

RIGHTS IN EXILE POLICY PAPER

**“My Children Should Stand Strong to Make Sure We Get Our
Land Back”: Host Community Perspectives of Uganda’s
Lamwo Refugee Settlement**

March 2018



THE *RIGHTS IN EXILE SERIES* BRINGS TOGETHER PUBLICATIONS THAT
FOCUS ON KEY ISSUES OF REFUGEE POLICY AND REFUGEE RIGHTS.

ABOUT THE INTERNATIONAL REFUGEE RIGHTS INITIATIVE

The International Refugee Rights Initiative (IRRI) was founded in 2004 to inform and improve responses to the cycles of violence and displacement that are at the heart of large-scale human rights violations. Over the last 13 years, we have developed a holistic approach to the protection of human rights before, during, and in the aftermath of displacement, by:

- identifying the violations that cause displacement and exile,
- protecting the rights of those who are displaced, and
- ensuring the solutions to their displacement are durable, rights respecting, safe and timely.

We work to ensure the voices of the displaced and conflict affected communities are not only heard but heeded at the international level through our evidence based advocacy that is built on solid field based research and analysis.

We are registered as a non-profit organisation in the US, the UK, and Uganda.

www.refugee-rights.org

ABOUT THIS PAPER

Tigranna Zakaryan conducted the field research and drafted this paper. Lucy Hovil, Yotam Gidron and Andie Lambe provided input and support. The team would like to express their gratitude to the people who gave their time and participated in this research.

Cover image: Reception centre, Palabek-Ogili sub-county, Lamwo Refugee Settlement ©IRRI 2018

All rights reserved. Materials may be freely disseminated and used for educational, activist and non-profit purposes, with due acknowledgment of the source. Otherwise, no part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior written permission from the International Refugee Rights Initiative.

Background

Uganda's refugee policies have gained positive recognition among policy-makers and donors, particularly since the 2013 outbreak of war in South Sudan. By January 2018, there were approximately 1.4 million refugees and asylum seekers throughout the country, the majority of whom are from South Sudan.¹ The Government of Uganda (GoU) has vowed to keep its borders open to asylum seekers at a time when irregular movements of refugees and migrants from African countries are at an all-time high. While the majority remain within Africa, some are making perilous journeys across the Mediterranean Sea to reach safety in Europe, which has prompted the securitisation of borders and migration policies.²

This paper focuses on an area in northern Uganda where the government opened a refugee settlement in April 2017, without the inclusive consent of the community. It examines the process by which land was acquired from customary Acholi landowners in Lamwo District to open "Lamwo Refugee Settlement". In December 2017, the International Refugee Rights Initiative (IRRI) interviewed customary landowners, local government officials and broader host

This paper focuses on an area in northern Uganda where the government opened a refugee settlement... without the inclusive consent of the community.

community members in order to examine aspects of Uganda's refugee policies through the perspective of the host community who deals with the daily implications of sharing resources with refugees.

Northern Uganda has historically served as an epicentre for mass displacement, both for refugees and internally displaced populations (IDPs). The local communities there, have a long history of hosting refugees, dating back to the early 1960s when Sudanese refugees fled Sudan's first civil war. Dually, the conflict between the Lord's Resistance Army (LRA) rebellion and the Ugandan government between 1987-2006, subjected Uganda's Acholi people to extreme brutality and displacement.³ During the war their community was mandated into IDP camps, which has resulted in the current complexity of northern Uganda's post-conflict context.

This paper begins by presenting elements of Uganda's refugee policies and contextualising their realities as they pertain to both refugees and host communities. It particularly focuses on the realities of customary landowners in Lamwo District who gave land for the refugee settlement, and the challenges they now face in securing their land tenure due to the memorandum of

¹ The majority of refugees in Uganda are from South Sudan, with the second largest group being from the Democratic Republic of Congo, followed by those from Somalia, Rwanda, Burundi, Ethiopia, Eritrean, among other nationalities. For more information see: <https://reliefweb.int/sites/reliefweb.int/files/resources/Uganda%20Snapshot%20March%202018.pdf> (accessed 23 March 2018).

