrangement for refugees on customary land

RID	Requirement Name	Requirement Description	Class
1	PID	Unique identifier for each party	Party
2	Name	Name of the natural or non-natural person	

3	SexesType	Sex of the party holding the land rights (natural person only)		
4	RefugeeStatus	Status of the refugees allocated the parcel. Codes could be registered, not registered, or Unregistered.		
5	PartyRoleType	Social status or function of a party within the land acquisition and administration process.		
6	PartyType	Nature of the party, such as a natural person, juridical person, or group. If a party is a group, its information is captured through the <i>GroupParty</i> class.		
7	PartyLevel	Distinguishes the rank or administrative level of a party, such as LC1, Regional Desk Officer (RDO), commandant, or deputy commandant.		
8	NextOfKin	Party closest to land donor to whom land can revert to incase of death or other circumstances that make the land donor unavailable or incapacitated.		
9	SourceID	Unique identifier for the source document		Administrative
10	SourceType	The type of documentation with recordation of RRR for refugees and host communities. It could be CoLU, Sub-CoLU, agreement, MoU, etc.		
11	TransactionType	Type of land acquisition. Voluntarily donated, rented, leased.		
12	StartDate and EndDate	The effective duration of agreed use of the donated land.		
13	SourceStatus	Indicates whether the source is available, accessible, valid, renewable, expired and so forth.		
14	StorageLevel	Stages of archiving the source types. It should include OPM, MLHUD, district, local government, and local councils.		
15	SourceTypeAvailability	Public accessibility to the source type.		
16	ValuationSource	Document that records all the valuation information about the assets or land being valued. For the context of refugee-host communities it should be valuation report though other sources may be considered.	Valuation Information	
17	ValuationMethod	Valuation methodology and calculations		
18	InspectionDate	Date of the inspection of the assets on the donated land		

19	ValuationDate	Date of the valuation of the assets on the donated land	Social Tenure Relationships
20	ValuationPurpose	Reason for valuation of land or asset such as asset compensation, determining overall value of the donated land.	
21	RightType	Types of rights for both refugees and host communities on the donated land. use rights, ownership, temporary housing, land reverts to host communities etc)	
22	RestrictionType	Restrictions for both refugees and host communities on the donated land such as refugees cannot sell, lease, buy, inherit donated land; host communities will not claim use rights before the agreed duration period expires etc	
23	ResponsibilityType	Responsibilities for both refugees and host communities on the donated land, such as environmental preservation, adhering to RRR,	Spatial Unit
24	SuID	Unique identifier for the spatial unit.	
25	Label	A parcel number system for demarcated plots and allocated to refugees.	
26	Type	The type of spatial unit (e.g., parcel, building, dwelling unit, boundary).	
27	Acreage	The size of the unit (calculated or measured from surveying).	
28	Location	Spatial representation geometry, coordinates, or descriptive boundary.	
29	ReferencePoint	Reference coordinates or site markers.	
30	CurrentUsage	The current or intended use of the spatial unit (e.g., residential, Public services).	
31	PreviousUsage	previous use of the donated spatial unit (hunting, grazing, farming).	
32	ParcelsCreated	Number of parcels created out of the main donated land.	
33	ParcelsHeld	Number of parcels held or allocated to refugee(s)	

8.2.1 Party Class

The party class comprises all institutions and individuals, both natural and non-natural persons, who play distinct roles in the acquisition and administration of customary land for refugees under the new tenure arrangement. The GroupParty class is a specialization of the Party class, representing parties that are organized as groups. This aggregation relationship means that a

GroupParty is composed of individual Party instances as its members. The GroupParty class includes an attribute, Type, which specifies the type of group. Each constituent party can be registered as a member through the PartyMember class, which serves as an optional association class between Party and GroupParty and is typically represented by a dotted line in UML. An instance of this class represents a party member.

Code lists provide defined sets of valid values for attribute parameters, complementing the classes and associations within the standard. Figure 7.1 presents the code lists for party types, party roles, party levels, and group party types, offering detailed descriptions for each category. For example, the Party Role code list includes acquisition parties such as the Office of the Prime Minister (OPM); customary community representatives such as clan heads, family heads, and landowners who typically donate the land; and refugee community members including Refugee Welfare Committees (RWCs), elders, and other refugees. The Party Level code list distinguishes ranks within institutions: for the OPM, roles include Regional Desk Officer, Settlement Commandant, Assistant Settlement Commandant, and Deputy Settlement Commandant; within local government, levels include Chief Administrative Officer (CAO) and Local Council levels LC1, LC2, and LC3. For customary communities, levels include leaders (such as clan and family heads), landowners, and general community members. The Group Party Type code list covers entities such as government agencies (e.g., the OPM), tribes, clans, families, and similar collectives. Party Type indicates whether the party is a group, a natural person, or a juridical person (such as a company or association). Given the number of subclasses within the Party class, the code lists serve to summarize and standardize the valid categories for each class and subclass.

8.2.2 Conceptual Representation of Tenure arrangement for refugees.

Conceptually, the tenure arrangement for refugees on customary land, as illustrated in Figure 8-1, introduces three primary categories of actors into the existing customary tenure system: the land-donating communities, the Office of the Prime Minister (OPM) as the governmental land-acquiring entity, and the refugees who use the land. Under this arrangement, refugees do not negotiate directly with the donating communities. Their unfamiliarity with local land acquisition customs and their inherently vulnerable position limit their bargaining power. Consequently, it is the

responsibility of the government to safeguard refugees from potential exploitation during the acquisition process, which justifies the OPM’s central role in securing land on their behalf.

A further component introduced into customary tenure through this arrangement is the set of new spatial units. Portions of communal customary land are donated for refugee use, thereby creating refugee settlement units. These are typically subdivided into individual refugee parcels and public spaces allocated for services such as health facilities, water points, schools, and administrative offices. As outlined in Table 5-3, these spatial units cannot be accessed by refugees and donors simultaneously. During the donation period, landowners retain ownership rights but temporarily relinquish access rights, creating a restriction on donor access and a corresponding right of access for refugees. These newly created rights, restrictions, and responsibilities constitute the relationships between the new actors and spatial units within the refugee–customary tenure arrangement, depicted in yellow in Figure 8-1. When the donation period ends, these relationships are dissolved, the added parties are withdrawn, and the refugee settlement units are reintegrated into the broader communal customary system. This process reflects the reversibility of the arrangement and the restoration of the original customary tenure structure.

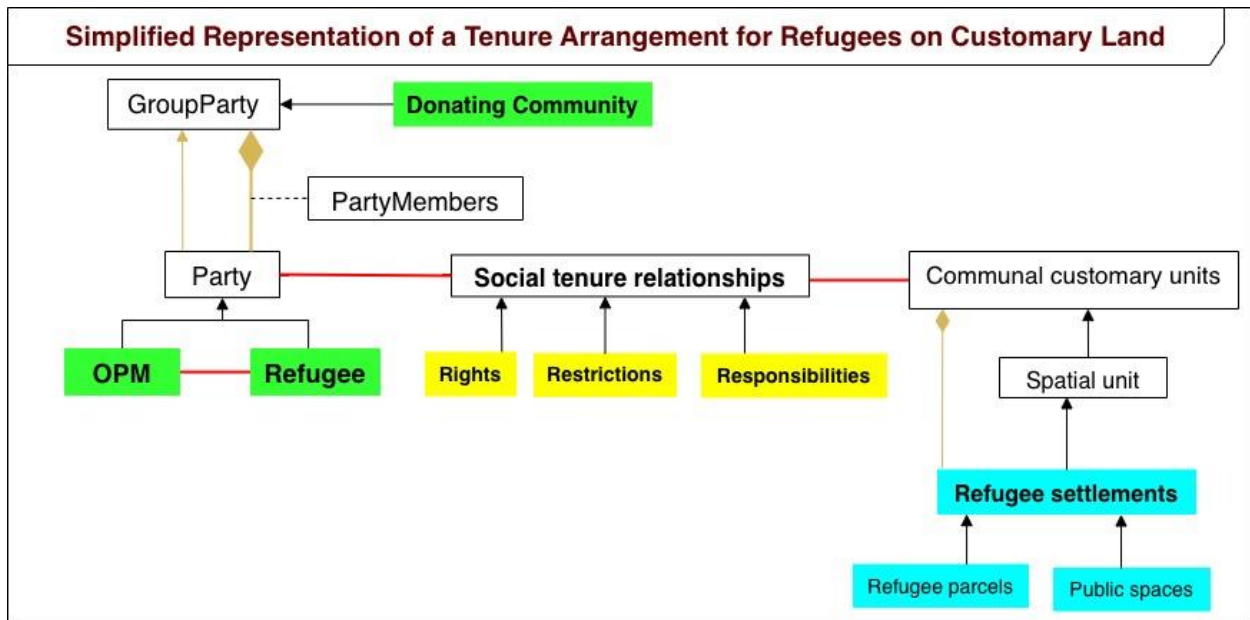


Figure 8-1: Introduced Parties, relationships, and spatial units for the tenure arrangement of refugees on customary land

8.2.3 *Administrative Class*

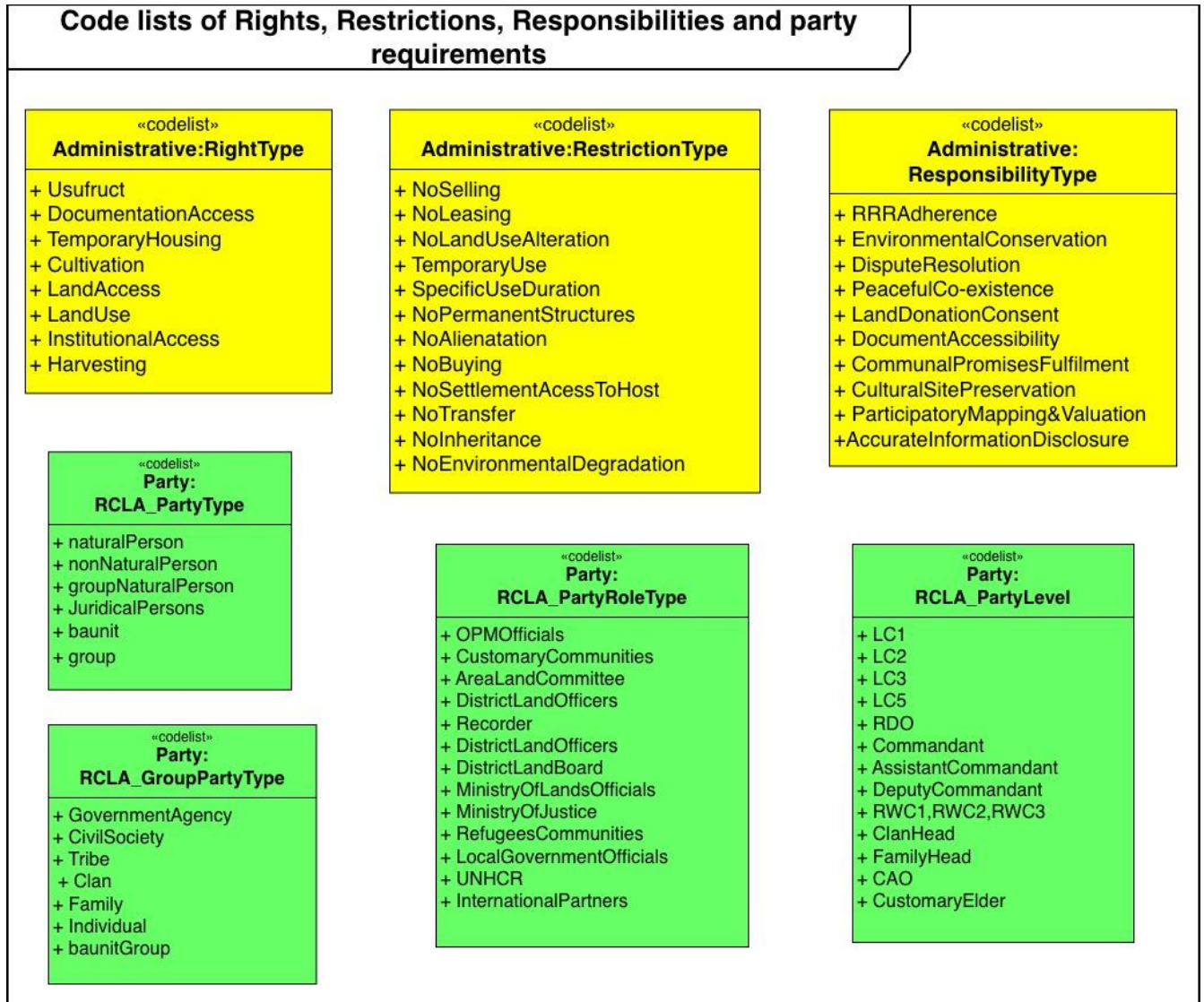
The Administrative Package comprises two main classes, two public classes, and three specialization classes: Basic Administrative Unit, Social Tenure Relationship (RRR), Administrative Source, Collateral, Right, Restriction, and Responsibility, as illustrated in **Error! Reference source not found.** The Administrative Source class is a public entity that represents source documents containing the majority of administrative attributes. It plays a critical role in enhancing tenure security for both refugees and host communities through clear documentation. Administrative source documents may include agreements and memoranda of understanding (MoUs); however, this study proposes introducing a Certificate of Land Use (CoLU) as a binding document. The Basic Administrative Unit (BAUnit) is an abstract unit of tenure that links one or more rights, restrictions, or responsibilities to one or more spatial units. It serves as the administrative bridge between the parties and the physical land parcels, representing the bundle of rights parties hold in the land. In this model, the BAUnit class primarily includes two attributes: UnitID and Type. The Type describes the tenure arrangement under which parties hold the land. An optional Name attribute specifies the tenure arrangement for refugees on customary land. The Social Tenure Relationship (RRR) class defines the rights, restrictions, and responsibilities parties hold over land within the tenure arrangement. Its typical attributes include:

