

# Land Allocation and Conflicts among Refugees and Host Communities, A case of Nakivale and Oruchinga Refugee Settlements in Western Uganda

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**Abstract:** The increase in the number of refugees due to different situations that threaten human security has become a global problem manifested in societal, governmental and international levels (Steimel 2021). Uganda is among the top refugee-hosting countries in Africa and the world with 1.4million refugees (UNHCR, 2019). The government adopted an approach of accommodating refugees by placing them in settlements within communities and granting them access to basic resources like land, water and others services, which they at times share with host community members (Lomba, 2010).Uganda's progressive refugee policy has not effectively addressed the issue of land allocation and conflicts between refugees and host communities as land is continuously becoming scarce due to increase in population (Bjørkhaug, 2020). While several refugee-related studies have been conducted worldwide, little is known about the conflict between refugees and host-community in western Uganda-a gap this study hoped to address. The objective sought to examine how land allocation to refugees leads to conflicts between refugees and host-communities of Nakivale and Oruchinga. The study was guided by Conflict theory propounded by (Bartos, 2002), as derived from the ideas of Karl Marx in 1848. A case study research design was adopted, where qualitative and quantitative approaches were used in data collection. The study found various probable causes of land conflicts between refugees and host communities in Nakivale and Oruchinga to include: inadequate consultation by the government with the host communities prior to the establishment of refugee camps and settlements; lack of direct and clear information from the government to the communities about the tenure of land occupation by refugees; cultural differences between the refugees and host community, which has resulted in lack of trust and breach of harmony among the two groups. Also, it was found that climate change with its attendant impact on environmental degradation has exacerbated scarcity of arable land, leading to resources conflict between refugees and host community members in Nakivale and Oruchinga. The study concludes that lack of prior engagement of key stakeholders in the processes of land allocation mostly host communities and proper demarcation of land between host communities and refugees will always lead to continuous conflicts in Nakivale and Oruchinga. This implies that there is need for timely consultations with the host communities, sensitization of refugees and host communities on peaceful co-existence and involvement of all key stakeholders before and during land allocation processes.

**Key Words:** Refugee, Host Community, Conflict, Resource Allocation.

## I. INTRODUCTION

Refugee crisis is not a new problem, but rather one that dates back to the earliest days of humanity (Manning, 2020). The world is presently experiencing unmatched refugee influx which is as a result of political, economic, and religious conflicts and internal wars. Refugees' problem ceased being a regional problem since it has become a global problem. It is important to note that the primary victims of the refugee problem are always individuals (Steimel, 2010). Globally, more than 82.4 million people have faced different circumstances that have forced them to leave their homes to search for safety elsewhere (UNHCR, 2020). People have become refugees over time due to conflicts as well as persecution by oppressive governments, massive violations of human rights, war, internal conflicts, external aggression, ethnic and religious strife, direct political persecution, economic and natural disasters, and other factors that endanger their lives (Gil, 2007, 87-93). African countries are simultaneously origins of refugees and host other refugees (Weidmann, 2009). Most refugees in African countries are placed in camps by the help of both host government and the implementing agency's (Aristide et al, 2019). Refugees are mostly faced with problems which include persistent shortage of food, water, poor hygiene and inadequate land for agricultural needs all of which have created direct consequences on the host communities (Hadijah, 2018).

In East Africa, Kenya has a history of hosting refugees since early 1970s when it hosted Ugandans displaced by the political coups and tribal regimes of the time (Ali et al 2017). Kenya received refugees from Somalia, Ethiopia, South Sudan and Democratic Republic of Congo. The refugees from Ethiopia came to Kenya after the fall of the Derg regime in 1991 which had failed to stop political persecution even though they arrived later (Lie,2018).