² International Refugee Rights Initiative, Strategic Initiative in the Horn of Africa and SOAS "Tackling the root causes of human trafficking and smuggling from Eritrea: The need for an empirically grounded EU policy on mixed migration in the Horn of Africa" November 2017, available at: <http://refugee-rights.org/wp-content/uploads/2017/11/IRRI-KP-final.pdf>

³ For more information on the impact of the LRA rebellion, see: Refugee Law Project Working Paper No. 5, "War as Normal: The Impact of Violence on the Lives of Displaced Communities in Pader District, Northern Uganda", p.6, June 2002. Available at: https://www.refugeelawproject.org/files/working_papers/RLP.WP05.pdf (accessed on 3 March 2018).

understanding (MoU) between them and the GoU which fails to state how long their land will be occupied. Further, the paper examines the host community's desire to locally integrate refugees as opposed to establishing a settlement. It sheds light on the community-driven mechanisms of hosting refugees and makes recommendations on how the role of host communities in Uganda's refugee response can be better supported both through the preservation of customary land rights and development.

Uganda's Refugee Policies: theory and practice

The Uganda Refugees Act of 2006 and the Refugees Regulations of 2010 are the legal provisions guiding the management of all refugee-related activities in Uganda. Within these frameworks, refugees are able to access basic social services such as health care and primary education and, most notably, are granted relative freedom of movement.⁴

The GoU distinguishes between refugee settlements and camps. Refugee settlements are understood by international actors to be more progressive, long-term structures, offering a degree of self-sufficiency, while camps are seen as temporary responses to forced displacement. Currently, over one million of Uganda's refugee population live in rural settlements in the northern districts of Uganda.

settlements are commonly located in geographically remote areas and are in underdeveloped districts where resources are equally scarce for host communities.

Regardless of semantics, the key issue is that these settlements are commonly located in geographically remote areas and are in underdeveloped districts where resources are equally scarce for host communities. Due to the location of the settlements, the ability of refugees to locally integrate and establish a sense of self-sufficiency remains limited – an acute problem given the often protracted nature of displacement in the region.

Uganda's refugee policies have particularly been applauded for granting refugees access to land, a policy that is commonly misrepresented as one in which *all* settlement-based refugees receive land for agricultural use. In reality, as of March 2017, only 55.1 percent of all refugees had land for arable household food production, with rates of access to land varying between settlements.⁵ While there is minimal data on land access, refugees residing in settlements in western and southwestern Uganda have generally been facilitated in their ability to engage in agriculture, as opposed to South Sudanese refugees in northern Uganda, whose access to land has been more limited due to the large-scale demand there. Given that a significant number of South Sudanese

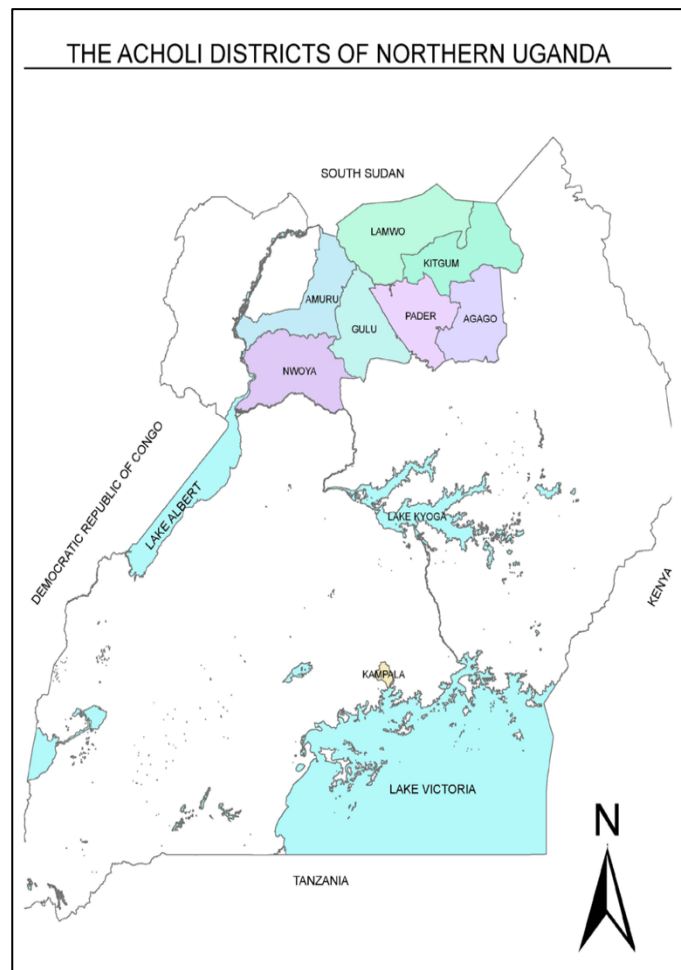
⁴ According to the Refugee Act 2006: Article 30(2), freedom of movement of recognised refugees in Uganda is determined by "reasonable restrictions specified in the laws of Uganda, or directions issued by the Commissioner" and further defines the stated restrictions as pertaining to "national security, public order, public health, public morals or the protection of the rights and freedoms of others." Although the common perception of this law is that it allows for absolute freedom of movement, its interpretation and implementation remains disputed for settlement-based refugees as some Camp Commandants require them to request permits to leave settlements, while others do not enforce this procedure.