- i. Description: Details the specific conditions of the tenure relationship, such as the temporary use right granted by customary landowners to OPM for refugee settlement.
- ii. Share: Indicates the fraction or percentage of the RRR held by a party when multiple parties share the same tenure relationship over a spatial unit. For example, refugees may hold 100% of the temporary land use right during the agreed period, while host communities hold 0% access but retain 100% of the underlying ownership right.

8.2.4 *Rights, Restrictions and Responsibilities*

The Right, Restriction, and Responsibility classes are specializations of the RRR class. In this tenure arrangement, the creation of a temporary use right for refugees activates the refugees' right of use while imposing a restriction on the host communities' access for the agreed duration. It is therefore critical that host communities remain assured that, although their communal land rights are temporarily inactive, they will automatically reactivate once the agreed period expires. Responsibilities represent obligations parties undertake to uphold restrictions and fulfill rights.

Relevant responsibilities for each party are listed in the RCLA_ResponsibilityType code list shown in **Error! Reference source not found.** Similarly, RCLA_RightType and RCLA_RestrictionType enumerate the specific rights and restrictions defined under this tenure arrangement.



‘Collateral’ is modelled as a right or encumbrance linked to a spatial unit and party. Its key attributes include:

- i. Amount: The value of the loan or debt secured by the collateral.
- ii. InterestRate: The annual or periodic percentage charged on the secured loan or debt.

- iii. Ranking: Specifies the priority order of the collateral right if multiple secured claims exist for the same land unit.

Documenting collateral ensures that informal arrangements, such as pledging customary land use rights for microcredit are formally recognized within the tenure arrangement

Spatial Unit Class

The spatial unit package comprises one main class, one public class, and three specialization classes: SpatialUnit, SpatialUnitGroup, LandUse, SettlementArea, and PublicSpace, as illustrated in **Error! Reference source not found.** The SpatialUnit class is the core element of this package. It defines the physical extent of land to which rights, restrictions, or responsibilities apply. SpatialUnitGroup class defines a logical collection of spatial units that share common administrative, tenure, or functional characteristics. For instance, refugee settlement sites are typically organized into clusters, and settlement planning zones are delineated for residential use, administration, schools, health facilities, and other purposes. SpatialUnitGroup is a superclass for the RefugeeSettlement entity. Its attributes include:

- i. SugID: Unique identifier for the spatial unit group.
- ii. Type: The type of group (e.g., block, zone, settlement, region).
- iii. Name: Descriptive name for the group (e.g., zones 1-5 in Bidibidi settlement).
- iv. HierarchyLevel: Indicates the group's position within the nested structure (e.g., 1= parcel, 2 = zone, 3 = settlement).
- v. ReferencePoint: Coordinates representing a central reference point for the group.

LandUse class is a specialization of the SpatialUnit class. It serves as a superclass for RCLA_RefugeeSettlement and RCLA_PublicSpace. The RefugeeSettlement entity includes attributes such as the settlement identifier, details of the land donors, settlement name, and location (district and village). The usage attribute is omitted because settlements are typically subdivided into plots for residential and backyard gardening. The PublicSpace entity has similar attributes but includes an additional 'type' attribute specifying the nature of the facility allocated to the public space.

8.2.5 Requirement Relationships within the Tenure Arrangement.

The relationships between the requirements in the tenure arrangement for refugees on customary land are illustrated by the red lines in **Error! Reference source not found.** These relationships within and across the three packages are described below

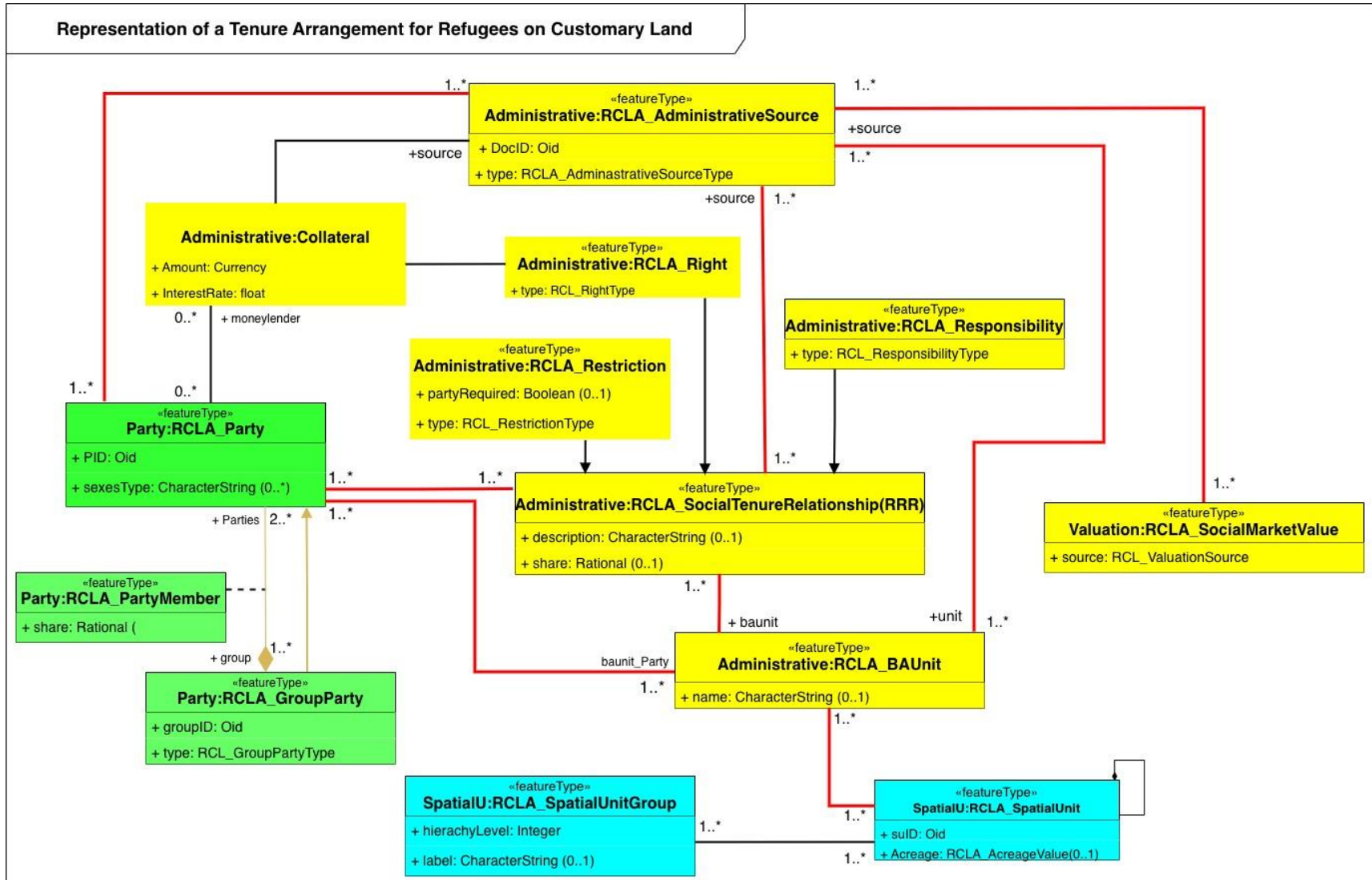


Figure 8-2: Knowledge representation of the tenure arrangement for refugees on customary land

One or more parties are associated with one or more (1..*) Social Tenure Relationships (RRR), Basic Administrative Units (BAUnit), and Administrative Sources. In this tenure arrangement, an individual refugee household (Party) or a group of households is linked to one or more Social Tenure Relationships (RRRs) that define their temporary right of use, the restriction on land transfer, and the responsibility to conserve the environment. This relationship is organized within a Basic Administrative Unit, which connects the refugee household's rights to a specific spatial unit (plot). The entire tenure arrangement is legally documented through an Administrative Source, such as a Certificate of Land Use (CoLU), which records the agreed rights, restrictions, responsibilities, and conditions.

A donating party may be associated with zero or more (0..*) collateral rights tied to the land they contribute for refugee settlement. Although this tenure arrangement requires that only conflict-free land is donated, there remains a risk of undisclosed encumbrances, such as mortgages or informal loans secured by the land. To address this, the model explicitly includes collateral as an optional association, ensuring that any hidden or future claims can be recorded and traced if necessary. This approach safeguards tenure security by acknowledging possible gaps in information disclosure during acquisition and by enabling later verification or updates of collateral records within the administrative system.

The Administrative Source is associated with one or more (1..) Social Tenure Relationships because it formalizes the rules and procedures, such as the requirement that the Office of the Prime Minister (OPM) manages the acquired land in line with the agreed conditions. The same Administrative Source links to one or more (1..) Basic Administrative Units, since a single agreement may cover multiple units, such as the subdivision of the donated 900 acres in Mireyi, Adjumani district into several plots grouped under the same tenure arrangement. Thus, the Administrative Source documents the legal basis of land acquisition and use. For example, a CoLU may be issued on the basis of an agreement signed between the OPM and the customary landowners. The OPM should then issue sub-CoLUs to refugee households to guarantee secure access and use rights. Each Basic Administrative Unit (BAUnit) is linked to one or more (1..*) Spatial Units, connecting the legal tenure relationships (RRR) to the physical plots and associating the parties such as the OPM, refugees, and host communities with specific parcels of land.

A Spatial Unit is associated with one or more (1..*) Spatial Unit Groups. This relationship, represented by a thick black line in **Error! Reference source not found.**, connects entities within the spatial unit package. For example, an individual plot may form part of a larger block, which belongs to a zone, which in turn is part of the entire settlement area. This means that an instance of a Spatial Unit can belong to multiple levels of grouping for example: plot → block → zone → settlement.

In summary, the Office of the Prime Minister (OPM) acquires communal land for refugee settlement through issuance of a Certificate of Land Use (CoLU) (Administrative Source) in agreement with clan or family heads (donors). Refugee households (Parties) are then allocated sub-CoLUs referencing specific plots (BAUnits), which link their rights, restrictions, and responsibilities (RRRs) to defined parcels (Spatial Units) organized into blocks, zones and settlements (Spatial Unit Groups). Any encumbrances on the land are documented through the Collateral entity.