In Uganda, rigorous involvement with refugees started in 1955 when Uganda hosted approximately 78,000 Southern Sudanese refugees (Katungi, 2019). In 1959/1960 influxes of Congolese and Rwandese refugees entered the western part of Uganda. Since then, Uganda has played host to thousands of refugees from the following countries: Burundi, Congo, Eritrea, Ethiopia, Kenya, Somalia, Sudan, Sierra-Leone, Senegal, Mozambique, South Africa, and Zimbabwe. However, majority of refugees in Uganda are comprised of the nationals of

surrounding countries, viz.: Rwanda, Congo, Sudan, Burundi and Kenya. The numbers from Kenya have been minimal compared with the rest. In the 1960s, five new settlements, namely Acholpii, Nakapiripirit, Nakivale, Kyaka and Kyangwali, were created in northern, eastern and western regions. Since then, the government of Uganda has adopted a policy of hosting refugees who are officially registered with the government and UNHCR in settlements as opposed to camps (Ginyera-Pinyawa, 1998; Government of Uganda 1999). Uganda is a signatory to several international legal frameworks/instruments meant to protect refugees. For instance, Uganda is signatory to the Refugee Convention of 1951, the 1969 OAU convention as well as the 1976 Protocol on refugees. Uganda Refugee Act of 2006 mirrored the known international standards for refugee protection, also enshrined within several preceding legal frameworks. This is where refugees have freedom of movement and the right to employment, education and health, as well as the right to start a business.

Currently, Uganda is among the top refugee-hosting countries in Africa and the world with 1.4million refugees (UNHCR, 2019). Refugees are placed in settlements neighbouring host communities and have access to basic resources like land, water and cash handouts (Lomba, 2010). They have the right to work, establish business, go to school, freedom of movement and are also allocated land for shelter and agricultural use (Zetter, R. 2016).

Despite Uganda's progressive refugee policy which allows refugees the right to work and significant freedom of movement and the contribution of refugees to the local economy by expanding consumer markets for local goods, opening new markets, there has been a rise in disputes between refugees and host communities over issues on land, water and cash handouts since 2016 up to date. (Ahimbisibwe, 2019). Although a delicate balance is required to reconcile these competing interests for land, water and cash handouts, it appears that appropriate steps have not been taken for a practical remedy to the standoff.

While host communities of Nakivale and Oruchinga refugee settlements were initially hospitable to refugees, they seem to be developing xenophobic tendencies against them, calling for their repatriation as it became evident that many may not be able to return "home", and as competition for land, water and other resources heightened (Turyamureeba, 2018). Nakivale and Oruchinga have become the epicentre of contrivances where host population are constantly in conflicts with refugee Host communities have developed fear for being evicted from the land on which they grow their crops and access water for their animals and home consumption because of the continuous allocation of land to refugees (Bjørkhaug, 2020). It is, therefore, against the above background that the study focused on how resources are allocated in relation to conflicts among refugees and host communities of Nakivale and Oruchinga, given the fact that Uganda has always been considered a safe haven for refugees (Iazzolino, 2014)

## II. THEORETICAL FRAMEWORK

The study was guided by Conflict theory propounded by (Bartos, 2002), as derived from the ideas of Karl Marx in 1848. According to Conflict theory, there is always perpetual societal conflict because of scarce resources. Such conflicts arise because the political and economic structures that naturally exist in societies create social divisions and inequalities as people struggle to pull resources towards themselves. In Oruchinga and Nakivale refugee camps, the major resources needed for minimal survival are shelter, land, water, food and basic health amenities which is the same scenario with the host communities (Betts, 2021). As the conflict theory asserts, the two groups are bound to engage in conflict as each struggle to garner more resources to meet their demands in their different communities (Bjørkhaug, 2020; Nyeko,2005).

The situation is further escalated by Government's preferential treatment of the refugees where they are provided with resources not available to the host community. Such is viewed by the host community as an attempt to create social classes, which according to the conflict theory are a precursor to conflict. The situation in Nakivale and Oruchinga is not any different from the resource-based conflicts noted elsewhere in the world. Therefore, this theory is relevant to this research as it explains how allocations of scarce resources, cause conflicts, in situations where there is scarcity.