⁵ OPM/UNHCR Inter Agency Presentation, Food Security and Nutrition Assessment, Kampala, Uganda, 10 March 2017. Settlement-based refugees in Uganda receive a plot of land to construct a home; this does not guarantee however, access to land for household food production. Generally, longer standing refugee communities have been given land for agriculture, though this varies in each settlement and both household and agricultural plots are subject to reduction in order to accommodate newly arriving refugees.

refugees come from pastoral and agro-pastoral communities, many resort to selling their food rations in order to rent land from Ugandan nationals in an effort to achieve food security and economic livelihoods.

The rapid expansion and demarcation of land for refugee settlements in northern Uganda has allowed national and international actors to respond to the humanitarian needs of South Sudanese refugee communities. While this has indeed led to life-saving interventions, the processes by which land was acquired from host communities has gone largely unquestioned by donors and humanitarian and development partners active in the Uganda refugee response. However, the need to mitigate tensions between the GoU and host communities is crucial, particularly in the case of customary landowners whose land supports refugees in northern Uganda.

The complexities surrounding land negotiations are exemplified in the expansion of Uganda’s refugee response into Lamwo District in the Acholi sub-region. In this context, land acquisition for a refugee settlement needs to be examined through a legal framework in order to ensure the preservation of land rights for customary landowners.



Source: Trocaire, *Protecting Rights to Customary Land: A Research Project*. Map prepared by Physical Planning Office, Gulu.

Understanding Customary Land Ownership

In Uganda, individuals’ and communities’ land rights are governed by multiple legal systems that represent a mixture of so-called “traditional” legal systems, colonial residues and more recent legislation and reforms. The 1995 Ugandan Constitution in Article 237(1) states that “Land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure systems provided for in this Constitution”. The land tenure systems recognised by the Constitution are customary, freehold, *mailo*⁶ and leasehold as the four forms of land ownership

⁶ The term “*mailo*” refers to holding registered land in perpetuity and having roots in the allotment of land pursuant to the 1900 Uganda Agreement (also known as the Buganda Agreement) and is subject to statutory qualifications, as described in Part II(3) of the Land Act 1998.

(Article 237(3)). All of these tenure systems are defined in the Land Act of 1998 (Part II(2 and 3)) but while customary systems refer to those regimes that governed the ways in which communities used land prior to colonialism, the concepts of leasehold, freehold and *mailo* were first introduced by the British during the colonial era.

The land tenure systems governing land rights in Uganda's eleven refugee hosting districts vary. In the north, including in West Nile, land is owned under customary tenure, while land tenure in western and south-western Uganda, includes both freehold and leasehold and is managed by local district land boards on behalf of the central government.⁷

The Land Act of 1998 defines customary tenure as governed by "rules generally accepted as binding and authoritative by the class of persons to which it applies" (Part II(3)(1)(b)). Customary land is owned by indigenous communities and is administered through traditional governance methods, which in the case of the Acholi community in northern Uganda, is managed through clans and sub-clans. Although it is divided up for individual and family use, it remains under the ownership of the community at-large. In IRRI's discussion with community members in Lamwo District, communal land rights were described as the use of land for human settlement, hunting grounds, grazing, agriculture and burial grounds, among other uses. Beyond the immediate use of land to support daily living, it is preserved for future generations and passed on by ancestral lineage through the guidance of clan leaders and elders.

Land Acquisition and the Constitution

In accordance with the Constitution, if land is taken, then fair and adequate compensation is to be provided in a timely manner. Article 26(2) states that "No person shall be compulsorily deprived of property or any interest in or right over property" with the exception of land being taken through eminent domain, which is characterised as "necessary for public use or in the interest of defence, public safety, public order, public morality or public health" (Article 26 (2)(a)). It further notes that when there is a compulsory acquisition of property, "prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property" (Article 26(2)(b)(i)) will occur.