8.2.6 Emerging New Issues from the Tenure Arrangement for Refugees.

The tenure arrangement for refugees on customary land differs significantly from other existing tenure systems in Uganda in several ways. First, it introduces a unique institutional party: The Office of the Prime Minister (OPM) acts as an intermediary acquisition entity. The OPM holds the donated customary land in trust on behalf of host communities, who, on humanitarian grounds, agree to settle refugees on their land. Host communities delegate detailed land administration rights to the OPM, with the condition that once the refugees depart, the land reverts to the original customary owners. In contrast, under other tenure systems such as freehold, leasehold, or customary tenure there is no intermediary like the OPM; transactions and transfers of rights occur directly between the landholder and the buyer or transferee.

Second, the arrangement innovates by recognizing and documenting overlapping land rights. Host communities typically own large communal parcels. Once portions of this land are donated and demarcated, smaller plots are allocated to refugee households, creating new, temporary use rights over the communal land. The underlying communal rights remain but are temporarily inactive for the agreed duration. This layered rights structure is distinct from other tenure systems and partially

resembles Mailo tenure, where registered proprietors and tenants share rights—though in the Mailo system this applies only to citizens.

Third, the arrangement addresses the uncertainty of duration. The period of refugee land use is negotiated between the host community and the OPM and formalized through binding agreements, such as the Certificate of Land Use (CoLU). This mechanism safeguards against premature withdrawal by land donors such as sudden evictions driven by rising land values, while also securing refugees' use rights for the agreed duration.

Fourth, the arrangement introduces innovations in defining and managing land units. It recognizes both the original communal parcels (even if unregistered) and the newly created refugee plots. A unique plot identification system links each refugee plot to a block, zone, and settlement number, and, importantly, relates it to the original donated parcel. This approach establishes clear lineage information so that each refugee plot can be traced back to its parent parcel, even if the original land was not formally registered. Such traceability enhances tenure security and administrative accountability within the settlement.

8.3 The Model Validation of the different rules and regulations

To validate whether the conceptual model could effectively support the proposed improvements in rules and procedures of acquisition of customary land for refugees, a structured validation process was undertaken. This involved designing and implementing a spatially enabled GIS database schema using PostgreSQL, PostGIS, and QGIS platforms. The schema encoded key components of the land tenure model, and selected rules and regulations were tested through spatial overlays, entity relationships, and rule-based queries. The validation focused on three main areas: (i) the location of refugee settlements in relation to host community homes, (ii) the settlement layout and organization of residential plots and communal facilities, and (iii) the enforcement of land rights and restrictions. This approach ensured that the model was not only technically sound but also practically applicable to improving tenure security and governance in refugee-hosting areas on customary land.

8.3.1 Location of Settlements away from Community Homes

Refugee settlements should undergo thorough and comprehensive land use planning before any settlement activity begins. This planning must clearly delineate the boundaries of the refugee settlement and those of the host community to prevent integration or spatial overlap. The establishment of physical boundary markers such as gardens, access roads, or natural features is essential to avoid land conflicts and unintended encroachment.

This recommendation is supported by spatial analysis conducted during the study, which involved overlaying refugee settlement boundaries onto host community land to assess proximity and potential conflicts. A case in point is the Mirieyi Settlement in Adjumani District, where these planning principles were not observed. The absence of clearly defined and georeferenced boundaries led to the construction of refugee shelters beyond the donated land, marked by the red line in Figure 8-3. These unplanned shelters sparked disputes between the host community, the refugees, and the Office of the Prime Minister (OPM). Consequently, OPM had to persuade the host community to donate the additional land retrospectively, extending the settlement boundary to the blue dotted line in Figure 8-3. This situation violated several key principles, including the prohibition against involuntary land donation, donation of disputed land, and donation under duress. Such incidents underscore the urgent need for enforceable land use planning guidelines and boundary regulations, as proposed under this study's improved rules and procedures of acquisition of customary land for refugees.

Moreover, the failure to map and geo-reference donated land contributed to shelters being established in close proximity to host community residences. Incorporating a buffer zone of 10–20 meters between refugee shelters and settlement boundaries during the planning phase would enhance tenure security for both host communities and refugees and help prevent future land-related conflicts.

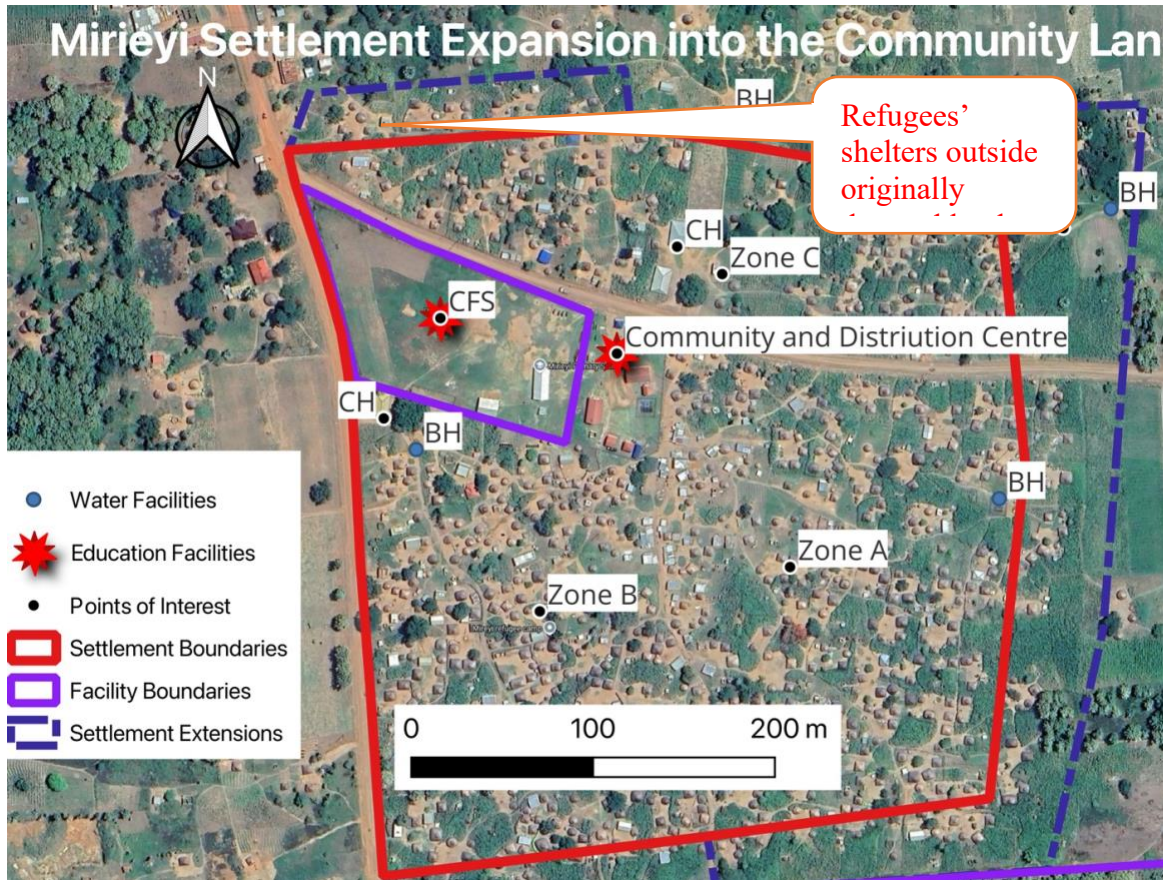
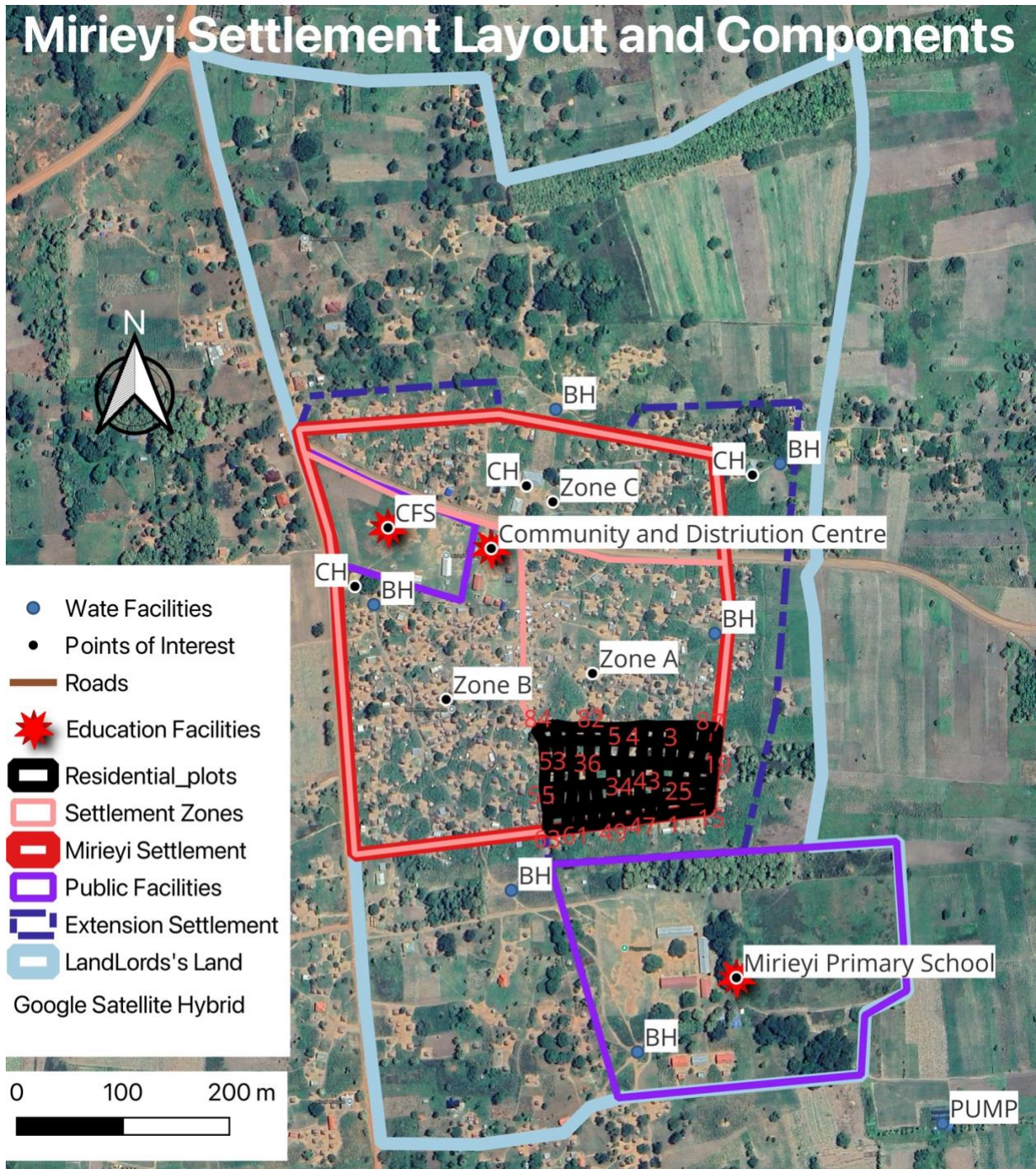


Figure 8-3: Original donated land Vs the refugee shelters out the settlement because of inadequate land use planning prior to refugee settlement

8.3.2 Settlement Layout, Residential Plots and Facilities within the Settlements

Refugee settlements should be designed with clearly defined subdivisions—such as zones—to enhance coordination, service delivery, and population management. Within each zone, individual residential plots should be systematically demarcated and allocated to refugee households. This structured approach was validated in the Mirieyi Settlement in Adjumani District, where the settlement was organized into Zones A, B, and C. Each zone incorporated key communal facilities such as boreholes (BH), churches (CH), a primary school, a water pump, and community distribution centres. This zoning framework facilitated efficient service delivery and promoted order within the settlement, as shown in Figure 8-4.



However, in practice, the construction of shelters did not fully adhere to the planned plot subdivisions. An overlay of the original layout onto recent Google satellite imagery for Zone A, as shown in in Figure 8-4, revealed multiple instances of shelter encroachment across plot boundaries. According to an official from the Office of the Prime Minister (OPM), refugees often

settled in clusters without regard for the designated boundaries and subsequently engaged in disputes over those same boundaries. These deviations between demarcated plots and actual shelter placement have led to intra-household and neighbour conflicts, thereby undermining tenure security and refugees' access to land.