## III. REVIEW OF RELEVANT LITERATURE

In many parts of developing world, the structure of land allocation is driven to a larger extent by non-market informal land arrangements such as inheritance, allocation by village chiefs, friendly rental agreement among kin, access rights over a perennial, exchange of labor for land, sharecropping and fixed-wage contracts (Burke & Young, 2019; Deininger & Feder, 2017; Yami & van Asten, 2018). Many households, particularly the land poor, can only access land through informal land transactions, while it is also an income-generating opportunity for landed families (Holden & Otsuka, 2014).

Land-related issues figure into many violent disputes around the world (Van & Der Haar 2016). Ongoing communal violence in Nigeria and Sudan is tied to competition over scarce fertile land and poor resource governance. Disputes over access to land and valuable mineral resources drove wars in Liberia and Sierra Leone, and the nearly 25-year war in Sri Lanka was fought over geographic claims to an ethnic homeland for the country's minority population (Russell, 2021). Understanding the role land plays in the conflicts of so many nations can help policymakers develop strategies to ease tensions among groups, limit conflict, and potentially avoid violence and the poverty trap that comes from cyclical violence (Collier et al., 2003). Land is the object of competition in a number of potentially overlapping ways: as an economic asset, as a connection with identity and social legitimacy, and as political territory (Baranyi and Weitzner, 2001).

In Uganda most of the settlements are hosted on customary land, for instance all settlements in northern Uganda that host South Sudanese refugees, except for Kiryandongo refugee settlement, are on customary land. Customary land tenure is in the Uganda Land Act (1998) described as land that is owned in perpetuity by the community or clans and is guided by customary law. Authority over this communal land lies in the hand of elders, clan chiefs or religious leaders (OPM, 2018).

The allocation of land among refugees is guided by the Refugee Act (2006) and Refugee Regulations (2010) in Uganda. Families are given small parcels of land and are expected to become progressively self-reliant given a period of time. While refugee households can exclusively use the assigned plots, they do not possess power to own, sell, rent out or pledge the allocated land by Government as collateral for credit from financial institutions (OPM, 2018). There is no fixed timeframe over which refugees can use the allocated land. Their user rights are revoked upon relocation, resettlement elsewhere or upon return to their countries of origin (UNDG, 2009). Given that land is a fixed resource, and there is already high population growth in Uganda, this model of land allocation cannot be sustained in the long run (Ahaibwe&Ntale, 2018).

According to (Martin 2005, 56-71), the study of resource allocation of the Bonga Camp in Ethiopia and the host communities found out that even resource such as land, forests, and wildlife that have been available to refugees and host communities have become scarcer (Charny, 2009), and blamed the arrival of refugees for this situation (Dryden-Peterson and Hovil, 2003). Land conflicts between refugees and nationals are a result of government policy of settling refugees in gazetted areas which at times the local communities have been accessing (Kalyango, 2002). Due to the physical separation that often exists between refugee and host communities, the benefits enjoyed by refugees may be exaggerated in the eyes of host communities, driving further tension between the two groups (Dryden-Petersen, 2003).

The situation in Guinea is equally concerning. Guinea has hosted thousands of refugees fleeing the conflicts in Sierra Leone and Liberia for nearly two decades (Walton, 2012). Refugees are located in both urban and rural areas where resources are less thus over utilized. As a direct consequence of hosting so many refugees, local customs around land use have been modified. Land is lying fallow for far shorter periods of time, leading to soil depletion. The significantly higher demand for arable land has led to an increase in deforestation and a diminution of water resources.