Notably, land rights of minority and indigenous groups are also recognised by international norms, most recently enshrined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).⁸ This declaration recognises that communities shall not be removed from their lands without their free, prior and informed consent, and further states that land should only be taken upon agreement of just and fair compensation (Article 10).

⁷ Article 241 of the Constitution, defines the functions of district land boards as the responsibility (a) to hold and allocate land in the district which is not owned by any person or authority; (b) to facilitate the registration and transfer of interests in land; and (c) to deal with all other matters connected with land in the district in accordance with laws made by Parliament.

⁸ The Declaration on the Rights of Indigenous Peoples was adopted by a majority of 144 states who voted in favour, however Uganda did not vote. The United Nations Declaration on the Rights of Indigenous Peoples, 13 September 2007, available at: https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf (accessed 24 March 2018).

Landowners from Lamwo's Palabek-Ogili sub-county described to IRRI the process by which land was acquired for the refugee settlement.⁹ Host community members described an "open" MoU between Lamwo District government and landowners which does not specify how long their land will be used for the refugee settlement. The open time frame in the MoU was described as one of the main concerns among landowners. As one community leader put it, "Refugees are now staying in camps for over twenty years... this is ancestral land and camps will spoil our land."¹⁰ Indeed, the protracted presence of refugees in northern Uganda is a phenomenon host communities are

Since it is unknown how long refugees will stay in Uganda, [government officials] were unable to commit to a clear period of time after which land will be returned to its owners.

accustomed to, given the role they played in accommodating South Sudanese refugee for decades during Sudan's civil wars (1963-1972, 1983-2005).¹¹

Local government officials explained the lack of information regarding how long land will be occupied by arguing that international refugee law prohibits the forced or involuntary repatriation of refugees.¹² Thus, since it is unknown how long refugees will stay in Uganda, they were unable to commit to a clear period of time after which land will be returned to its owners. Arguably, however, it is

entirely possible to draft a MoU that is time bound with a clause stating it could be returned earlier, should such a situation prevail and be extendable if necessary. It is also problematic to assume that refugees will necessarily remain in settlements and with no access to durable solutions for the entire duration of their time in Uganda and regardless of how long they will remain displaced.

While it was explained to IRRI, by sub-county leadership, that the MoU document is accessible to all landowners, to date, landowners interviewed by IRRI expressed their inability to access the document.¹³ Without having access to the MoU, IRRI, nor the landowners themselves, are able to establish how they might be able to claim their land back or whether they have, in effect, given their land in perpetuity. This has exacerbated the pre-existing trust issues between Lamwo District government officials and landowners, as expressed by an elder who had donated over 50 acres of land for the settlement:

They are refusing to give me my document because I'm left with few years and when I die they will grab the land. They refused to show us and it's suspicious... My children should stand strong to get a document to make sure we get our land back.¹⁴

⁹ Lamwo Refugee Settlement is located two sub-counties – Palabek-Ogili and Palabek-Gem and neighbours Palabek-Kal. The majority of the settlement is in Palabek-Ogili with some also located in Palabek-Gem.

¹⁰ Interview with Lamwo community leader, Kitgum District, 10 December 2017

¹¹ International Refugee Rights Initiative, "South Sudanese refugees in Adjumani District, Uganda: Telling a new story?" July 2015, available at: <http://refugee-rights.org/wp-content/uploads/2017/11/TellingADifferentStory.pdf>

¹² Interview with a Palabek-Ogili sub-county local government official, 11 December 2017. On the principle of *non-refoulement*, see also International Refugee Rights Initiative, "Protection politics: Preventing illegal extraditions, *refoulement* and cross-border persecution in East Africa" January 2018, available at: <http://refugee-rights.org/wp-content/uploads/2018/01/Protection-Politics-FINAL.pdf>

¹³ In the meeting with a Palabek-Ogili sub-county official, IRRI requested a copy of the MoU and was told that it was unavailable.

¹⁴ Interview with landowner, Palabek-Ogili sub-county, 11 December 2017

While host community members interviewed by IRRI were understanding of the standards guiding the protection of refugees, they voiced concern over their inability to access the MoU document stipulating the terms upon which their land is being utilised. Additionally, community leaders expressed concern over the extent to which landowners were able to understand or interpret the document, given its technical legal language and the illiteracy levels among the community at-large.