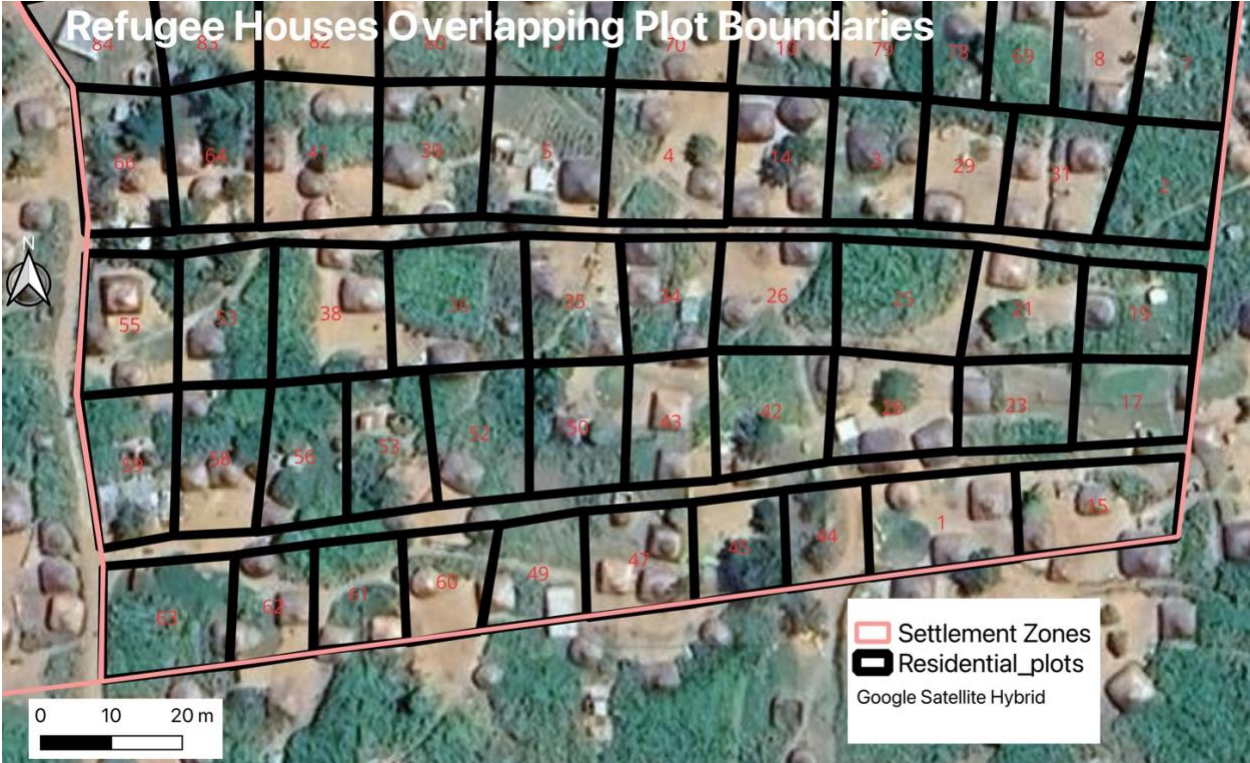


Figure 8-5: Refugee houses overlapping plot boundaries

To mitigate such risks, the study recommends that plot layout and allocation be carried out by qualified technical personnel from the District Land Office, under the supervision of the Ministry of Lands, Housing and Urban Development (MLHUD). The Office of the Prime Minister (OPM) should also ensure strict adherence to established boundaries during the construction of refugee shelters. This approach will promote accuracy, compliance with planning standards, and consistent implementation across settlements.

Furthermore, the current system lacks a standardized approach to plot identification. The study proposes an improved plot numbering system incorporating the settlement name, zone, block, and plot number aligned with best practices in land administration. For example, plots 1 to 50 within Zone 1 of Settlement 4, Mirieyi, could be assigned a code such as MRY:4/1/1-50, where:

- i. MRY denotes the settlement - Mirieyi,
- ii. 4 is the settlement ID,
- iii. 1 is the zone number, and

1–50 represents the plot range.

This structured identification system would improve plot traceability, facilitate future land use planning, and reduce the potential for tenure-related disputes.

8.3.3 Rights and Restrictions for Refugees and Host Communities

Several rights and restrictions were defined, encoded, and tested in accordance with the GIS database schema. These included inactive ownership rights on the entire donated parcel, which remain dormant for the negotiated duration and are automatically reactivated upon its expiry. Temporary use rights were actively assigned to individual refugee plots for the same period, expiring automatically unless renewed through renegotiation. These rights and restrictions were operationalized through entity-relationship structures outlined in the preceding schema table. Enforcement and validation were conducted using QGIS Field Calculator and spatial queries, enabling real-time checks and reporting, as shown in the attribute section of Figure 8.8. Results confirmed successful enforcement of key restrictions, including the prohibition of transactions on donated land during the agreed period, use-only conditions, and a five-year limit on temporary use rights as per agreements between landowners and the Office of the Prime Minister (OPM). This demonstrates the potential of spatial logic and rule-based coding within GIS to support tenure enforcement and prevent conflicts in customary-refugee land administration contexts.

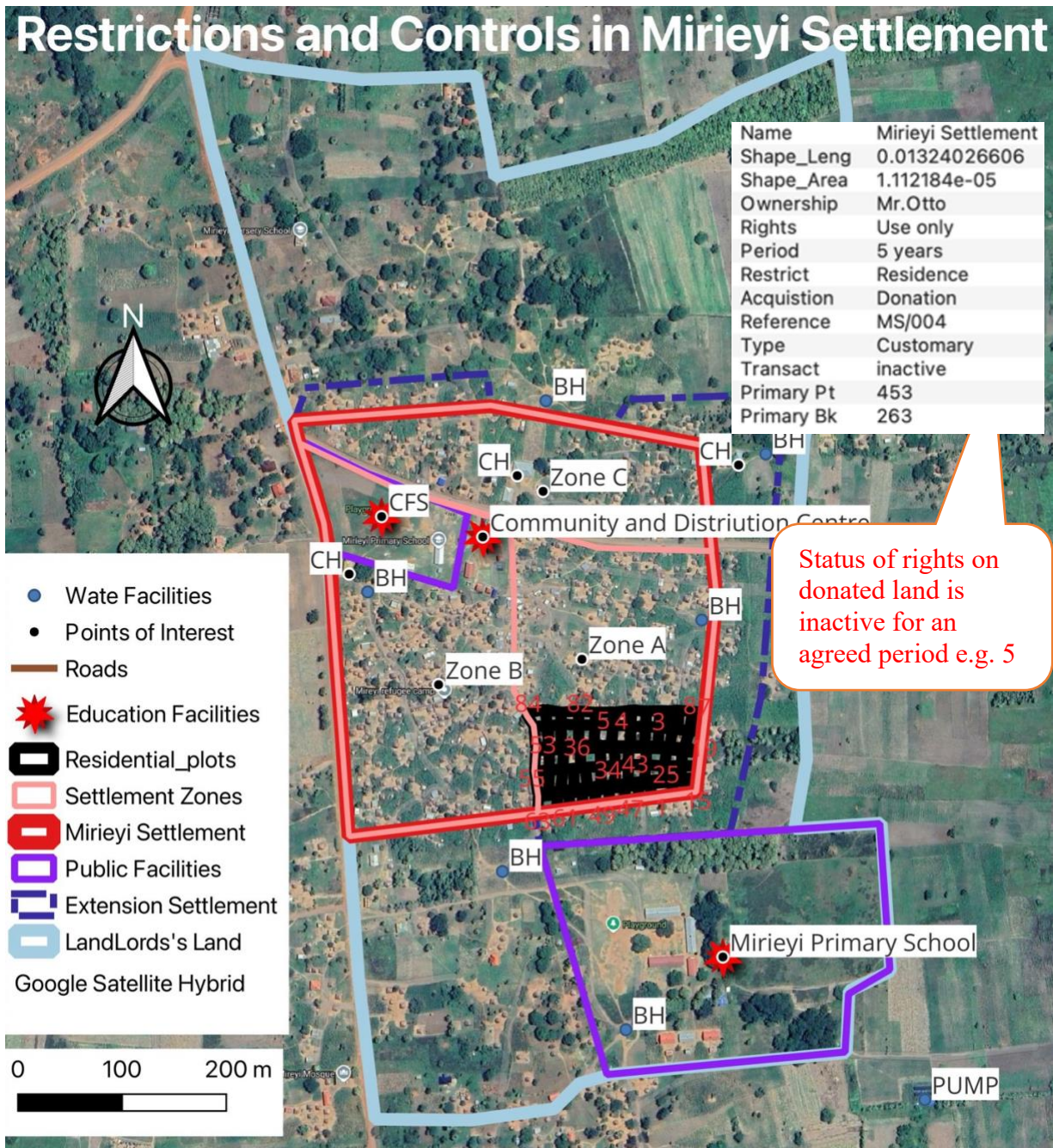


Figure 8-6: Rights and Restrictions for refugees and land donors on the donated land

8.4 Concluding Remarks

The conceptual model presented in this chapter, as depicted in the LADM_UML class diagram, establishes a systematic framework for administering donated customary land in refugee-hosting areas. By integrating the three core LADM packages which include Administrative, Party, and Spatial Unit. The model comprehensively captures the relationships, rights, responsibilities, and

restrictions essential for secure tenure arrangements. The Administrative Package defined and documents rights, restrictions, and responsibilities (RRRs) through its entities and attributes, enabling the registration and management of both refugee and host community claims. This package ensures that diverse tenure rights whether temporary use rights for refugees or perpetual customary rights for hosts, are formally recognized and recorded, mitigating potential conflicts and ambiguities.

The Party Package, comprised entities such as Party and Group Party, represents all stakeholders involved in customary land arrangements. This included individual landowners, refugee households, traditional authorities, government agencies, and implementing partners. Attributes under this package clarify party roles, relationships, and obligations, facilitating inclusive governance and accountability. The Spatial Unit Package anchored the model in the physical reality of the settlement by defining spatial units and their attributes. These units represented parcels allocated for refugee settlement, communal resources, and public infrastructure. Accurate mapping and clear demarcation of these units enhance monitoring, reduce overlaps, and enable sustainable land use planning.

By connecting these packages through well-defined relationships, the model creates an integrated structure that safeguards tenure security for host communities while providing refugees with clear, secure, and managed access to land. The inclusion of mechanisms for dispute resolution and conflict management within the administrative framework further strengthens the model's capacity to prevent and address competing claims.

CHAPTER 9: CONCLUSIONS AND RECOMMENDATIONS

9.1 Conclusions of the Study

This chapter presents the study conclusions, directly linked to the research objectives and the findings derived from the analysis. It provides a synthesis of how the research objectives were achieved and how the findings contribute to the understanding of the research problem. The chapter further outlines key recommendations and their associated policy implications, offering practical suggestions for improving land governance and customary land administration, particularly in refugee-hosting areas. These recommendations are grounded in the research findings and aim to address gaps identified in existing practices. Lastly, the chapter identifies critical areas for further research, highlighting new questions that have emerged throughout the study.

9.1.1 Impact of Existing Rules and Procedures of Customary Land Acquisition on Tenure Security

The current rules and procedures governing the acquisition of customary land for refugee settlement in Uganda rely heavily on informal practices such as voluntary land donation (VLD), clan decisions, and negotiated agreements. However, these informal arrangements lack legal enforceability and procedural clarity, leaving both refugees and customary landowners exposed to tenure insecurity. While approximately 25% is reported as perceived insecurity among refugees attributed to protection from institutional gatekeepers. The actual insecurity is mirrored among host communities, where more than 70% face tenure uncertainty on the donated land. High rates of perceived tenure security by host communities directly or indirectly creates a cycle of vulnerability that affects refugees as well.

Host communities frequently donate land without sufficient safeguards or formal documentation, heightening the risk of intra-community disputes, land fragmentation, or the erosion of rights particularly for women, youth, children, and persons with disabilities. Refugees, meanwhile, occupy land allocated by the office of the Prime Minister (OPM) but without legally recognized use rights, resulting in uncertainty about long-term access and discouraging investment in livelihoods and settlement stability. The absence of documented rights, responsibilities, and restrictions undermines tenure security for both refugees and host communities. Moreover, the

lack of standardized procedures and limited application of Free, Prior and Informed Consent (FPIC) erodes the legitimacy and sustainability of land acquisition processes. This procedural gap strains relationships between host communities and government authorities and, by extension, between host communities and refugees. Addressing these shortcomings requires strengthening legal frameworks and ensuring that all stakeholders are protected through clear, enforceable, and participatory tenure arrangements.

9.1.2 Improved Rules and Procedures for Customary Land Acquisition

Evidence from the literature and stakeholder consultations underscores the need for hybridized procedures that combine formal legal safeguards with customary land governance norms. Improved procedures should require dialogue-based negotiation and agreement on the duration of donated land use, participatory mapping, and clear documentation of donated parcels. They should also mandate formalized agreements signed by legitimate family or clan representatives, local government authorities, and the Office of the Prime Minister (OPM). In addition, robust dispute resolution mechanisms and continuous monitoring of consent must be embedded at all stages of the process. Incorporating principles from international frameworks such as the World Bank, the Food and Agriculture Organization (FAO), the United Nations, and the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), can strengthen procedural transparency, fairness, equity, and sustainability. Such alignment will help ensure tenure security for both refugees and host communities, particularly in contexts where customary tenure predominates.

9.1.3 Enhanced Institutional Framework for Land Acquisition and Administration

The current framework for managing refugee land access in Uganda remains largely ad hoc, relying heavily on the Office of the Prime Minister (OPM) and humanitarian actors, with insufficient integration of statutory land institutions such as the Uganda Land Commission, District Land Boards, and technical agencies including Area Land Committees and District Land Offices, entities that are critical for customary land registration. Moreover, cultural leaders, despite their legally recognized roles in customary land governance, are frequently excluded from the management framework. This study proposes an enhanced institutional framework designed to address these gaps. The proposed framework: Establishes a multi-stakeholder coordination mechanism involving the OPM, Ministry of Lands, local governments, customary leaders, and

civil society organizations; Clarifies and harmonizes roles and responsibilities through inter-agency protocols, supported by legal and policy reforms where necessary; Strengthens the mandate of Sub-County-based Area Land Committees in validating community land decisions; and Institutionalizes systematic monitoring, documentation, and legal support services to safeguard tenure security for both host communities and refugees.

9.1.4 Conceptual Model of a Secure Tenure Arrangement

The tenure arrangement should encompass a smooth legally backed transition of donated land from customary land owners to OPM and finally to refugees, which should be reversible once the refugee crisis is resolved. Anchored in the Land Administration Domain Model (LADM) principles, the model clearly represents the rights, restrictions and responsibilities for both refugees and host communities. The specialization or generalization capabilities of LADM enables the model to incorporate a tenure tracking system to monitor agreements, the spatial extent of donated land, and conditions related to expiration, renewal, or transfer. The model aligns Uganda's National Land Information System (NLIS) architecture which is compliant with the ISO Standard 19152 – LADM and can foster interoperability. STD-based tools such as the CoLU provide standardized and officially recognized documentation essential for assessing the actual tenure security of rights holders.

Crucially, the model integrates local dispute resolution mechanisms with formal legal recourse, creating a dual-track justice framework that supports effective conflict resolution. It further enhances tenure security by aligning refugee settlement planning with broader spatial planning regulations and national land policy objectives. By adhering to international best practices in tenure-responsive land governance, the model contributes to durable solutions for refugee hosting while reinforcing customary tenure systems and reducing the risks of unregulated land fragmentation.

9.2 Recommendations

The study recommends the development of strengthened and standardized rules and procedures for customary land acquisition. These should be clear, legally recognized, and aligned with international best practices to ensure transparency, accountability, and the consistent application

of Free, Prior and Informed Consent (FPIC) at all stages of land acquisition for refugees. It further recommends improving tenure security for both refugees and host communities by introducing safeguards such as Certificates of Land Use (CoLU) and formal agreements to protect land rights, prevent disputes, and promote secure, equitable access for refugees while safeguarding the long-term interests of customary landowners.

The establishment of a coordinated and inclusive institutional framework is also essential. This framework should integrate statutory land institutions, local governments, cultural leaders, and refugee representatives within a clear legal structure, defining roles, responsibilities, and mechanisms for monitoring, dispute resolution, and community participation. Finally, the operationalization of the proposed conceptual model for a land tenure arrangement for refugees should be prioritized. The LADM-based framework should be piloted to test its practical effectiveness in securing the rights of both land donors and refugees, with scope for adaptation and wider application in similar communal land contexts.

9.3 Policy Reform

Advocate for the amendment or extension of the Land Act, Refugees Act, or National Land Policy to recognize and regulate land acquisition for refugee settlement under customary tenure. Research and Knowledge Sharing: Promote continuous research, documentation of best practices, and national dialogue forums on land access and tenure in refugee-hosting contexts. Donor and Development Partner Engagement: Encourage donor support for institutional strengthening, land documentation, and technology adoption in customary tenure administration linked to refugee response.

9.4 Areas for Further Research

Further research should examine the feasibility of issuing Certificates of Land Use (CoLU) for both organization like OPM and refugees, beyond the current practice of granting Certificates of Customary Ownership (CCOs) to citizens only. Further studies should investigate the sustainability and impacts of informal private land access arrangements between refugees and host communities, which fall outside formal OPM processes. Future work should focus on piloting and

integrating the proposed model into existing customary land administration systems to test its broader applicability.

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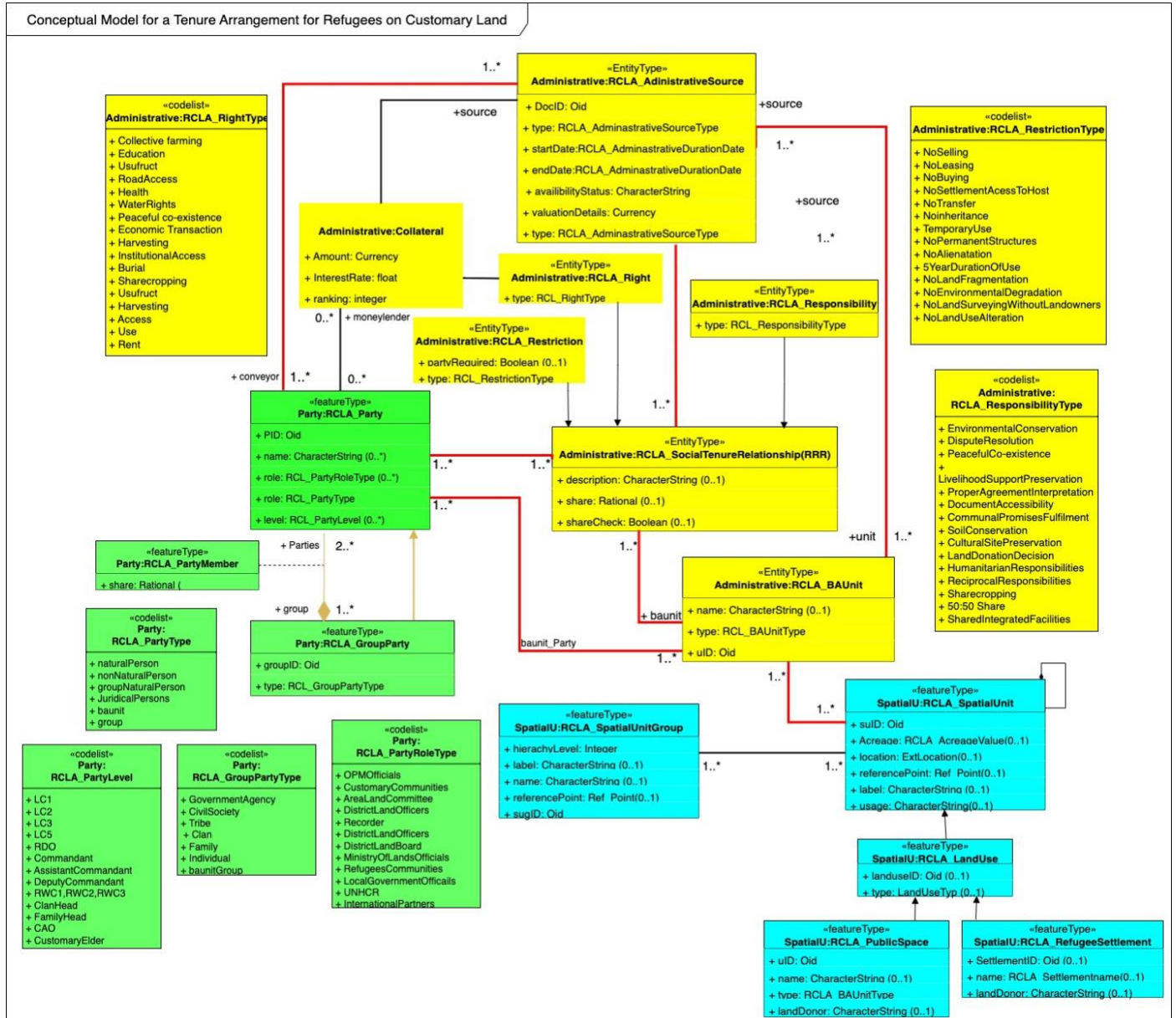
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Appendix A: Conceptual Model showing all Packages- Party, Administrative, and Spatial Units



Appendix B: Core Database Table for the Schema

a) Land Records

Column Name	Data Type	Description
land_id	SERIAL PRIMARY KEY	Unique identifier for each land parcel
land_name	VARCHAR(255)	Name or label of the land parcel
land_type	VARCHAR(50)	Type: 'Residential', 'Agricultural', 'Communal', 'Protected', etc.
ownership_status	VARCHAR(50)	'Owned', 'Leased', 'Shared', etc.
geometry	GEOMETRY(POLYGON, 4326)	Spatial geometry of the parcel

B) Ownership

Column Name	Data Type	Description
ownership_id	SERIAL PRIMARY KEY	Unique identifier for ownership record
land_id	INTEGER	References land_records(land_id)
owner_name	VARCHAR(255)	Name of the owner or group
owner_type	VARCHAR(50)	'Individual', 'Group', 'Organization'
start_date	DATE	Start of ownership
end_date	DATE	End of ownership (NULL if current)

C) Community Rules

Column Name	Data Type	Description
rule_id	SERIAL PRIMARY KEY	Unique identifier for rule
rule_name	VARCHAR(255)	Name of the rule
rule_description	TEXT	Detailed description
geometry	GEOMETRY(POLYGON, 4326)	Spatial extent of the rule/zone

Administrative

A) Social Tenure Relationship

Column Name	Data Type	Description
rrr_id	SERIAL PRIMARY KEY	Unique identifier
baunit_id	INTEGER	References baunit(baunit_id)

party_id	INTEGER	References party(party_id)
rrr_type	VARCHAR(50)	'Right', 'Restriction', 'Responsibility'
start_date	DATE	Start of relationship
end_date	DATE	End of relationship (NULL if ongoing)
collateral_id	INTEGER	References collateral(collateral_id), nullable

B) Administrative Source

Column Name	Data Type	Description
admin_source_id	SERIAL PRIMARY KEY	Unique identifier
document_type	VARCHAR(50)	'Agreement', 'Minutes', 'Form', etc.
document_reference	VARCHAR(255)	Reference or file path
date_signed	DATE	Date of signing

C) BA Unit (Basic Administrative Unit)

Column Name	Data Type	Description
baunit_id	SERIAL PRIMARY KEY	Unique identifier
baunit_name	VARCHAR(255)	Name or label
admin_source_id	INTEGER	References admin_source(admin_source_id)

D) Collateral

Column Name	Data Type	Description
collateral_id	SERIAL PRIMARY KEY	Unique identifier
description	TEXT	Description of collateral (e.g., loan)
party_id	INTEGER	References party(party_id) as lender
right_id	INTEGER	References rrr_id if applicable

Party

A) Party

Column Name	Data Type	Description
party_id	SERIAL PRIMARY KEY	Unique identifier
name	VARCHAR(255)	Name of the party

party_type	VARCHAR(50)	'Individual', 'Group', 'Organization'
role	VARCHAR(50)	Role in administration