Recent negotiations between customary landowners and the government should be contextualised in light of the post-conflict realities both in Lamwo and the Acholi sub-regions as a whole. The underlying mistrust between landowners and government is rooted in 20 years of war in the region between the LRA and the GoU and their forced displacement during this period which led to the current and ongoing disputes over land rights and boundaries. IRRI interviewed community members who attested to a deep-rooted fear about land grabbing schemes by the central government and more powerful individuals within their own community for the purpose of “development” and “investment” projects.

In relation to utilising customary land for the purpose of a refugee settlement and the potential for that land to revert to the landowners, multiple interviews referred to the common example of the former settlement known as Achol-Pii now located in present-day Agago District, which hosted South Sudanese refugees until the early 2000s. Due to ongoing insecurity caused by the LRA insurgency, refugees were relocated to Kywangali and Kiryandongo refugee settlements,¹⁵ and Achol-Pii became an army barracks. The land on which it was established, to date, has not been returned to the original landowners.



Reception centre located in Palabek-Ogili sub-county, Lamwo Refugee Settlement (© IRRI 2018)

Furthermore, individual landowners in Palabek-Ogili sub-county, expressed to IRRI that the MoU was signed by select individuals, who whilst having a degree of legitimacy within the community, did not inclusively consult or receive consent from all the landowners whose property is now a part of the settlement. As described by a landowner, “Leaders who did not give up land are representing those who gave up land.”¹⁶ It was further conveyed that the individuals who facilitated the land acquisition did so in an opaque manner which has further raised questions amongst some members of the local community toward the GoU’s motivation to establish a refugee settlement in its current location. Another landowner who refused to give up land stated

¹⁵ ReliefWeb, “Uganda: Resettlement of Acholi-Pii refugees to be expedited”, 15 August 2002, available at: <https://reliefweb.int/report/uganda/uganda-resettlement-acholi-pii-refugees-be-expedited> (accessed 24 February 2018).

¹⁶ Interview with landowner, Palabek-Ogili sub-county, 11 December 2017

“We are now struggling with lack of information because some landowners were targeted during negotiations, while others who vocally said no are now taken over by the settlement.”¹⁷

Land Tenure Security

Based on the information gathered during this research, it cannot fully be determined that land acquisition occurred in an unconstitutional manner, given that a MoU does exist and some landowners were compliant in giving land for the purpose of the settlement irrespective of the current challenges they face. The Constitution's legal framework and guiding principles do, however, need to be upheld to ensure land tenure security to customary landowners, as well as provide transparency and accountability when land is acquired.

Ninety-five percent of Ugandans landowners do not have land titles because the vast majority are unable to afford the costs associated with formalising their land rights.¹⁸ Access to land titles is further complicated by a lack of awareness among landowners regarding their rights, local cultures and attitudes toward land ownership which are not reflective of Uganda's contemporary systems of land management (e.g. national and international investments, population growth, natural resource discoveries) and corruption, among other factors.¹⁹

Traditionally, communal land territories and ownership were known by landmarks such as trees and natural landscapes. Currently in Lamwo District, the expansion of the settlement is causing environmental degradation and as a result, natural boundaries are rapidly disappearing. The complexities surrounding land acquisition are further exacerbated by inadequate record keeping as the land given by each landowner has not been mapped out and recorded. These consequences were explained by a landowner: “They did not record how much an individual has given and now they are building permanent structures... our land boundaries are disappearing.”²⁰

The Promise of Development in Lamwo District

The GoU has integrated refugees into its National Development Plan II and aims to strengthen host community-refugee relations by presenting refugees as agents for development. It works to implement a 70/30 development model, which determines that while 70 percent of externally funded humanitarian and development programmes are geared toward refugees, 30 percent should be matched to host communities. To compliment this effort, the Refugee and Host Population Empowerment (ReHoPE) strategy - an initiative spearheaded by the UN and World Bank which, in line with the Comprehensive Refugee Response Framework (CRRF) - works to bridge the gap among multi-stakeholder initiatives in the refugee response.

Land was given based on the understanding that no monetary compensation would be received, but instead, communities will have access to improved public services.

¹⁷ Interview with landowner, Palabek-Ogili sub-county, 11 December 2017

¹⁸ S. Mabikke, “Historical Continuum of Land Rights in Uganda: A Review of Land Tenure Systems and Approaches for Improving Tenure Security” *Journal of Land and Rural Studies*, 164, 2016.