B) Group Party

Column Name	Data Type	Description
group_id	SERIAL PRIMARY KEY	Unique identifier
group_name	VARCHAR(255)	Name of the group party
group_type	VARCHAR(50)	Type of group

C) Party Member (Association Table)

Column Name	Data Type	Description
party_member_id	SERIAL PRIMARY KEY	Unique identifier
group_id	INTEGER	References group_party(group_id)
party_id	INTEGER	References party(party_id)

Spatial Units

A) Spatial Unit

Column Name	Data Type	Description
spatialunit_id	SERIAL PRIMARY KEY	Unique identifier
baunit_id	INTEGER	References baunit(baunit_id)
unit_type	VARCHAR(50)	'Plot', 'SettlementArea', 'PublicSpace', etc.
geometry	GEOMETRY(POLYGON, 4326)	Spatial geometry of the unit

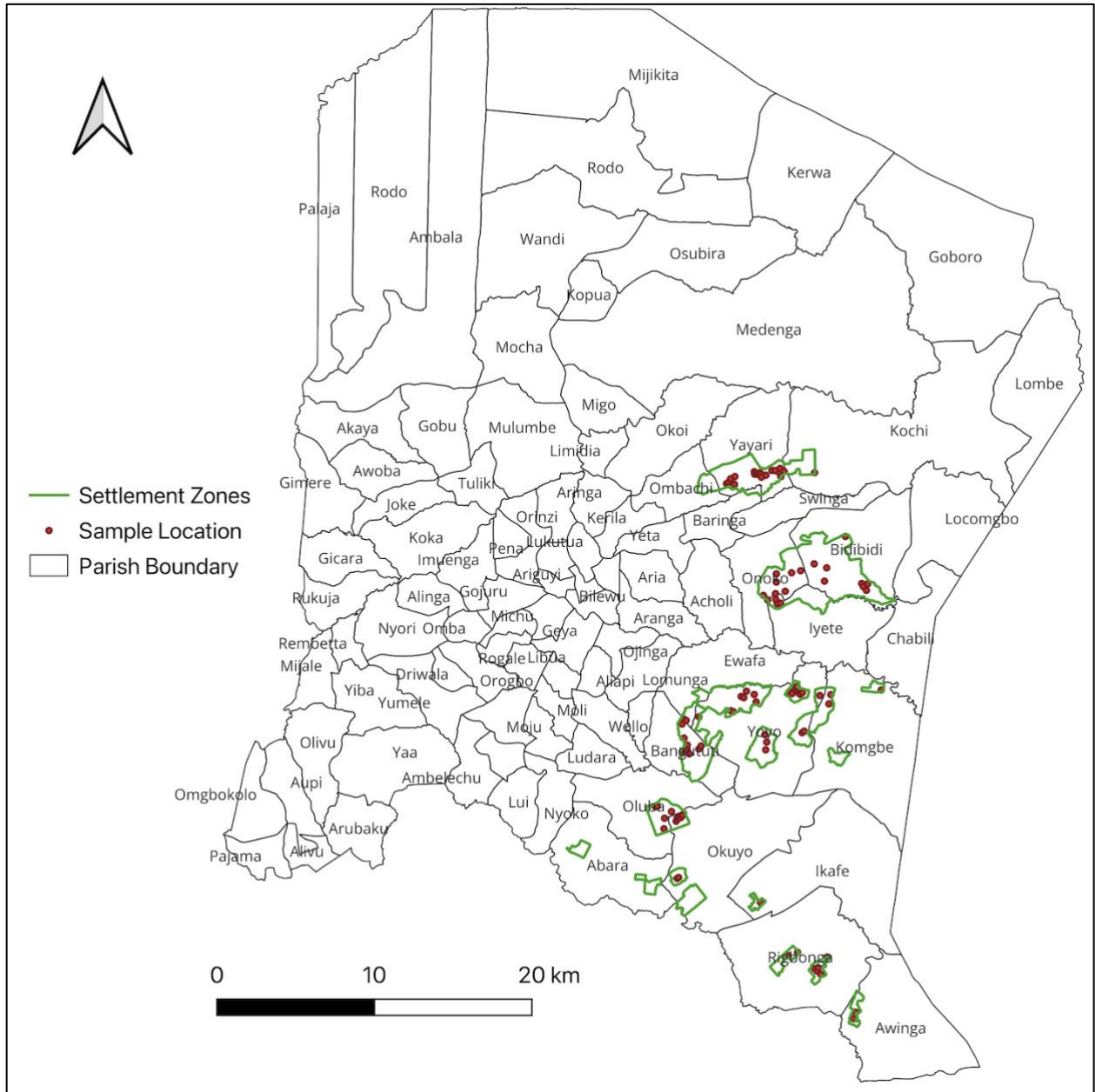
B) Spatial Unit Group

Column Name	Data Type	Description
group_id	SERIAL PRIMARY KEY	Unique identifier
group_name	VARCHAR(255)	Name of the spatial unit group
description	TEXT	Description

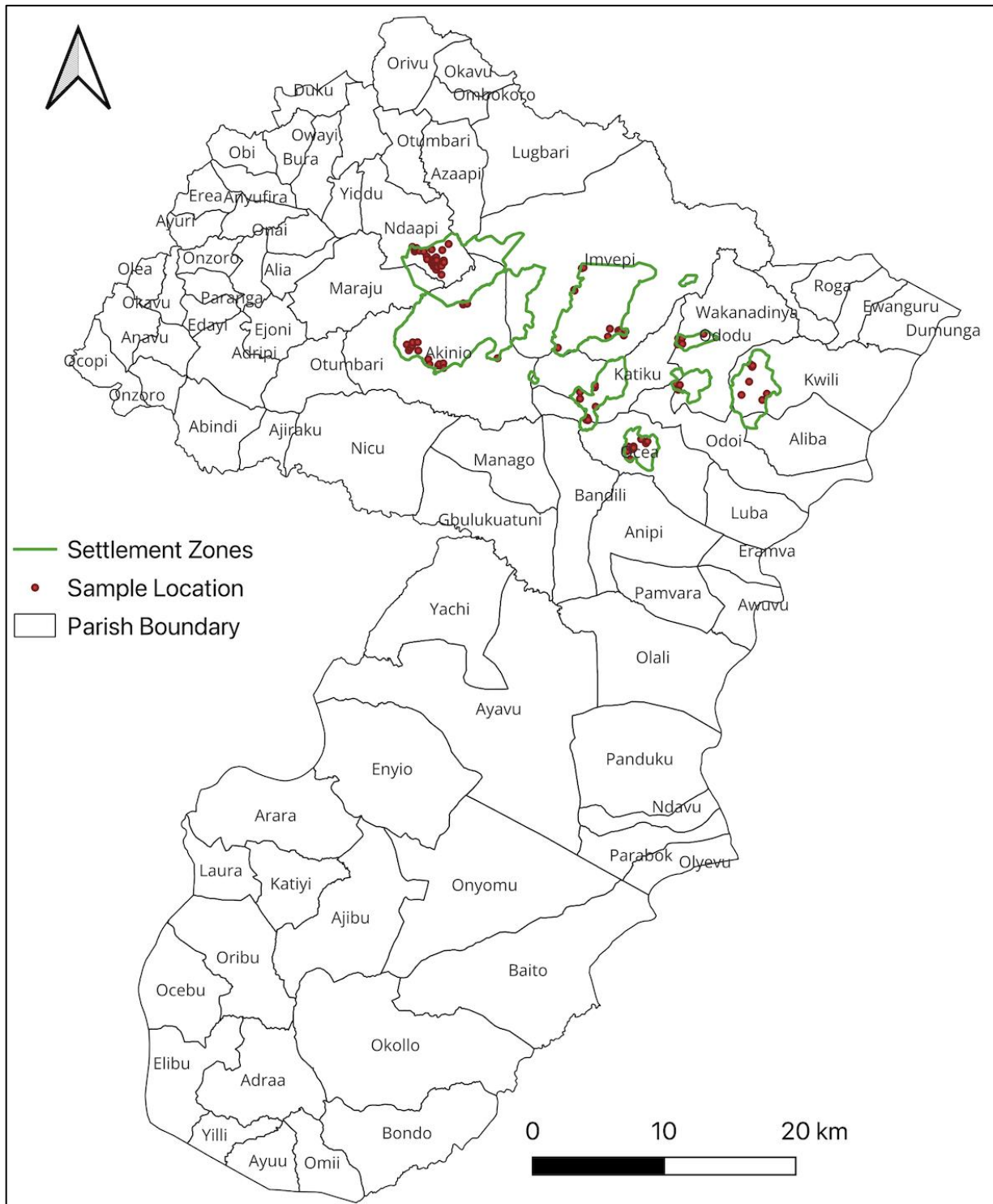
Appendix C: Refugee Samples Definition

region	district	settlement	settlement_zone	zone_code	sample_size
West Nile	Adjumani	Mirieyi	Mirieyi	mry	25
West Nile	Adjumani	Agojo	Agojo	agj	31
West Nile	Adjumani	Nyumanzi	Nyumanzi	nyu	45
West Nile	Lamwo	Palabek	Zone 1	pal_zon_i	5
West Nile	Lamwo	Palabek	Zone 2	pal_zon_ii	5
West Nile	Lamwo	Palabek	Zone 3	pal_zon_iii	8
West Nile	Lamwo	Palabek	Zone 4	pal_zon_iv	10
West Nile	Lamwo	Palabek	Zone 5A	pal_zon_va	10
West Nile	Lamwo	Palabek	Zone 5B	pal_zon_vb	16
West Nile	Lamwo	Palabek	Zone 6	pal_zon_vi	25
West Nile	Lamwo	Palabek	Zone 7	pal_zon_vii	14
West Nile	Lamwo	Palabek	Zone 8	pal_zon_viii	6
West Nile	Lamwo	Palabek	Zone 9	pal_zon_ix	2
West Nile	Madi Okollo	Rhino	Rhino Siripi 2	srp	13
West Nile	Madi Okollo	Rhino	Rhino Tika 4	tik	7
West Nile	Terego	Rhino	Rhino Eden 3	edn	13
West Nile	Terego	Rhino	Rhino Ocea 1	oce	11
West Nile	Madi Okollo	Rhino	Rhino Omugo	omu	30
West Nile	Madi Okollo	Rhino	Rhino Ofua 6	ofu	17
West Nile	Terego	Rhino	Rhino Odoibu 5	odo	10
West Nile	Yumbe	Bidibidi	Bidibidi Zone 1	bid_zon1	19
West Nile	Yumbe	Bidibidi	Bidibidi Zone 4	bid_zon4	14
West Nile	Yumbe	Bidibidi	Bidibidi Zone 3	bid_zon3	24
West Nile	Yumbe	Bidibidi	Bidibidi Zone 2	bid_zon2	23
West Nile	Yumbe	Bidibidi	Bidibidi Zone 5	bid_zon5	21
Total					404

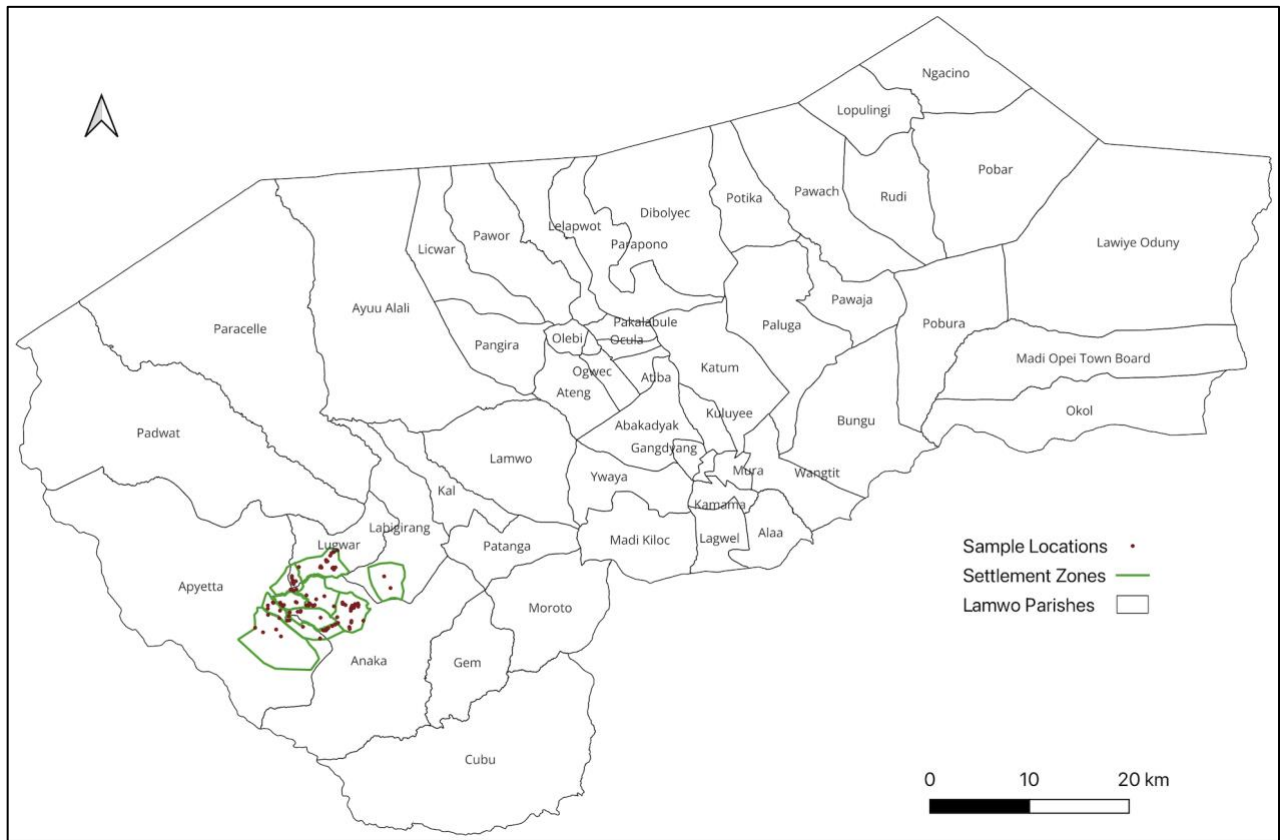
Appendix D: Distribution of GPS Sample Points for Bidibidi Settlement



Appendix E: Distribution of GPS Sample Points for Rhino Settlement Definition



Appendix F: Distribution of GPS Sample Points for Lamwo Settlement



Appendix G: Structured Questionnaire Guide for Refugees

Questionnaire Guide for Refugees

Introduction, information and consent

Good morning/afternoon/evening, my name is Sophia Nagujja, a PhD candidate from the Makerere University. In order to fulfil the requirements for the award of a PhD Degree in Geomatics and Land Management of Makerere University, I am doing research entitled: A Land Tenure arrangement for refugee accessibility to customary land. You have been selected to provide information that can help me accomplish the research objectives. The questionnaire comprises of three parts and you are requested to fill all the questions according to the available options. Your participation is voluntary and the information provided is confidential and will not be used for any other purpose. Your name will not be published anywhere.

Are you ready to participate? (1) Yes..... (2) No..... If no the respondents will be thanked and the questionnaire will not be administered.

If yes, do you grant us permission to quote your response directly in our work? (1) Yes..... (2) No.....

Name Contact.....

Sign.....

Study area profile

District

Sub-county.....

Parish

Physical address.....

Part 1: Personal information (circle appropriately)

1.1 What is your sex?

1. Male

2. Female

1.2 What is your marital status?

1. Married

2. Single/Never married

3. Cohabiting

4.

Divorced

5. Widow/ Widower

6. Other (specify)

1.3 What is your age group?

a. 20- 29

b. 30- 39

c. 40- 49

d. 50- 59

e. 60- 69

f.

70- 79 g. Above 80 years

1.4 What is your highest level of education?

1. Never went to school

2. Primary

3. Secondary-O level

4. Secondary –

A level

5. College/University

6. Other (specify).....

1.5 When did you start to live in this village?

a. Before 1960

b. 1961-1970

c. 1971-1980

d. 1981-1990

e. 1991-2000

f. 2001-2010

g. 2011-2020

h. Other.....

1.6 What is your country of origin?

Part 2: Impact of rules and procedures of land allocation on tenure security.

2.1 Procedures and rules of allocating land to refugees.

2.1.1. How did you come to settle on this land?

1. I was allocated freely by the government (OPM)

2. I Purchased the land
3. I am Renting it
4. I was invited by my relatives
5. Others (Specify).....

2.1.2. What benefits/contributions or challenges have you brought or faced with landlords since you started occupying their land?

1. We provide cheaper labour for them (boosted the economy)
2. We provide market for their produces and other products
3. We have attained livelihood and self-reliance
4. We live in fear for losing our yields (harvests) to them
5. The rate of land conflicts is high
6. Our accessibility is secure on their land.
7. Others (specify)

2.2 Tenure security of customary land rights.

2.2.1 What kind of documentation do you hold for the portion of land that you have accessed to?

1. Memorandum of understanding (MoU)
2. Written land use agreement
3. Non-written (verbal) agreement
4. Sales agreement (purchase)
5. None
6. Others (Specify).....

2.2.2 How safe do you think that document offers you secure accessibility to the land?

1. I strongly believe my accessibility to the land is secure.
2. I am not sure
3. I feel my accessibility to the land is not secure
4. Others (specify)

2.2.3 What type of rights are specified in that document that you own?

1. Land Access rights
2. Land Use rights
3. Land Sale and transfer rights
4. Lease rights
5. I do not know
6. None
7. Others (Specify).....

2.2.4 What are the chances of facing the following forms of land accessibility (in)security:

- a. I have adequate documentation to prove legality/legitimacy of the land use rights
 1. Strongly disagree
 2. Disagree
 3. Neither agree nor disagree
 4. Agree
 5. Strongly agree
- b. I am not at any risk of being evicted from this land
 1. Strongly disagree
 2. Disagree
 3. Neither agree nor disagree
 4. Agree
 5. Strongly agree
- c. I have limited duration of rights on this land.

1. Strongly disagree 2. Disagree 3. Neither agree nor disagree 4. Agree
5. Strongly agree
- d. In case I am evicted from this land, my ability to recover from that situation is limited.
1. Strongly disagree 2. Disagree 3. Neither agree nor disagree 4. Agree
5. Strongly agree
- e. I feel that I have legal protection against forced eviction.
1. Strongly disagree 2. Disagree 3. Neither agree nor disagree 4. Agree
5. Strongly agree
- f. I have not had any land dispute with the landlord on this land.
1. Strongly disagree 2. Disagree 3. Neither agree nor disagree 4. Agree
5. Strongly agree
- g. In case of a dispute, government and customary institutions are readily available to intervene and it takes a short time.
1. Strongly disagree 2. Disagree 3. Neither agree nor disagree 4. Agree
5. Strongly agree

Part 3: Appropriate Rules and procedures of land allocation to Refugees.

3.1 Have you been involved in a land dispute with your landlord?

1. Yes 2. No

3.2 What the cause of this/these land disputes?

1. Confiscating my crops
2. Wrong use of the land
3. Overstaying on the land
4. Changing the terms of the land use agreement
5. Other (specify) -----

3.2 If yes, who do you report to in case there is a land dispute with your landlord?

1. OPM 2. Local government 3. RDC 4. Customary institutions
5. Refugee welfare councils (RWCs) 6. Others (specify)

3.2 What period of time is specified for you to stay/use on this land?

- a. None b. 6 months - 1year c. 1 year – 3 years d. years – 5 years
e. 5 years – 10 years f. Above 10 years

Appendix H: Structured Questionnaire Guide for Customary Host Communities

Questionnaire Guide for Host Communities

Introduction, information and consent

Good morning/afternoon/evening, my name is Sophia Nagujja, a PhD candidate from the Makerere University. In order to fulfil the requirements for the award of a PhD Degree in Geomatics and Land Management of Makerere University, I am doing research entitled: A Land Tenure arrangement for refugee accessibility to customary land. You have been selected to provide information that can help me accomplish the research objectives. The questionnaire comprises of three parts and you are requested to fill all the questions according to the available options. Your participation is voluntary and the information provided is confidential and will not be used for any other purpose. Your name will not be published anywhere.

Are you ready to participate? (1) Yes..... (2) No..... If no the respondents will be thanked and the questionnaire will not be administered.

If yes, do you grant us permission to quote your response directly in our work? (1) Yes..... (2) No.....

Name Contact.....

Sign.....

Study area profile

District -----

Settlement-----

Zone-----

Village-----

Part 1: Personal information (circle appropriately)

1.1 What is your sex?

2. Male

2. Female

1.6 What is your marital status?

2. Married

2. Single/Never married

3. Cohabiting

4.

Divorced

5. Widow/ Widower

6. Other (specify)

1.7 What is your age group?

a. 20- 29

b. 30- 39

c. 40- 49

d. 50- 59

e. 60- 69

f.

70- 79 g. Above 80 years

1.8 What is your highest level of education?

1. Never went to school

2. Primary

3. Secondary-O level

4. Secondary –

A level

5. College/University

6. Other (specify).....

1.9 When did you start to live in this village?

b. Before 1960

b. 1961-1970

c. 1971-1980

d. 1981-1990

e. 1991-2000

f. 2001-2010

g. 2011-2020

h. Other.....

1.10 Which ethnic group/tribe do you belong to?

.....

Part 2: Impact of Rules and procedures of land allocation on tenure security.

2.1. Pre-existing land tenure security of land rights for landlords before refugees' settlement.

2.1.1. What evidence of ownership (documentation) did you have for this land before refugees came?

- 1. Will
- 2. Sales agreement
- 3. Certificate of customary owner (CCOs)
- 4. Title
- 5. None
- 6. Others (specify).....

2.1.2. Who has the right to grant permission for:

a. Giving away the land?

- 1. Myself.
- 2. Family head
- 3. Clan head
- 4. Paramount chiefs

b. Using the land?

- 1. Myself.
- 2. Family head
- 3. Clan head
- 4. Paramount chiefs

2.1.3. Did you have any form of disputes before refugees came to your land, if any specify?

.....

2.2. Procedures of allocating land to refugees.

2.2.1. How did refugees come to settle on your land?

- 1. I requested through local government.
- 2. I was forced by my clan members.
- 3. They settled forcefully.
- 4. They purchased my land.
- 5. Others (specify).....

2.2.2. To what extent did you participate in the decision of giving land to refugees?

- 1. I did not (fully) participate in the decision.
- 2. I was informed by my clan/family head.
- 3. I fully gave consent.
- 4. I had no power to give land
- 5. Others (specify).....

2.2.3. What were the major reasons for granting refugees access to your land?

.....
.....
.....

2.2.4. What advantages or challenges have you faced with refugees since they occupied your land?

- 8. They have provided cheaper labour (boosted our economy)
- 9. They are a threat to our land (we live in fear for losing our land to them)
- 10. The rate of land conflicts/disputes increased
- 11. Our land is more secure with them farming on it.
- 12. Others (specify).....
.....
.....
.....

2.3. Tenure security of customary land rights.

2.3.1. What kind of documentation was issued to you for the portion of your land that is accessed by refugees?

1. Memorandum of understanding (MoU)
2. Land use agreement (use only)
3. Sales agreement (purchase)
4. None
5. Others (specify)

2.3.2. Do you think your land is protected (safe) by this document?

1. I strongly believe my land is protected.
2. I am not sure
3. I feel I am my land is not secure
4. Others (specify)

2.3.3. With the presence of refugees on your land, what are the chances of facing the following forms of tenure (in)security:

a. I have adequate documentation to prove legality/legitimacy of the land rights

- | | | | |
|----------------------|-------------------|-------------------------------|----|
| 5. Strongly disagree | 2. Disagree | 3. Neither agree nor disagree | 4. |
| Agree | 5. Strongly agree | | |

b. I am not at any risk of being evicted from this land

- | | | | |
|----------------------|-------------------|-------------------------------|----|
| 1. Strongly disagree | 2. Disagree | 3. Neither agree nor disagree | 4. |
| Agree | 5. Strongly agree | | |

c. This land was acquired from me in a very clear and transparent manner.