¹⁹ The Uganda National Land Policy, Ministry of Land, Housing, and Urban Development, 2013, available at: <http://ulaug.org/files/downloads/The%20Uganda%20National%20Land%20Policy.pdf> (accessed 1 March 2018).

²⁰ Interview with Lamwo community leader, Kitgum District, 10 December 2017

While the policy framework is well positioned to support both refugees and their respective host communities, the local interpretation of these policies are rooted in the realities host communities face in their need to access employment, health care, education and basic social services. These needs are largely the motivating factors for local communities to agree for their land to serve as refugee-asylum spaces. However, these expectations prove difficult to satisfy given the needs of the local population.

Landowners describe feeling pressured into giving land by district officials based on the promise of development in their community. As confirmed by IRRI, land was given based on the understanding that no monetary compensation would be received, but instead, that communities will have access to improved public services. A landowner described “the continuous wait for the central government to give our children education, upgrade our health clinic and our running out of ARV medication” as his deciding factors to give land.²¹

On the other hand, a community leader stated the need for better informed procedures in evaluating the type of development needed by stating: “The approach is not right. If you want to bring development into my community, I want to know what kind.”²² He went on to emphasise the need for community-driven consultations with implementing partners and the importance of identifying the rightful beneficiaries entitled to receive support based on their day-to-day realities of sharing resources with refugees.²³

Host Community Perspectives on Refugees

The willingness of Ugandan host communities to give land is commonly described by government officials as being motivated by cross-border ethnic and cultural connectivity and the fact that Ugandans have historically been refugees in the region. In the case of the Acholi community who were subjected to living in IDP camps during the LRA rebellion, a Lamwo local government official reflected on the willingness to give land based on the shared experience of displacement and the “spirit of being human”.²⁴

While the hospitality of Ugandan host communities is the backbone of the government’s ability to operationalise its refugee policies, overt generalisations should be avoided because they fail to recognise the unique challenges faced by each host community, and in this case, the sensitivities associated with the inclusion of their perspective on how land should be secured for refugees.

The distinctions between Lamwo District as a whole and the specific host communities who have given land and immediately neighbour the refugee settlement, must be well defined when evaluating appropriate humanitarian and development interventions meant to support both locals and refugees.

Lamwo has five main entry points bordering South Sudan and is a sparsely populated district with an estimated population of 137,785. Within it, there are 11 sub-counties and two town councils, of which Palabek-Ogili and a portion of Palabek-Gem sub-counties host the current

²¹ Interview with landowner, Palabek-Ogili sub-county, 11 December 2017

²² Interview with Lamwo community leader, Kitgum District, 10 December 2017

²³ Ibid.

²⁴ Interview with local government official, Palabek-Ogili sub-county, 11 December 2017

refugee settlement. Land, which consists of approximately seven villages and an estimated population of 16,000, was allocated for the settlement currently hosting approximately 37,407 South Sudanese refugees.²⁵

Community-driven Integration of Refugees

An attack in April 2017 in Pajok, South Sudan (a town approximately 15 km from the Ugandan border), led to the mass flight of South Sudanese civilians into Lamwo District.²⁶ Prior to this incident, community members described the steady arrival of predominantly South Sudanese Acholi refugees, who were being integrated into broader local communities throughout the district on the basis of immediate and extended family relationships and ethnic ties.

Community members also shared that prior to the mass influx into Lamwo, there were discussions between community leaders, who have political ties to the central government, and district and local government officials to mobilise for a refugee settlement in Lamwo District. However, when approached at that time, the community largely refused to give up their land and advocated instead to continue hosting refugees through ongoing local integration.

Regardless of the community's push for local integration, the government went ahead and established a refugee settlement.

In other words, the prospect of hosting more refugees was not perceived, in and of itself, negatively given the fact that it was already in motion and facilitated by the host community. As one landowner interviewed by IRRI stated, "our daughters are married there [Pajok] and we must support them".²⁷ Rather, landowners expressed discomfort toward a *refugee settlement* approach to hosting refugees and resented having land demarcated for this purpose. When recalling the living conditions in the IDP camps, another host community member stated, "[w]hen we were in IDP camps, houses were door to door, but refugees have plots and this is making us worried that it is a real settlement, the name alone is threatening."

Regardless of the community's push for local integration, the government went ahead and established a refugee settlement. When IRRI inquired why the community's wish for integration was not supported, it was explained that a refugee settlement is needed in order to screen and register refugees into the district.²⁸ While this indeed is an important factor, Uganda has exemplified its ability to accommodate refugees outside refugee settlements, such as the urban refugee communities in Kampala as well as those residing in towns in northern Uganda such as Pakelle in Adjumani District. Therefore it would seem prudent for the community's views to be heeded and possible alternatives to settlements to be genuinely considered. This serves the dual purpose of not only ensuring greater understanding and acceptance by the host community of

²⁵ ReliefWeb "Uganda Refugee Response – South Sudan Situation (16 March 2018) <https://reliefweb.int/sites/reliefweb.int/files/resources/Weekly%20SSD%20Info-Graph%2016-03-18.pdf> (accessed 26 March 2018).

²⁶ Reuters, "South Sudanese troops butchered civilians, shot children: refugees", available at: <https://www.reuters.com/article/us-southsudan-unrest-uganda/south-sudanese-troops-butchered-civilians-shot-children-refugees-idUSKBN1771Y0> (accessed 24 February 2018).

²⁷ Interview with landowner, Palabek-Ogili sub-county, 11 December 2017

²⁸ Interview with local government official, Palabek-Ogili sub-county, 11 December 2017

the refugees, it also ensures that refugees are given the opportunity to enjoy freedom of movement as recognised under Ugandan law and establish their well-being among broader host communities and beyond settlements.

Conclusion

The perspectives reflected by host community members in Uganda's Lamwo District, and more specifically in Palabek-Ogili sub-county, demonstrate a number of issues that have resulted in a lack of trust between host communities and the GoU. These issues specifically relate to the role of host communities as stakeholders in Uganda's refugee response and are the result of multiple shortcomings including: the lack of transparency in the acquisition of land from host communities for the purpose of a refugee settlement; the communities' lack of access to the MoU document under which their land is being occupied; and, the GoU's decision to proceed with a settlement based response as opposed to the community's pursuit of local integration. Certainly, all of these issues are rooted in the existing tensions between customary landowners and the central government following their return from IDP camps, and the challenges they continue to face in securing their land tenure.

Uganda's refugee population is expected to increase by 400,000 new arrivals by the end of 2018, resulting in an estimated 1.8 million refugees, of which an estimated 300,000 are likely to be South Sudanese.²⁹ As all stakeholders work to develop their capacity in supporting refugees, it is imperative that humanitarian and development interventions reflect the diverse needs of Uganda's refugee-hosting communities. Both government and non-governmental actors must embrace their shared responsibility towards preserving the rights of host communities and practice flexibility in adopting grassroots, community-driven methods that support refugees. It is crucial for all interventions to be rooted in genuine consultations with host communities and implemented in a manner which upholds their rights in regards to land tenure security.

Recommendations

To the Government of Uganda:

- Ensure land acquisition for refugee settlements complies with the Constitution and is carried out in a transparent manner which includes the free, prior and informed consent of landowners;
- Ensure customary landowners, who give land for a refugee settlement, as well as those whose land is by effect, incorporated into a refugee settlement, receive customary land titles;
- Facilitate the proper and accessible documentation of land boundaries and conditions upon which land is acquired for a refugee settlement;
- Prioritise community-driven, local integration mechanisms as a durable solution and a genuine alternative to settlements, in order to better promote refugee self-reliance and resilience.

²⁹ UNHCR Contingency Planning Figures, Inter-Agency Coordination, Kampala, 23 March 2018

To all stakeholders in the Uganda refugee response including donors, UNHCR, humanitarian and development partners:

- Ensure that district-level engagement is rooted in a well-founded understanding of who the refugee-hosting communities within the district are, and more specifically, the legal rights of the customary landowners whose land is enabling the refugee response;
- Integrate a land rights specialist into the refugee settlement planning phase to ensure support lawful acquisitions of land and ensure the consent of landowners;
- Carry out activities in a manner which supports trust-building mechanisms with local communities whose land hosts refugees, in addition to employing conflict prevention/resolutions methods in order to mitigate land tensions, among other issues;
- As the emergency phase in northern Uganda's refugee response stabilises, re-evaluate interventions and implement programming which reflects the needs of host communities, and supports positive social cohesions among host communities and their government, as well as host communities and refugee populations.