- | | | | |
|----------------------|-------------------|-------------------------------|----|
| 1. Strongly disagree | 2. Disagree | 3. Neither agree nor disagree | 4. |
| Agree | 5. Strongly agree | | |

d. I have limited power to transact (sell, rent, transfer) on my land with the presence of refugees.

- | | | | |
|----------------------|-------------------|-------------------------------|----|
| 1. Strongly disagree | 2. Disagree | 3. Neither agree nor disagree | 4. |
| Agree | 5. Strongly agree | | |

e. I feel that I have legal protection against forced eviction.

- | | | | |
|----------------------|-------------------|-------------------------------|----|
| 1. Strongly disagree | 2. Disagree | 3. Neither agree nor disagree | 4. |
| Agree | 5. Strongly agree | | |

f. I have not had disputes on my land.

- | | | | |
|----------------------|-------------------|-------------------------------|----|
| 1. Strongly disagree | 2. Disagree | 3. Neither agree nor disagree | 4. |
| Agree | 5. Strongly agree | | |

g. I still have all the rights over my land even in the presence of refugees.

- | | | | |
|----------------------|-------------------|-------------------------------|----|
| 1. Strongly disagree | 2. Disagree | 3. Neither agree nor disagree | 4. |
| Agree | 5. Strongly agree | | |

h. In case of a dispute, government and customary institutions are readily available to intervene and it takes a short time.

1. Strongly disagree 2. Disagree 3. Neither agree nor disagree 4.
Agree 5. Strongly agree

Part 3: Appropriate Rules and procedures of land allocation to Refugees.

3.1 Were you involved in the process of acquiring land for the refugees?

2. Yes 2. No

3.2 What was your key role in the process of allocating land to refugees?

.....
.....
.....
.....
.....

3.3 How long did it take you to think about the decision of giving away your land?

.....

3.4 Who set this period of time

1. Myself 2. OPM 3. My family head 4. The clan leader 5. Others (specify)

3.5 Was this period enough for you to make an informed decision?

- 1 Yes, it was enough
2 No, it was not enough
3 I needed more time

3.6 How much period could have been appropriate for you to take a proper decision?

.....

Appendix I: Key Informant Interview Guide for OPM Officials

Key-Informant Interview Guide for Government Officials Dealing with Refugee Settlement Introduction, information and consent

Good morning/afternoon/evening, my name is Sophia Nagujja, a PhD candidate from the Makerere University. In order to fulfil the requirements for the award of a PhD Degree in Geomatics and Land Management of Makerere University, I am doing research entitled: A Land Tenure arrangement for refugee accessibility to customary land. You have been selected to provide information that can help me accomplish the research objectives. The guide comprises of thirteen (13) questions and you are requested to provide responses accordingly. You were selected to participate purposively because of the position you hold in process of allocating land to refugees. Your participation is voluntary and the information provided is confidential and will not be used for any other purpose. Your name will not be published anywhere unless you consent.

Do you grant us permission to quote your response directly in our work? (1) Yes..... (2) No.....
Are you ready to participate? (1) Yes (2) No If yes, the administration will proceed, if not the respondents will be thanked and the interview will not be conducted.

Personal information of the participants

Study area profile

Region-----

District-----

Categories of respondents who will participate in the data collection process.

- a) Regional Desk Officer, Settlement Commandant, Assistant Settlement Commandant
- b) District Local Government Leaders

1. How do refugees in this area obtain land for settlement and farming?
2. What were the major reasons for granting refugees access to your land?
3. Did you participate in the process of allocating land to refugees, what was your role in the procedures of giving land to refugees?
4. Is the procedure of allocating land to refugees the same in all customary areas where refugees are granted access to land?
5. If it is not same, what factors contribute to its differences?
6. What evidence of ownership (documentation) do you issue for refugees who are granted access to land?
7. What features are within this document that ensure secure land accessibility to refugees?
8. Does the procedure follow any principle of good practice, could you suggest any good practices which could be adopted in allocating land to refugees to create a harmonious living environment for refugees and customary landlords?
9. As an administrator, what major challenges have you faced with the procedure of allocating land to refugees
10. What measures (additions or deletions) to the procedure of allocating land to refugees would you suggest to improve the security of land access for refugees while maintaining tenure security for customary landlords?
11. Would it be appropriate to formally register of the rights of refugees on the land they have access to?
12. If yes, suggest some of the ways to register these rights.
13. Do you play any role in resolving land dispute between refugees and customary landlords, which role do you play?

Appendix J: Key Informant Interview Guide for IP/DP Officials and Land Experts

Key-Informant Interview Guide for Development Partners and Land Experts Dealing with Refugee Settlement.

Introduction, information and consent

Good morning/afternoon/evening, my name is Sophia Nagujja, a PhD candidate from the Makerere University. In order to fulfil the requirements for the award of a PhD Degree in Geomatics and Land Management of Makerere University, I am doing research entitled: A Land Tenure arrangement for refugee accessibility to customary land. You have been selected to provide information that can help me accomplish the research objectives. The interview guide comprises of twelve (12) questions and you are requested to provide responses accordingly. You were selected to participate purposively because of the position you hold in process of allocating land to refugees. Your participation is voluntary and the information provided is confidential and will not be used for any other purpose. Your name will not be published anywhere unless you consent. Are you ready to participate? (1) Yes (2) No If yes, the administration will proceed, if not the respondents will be thanked and the interview will not be conducted.

Personal information of the participants

Study area profile

Region-----

District-----

Categories of respondents who will participate in the data collection process.

- c) Implementing Partners
- d) Operating Partners
- e) Development Partners
- f) Academia

1. What are some of the indicators that determine the level of tenure security in refugee-host customary communities?
2. Which document are you aware of that is issued to refugees as evidence of ownership to the land they have access to?
3. Is the document able to protect the right of refugees, if not how can it be improved?
4. What services do you offer the government to support tenure security programs?
5. What initiatives have you taken to ensure there is secure land access for refugees but also guaranteeing tenure security of landlords?
6. How do you ensure this reaches the affected people?
7. Does the procedure of allocating land to refugees follow any principle of good practice, could you suggest any good practices which can be adopted in allocating land to refugees?
8. Do you think it's important to formally register the rights of refugees?
9. How can they be registered?
10. How can we control refugees from abusing the land rights granted to them through land accessibility so that the customary landlords rights remain protected?
11. Which key institutions do you think should be incorporated in the process of land allocation?
12. How can the land rights of customary landlords be protected as refugees access their land?

Appendix K: Key Informant Interview Guide for Customary or Cultural Leaders

Key-Informant Interview Guide for Customary Leaders

Introduction, information and consent

Good morning/afternoon/evening, my name is Sophia Nagujja, a PhD candidate from the Makerere University. In order to fulfil the requirements for the award of a PhD Degree in Geomatics and Land Management of Makerere University, I am doing research entitled: A Land Tenure arrangement for refugee accessibility to customary land. You have been selected to provide information that can help me accomplish the research objectives. The guide comprises of eight (8) questions and you are requested to provide responses accordingly. You were selected to participate purposively because of the position you hold in process of allocating land to refugees. Your participation is voluntary and the information provided is confidential and will not be used for any other purpose. Your name will not be published anywhere unless you consent.

Do you grant us permission to quote your response directly in our work? (1) Yes..... (2) No.....
Are you ready to participate? (1) Yes (2) No If yes, the administration will proceed, if not the respondents will be thanked and the interview will not be conducted.

Personal information of the participants

Study area profile

Region----- District-----

Categories of respondents who will participate in the data collection process.

- g) Clan Head
- h) Family Head
- i) Paramount Chief
- j) Others (specify)_____

14. What procedure is followed when allocating customary land to refugees?
15. Did you participate in this procedure, if yes, what was your role?
16. If no, why do you think you were not considered?
17. Which bodies make up customary institutions in your area?
18. What key role can be played by customary institutions in the process of land allocation to refugees?
19. What problems have been encountered in customary host communities for not engaging customary institutions in the process of allocating land to refugees?
20. What can be improved in the procedure of allocating land to create a good living environment for both refugees and customary land lords?
21. Which bodies or organizations are involved in the procedure but you feel are not very effective?
22. Which actors or institutions would you propose to be added to the current administration of donated customary land for refugees?

Appendix L: Key Focus Group Discussion Guide for Key Respondents

Focus Group Discussions Guide for Landowners, OPM, Local Leaders, RWCs

Introduction, information and consent

Good morning/afternoon/evening, my name is Sophia Nagujja, a PhD candidate from the Makerere University. In order to fulfil the requirements for the award of a PhD Degree in Geomatics and Land Management of Makerere University, I am doing research entitled: A Land Tenure arrangement for refugee accessibility to customary land. You have been selected to provide information that can help me accomplish the research objectives. Your participation is voluntary and the information provided is confidential and will not be used for any other purpose. Your name will not be published anywhere.

Do you grant us permission to quote your response directly in our work? (1) Yes..... (2) No.....
Are you ready to participate? (1) Yes..... (2) No..... If yes, the administration will proceed, if not the participant will be thanked and the discussions will not be administered.

Personal information of the participants

Study area profile

Region-----

District-----

Categories of respondents who will participate in the data collection process.

- Customary Landowners
- OPM officials
- Local leaders
- Refugee Welfare Councils (RWCs)

23. Verify the checklist below for the rules and procedures of assigning land rights to refugees


	Procedures of acquiring /assigning land rights for refugee settlement	Ye s/ No	Institutions/persons in charge	Yes/ No
	Land Identified by local government		Local government	
	Customary land owners inform the local government about the availability of land		Customary land owners	
	Negotiations happen between land owners and local government on behalf of OPM		OPM	
	Land owners are given incentives inform of money for the land clearance		OPM	
	Signing of MoU is between the OPM and land owners		OPM and Land owners	
	Rules governing land assigned to refugees			
	Land should not be sold, rented out, leased			
	Land is only for use purposes			
	Land will revert back to land owners after refugees have left			


	The refugees will stay on the land upto 2 years after that the government will renew the contract in the MoU			
	The process of acquiring land follows the principle of free prior to informed consent			
	The government forces land owners to give up their land for refugees by promising them better services like roads, schools, water etc			

24. Suggest the most appropriate rules and procedures that should be followed when acquiring land for refugees to ensure security of tenure/access for host communities and refugees.

	Procedures of acquiring /assigning land rights for refugee settlement	Institutions/persons in charge
	Rules to governing land assigned to refugees	Institutions/persons in charge

Appendix M: Sample of Introductory letters Granting Access to the Settlements


THE REPUBLIC OF UGANDA


Uganda
Vision 2040

OFFICE OF THE PRIME MINISTER

PLOT 9-11 APOLLO KAGGWA ROAD. P.O. BOX 341, KAMPALA, UGANDA
TELEPHONES: General Line 0417 770500, Web: www.opm.go.ug, E-mail: ps@opm.go.ug

In any correspondence on this subject, please quote No: OPM/41/1

September 6, 2023


Ms. Sophie Nagujja,
PhD Student,
Department of Geomatics and Land Management,
Makerere University,
Kampala, Uganda.

PERMISSION TO CONDUCT A RESEARCH STUDY IN ADJUMANI, BIDIBIDI, AND PALABEK REFUGEE SETTLEMENTS.

Reference is made to your letter dated 05th September 2023 regarding the above subject matter.

This is to inform you that you have been granted permission to conduct a research study on the **"Land Tenure Arrangements for Refugees' Accessibility to Customary Land"** with the aim of collecting information about regulations and rules about land allocation to refugees and how tenure security is consequently impacted in Adjumani, Bidibidi, and Lamwo Refugee Settlements from **2nd October 2023 to 30th December 2023.**

By copy of this letter, the Settlement Authorities are requested to accord you the necessary assistance. You too are requested to observe the rules and regulations governing the refugee settlements.


08 SEP 2023
OPM/DOR (GS)
Bafaki Charles,
OFFICE OF THE PRIME MINISTER

FOR: PERMANENT SECRETARY.

- CC: The Refugee Desk Officer, Adjumani
- CC: The Refugee Desk Officer, Arua
- CC: The Refugee Desk Officer, Lamwo
- CC: The Settlement Commandant, Adjumani Refugee Settlement
- CC: The Settlement Commandant, Bidibidi Refugee Settlement
- CC: The Settlement Commandant, Palabek Refugee Settlement
- CC: File Ref: OPM/R/160/230/01