#### IV. METHODOLOGY

##### *Research Design*

The study adopted descriptive research design with the use of mixed research methods (qualitative and quantitative). Mixed methods approaches were used in the study as they helped to gain a more complete picture than a standalone quantitative or qualitative study. Descriptive studies on the other hand tend to make a more accurate presentation of a particular phenomenon

that has been the subject of prior research, but has not been well exhausted (Cooper, 2006). The design is ideal for studies relating to attitudes, behaviour, and characteristics. It helps in understanding how a specified or identified population reacts or is affected to specific stimuli (Rockinson-Szapkiw, 2012). This design helped in analyzing and synthesizing the behaviors and attitudes of refugee and host communities of Nakivale and Oruchinga.

##### *Target Population*

The study targeted a total number of 13,575 households from both refugee settlement and host community, which was carefully selected from the UNHRCR 2020 report and the office of the prime minister of Uganda (OPM). According to this report, there are 131,486 refugees in Nakivale refugee camp, comprising of 4953 households. Oruchinga settlement camp has 6,852 refugees, comprising of 2862 households (UNHCR, 2019b). Nakivale host community has a total a population of 39,654 people comprising of 3302 households, while Oruchinga host community has 10,598 people comprising of 2458 households.

##### *Sampling Technique and Sample Size*

Stratified purposive sampling techniques were used in selecting respondents. The respondents were classified into different strata corresponding their geographical location; those in the settlements and host communities. In each strata, purposive sampling was then used to select households that were included in the study. The same approach was used in identification of the refugee and host community leaders. On the other hand, the sample size for the quantitative data was derived using the Slovene's formula, where a total of 389 respondents from Nakivale and Oruchinga settlements and host communities were sampled. 25 key informants were derived for the qualitative data, using respondents from UNHCR, OPM, and Isingiro Local Government.

##### *Method Of Data Analysis*

Qualitative data were analysed using narrative analysis as it involves examining and recoding data gotten from interviews or other visual/audio data. This method is used in interpretivism paradigms in research because it helps interpret individuals' everyday lives and gives it context in line with research objectives. Quantitative data was analysed using statistical packages. The data obtained from the field were organized, classified, transformed and analysed using Statistical Packages for Social Sciences (SPSS) computer software. Data was cleaned prior to analysis by checking for omitted values, checking outliers, common method variance, testing for normality, linearity, sampling adequacy and Multi co linearity. The quantitative data helps to validate the qualitative results to increase reliability, correctness and generalisation of final results for a broad and in-depth interpretation and understanding of the study. All tests of association between the variables in the study were carried out using the Chi-Square methods.

## V. MAJOR FINDINGS

*Land Allocation and Conflicts among Refugees and Host Communities*

The results of the study objective are summarised in table 1 below

Table 1: Land allocation and Refugee/Host community conflicts in Nakivale and Oruchinga.

Sn	Parameter	N	Strongly Disagree	Disagree	Neither agree or disagree	Agree	Strongly Agree	P-Value
	There has been conflicts in this community since the refugee camps were established	370	3.1%	6.3%	12.5%	40.6%	37.5%	
A1	The community is consulted prior to establishment of refugee	370	30.0%	50.0%	3.5%	9.5%	7.0%	*0.001§
A2	There is an established process of land allocation to refugees by the government	370	13.0%	22.0%	0.0%	34.0%	31.0%	19.00
A3	Participation of both host community and government during land allocation	370	28.2%	40.6%	3.1%	25.0%	3.1%	*0.001§
A4	Refugees use only land allocated to them by the Government	370	15.6%	50.0%	6.3%	3.1%	15.6%	*0.001§
A5	People have been displaced from their homes/land to establish refugee camps	370	0.0%	15.6%	0.0%	34.4%	50.0%	*0.001§
A6	There is environmental degradation due to establishment of refugee settlement	370	3.1%	6.3%	0.0%	53.1%	37.5%	*0.044§
A8	There is peaceful co-existence between the local community and refugees	370	31.3%	31.3%	3.1%	28.1%	6.2%	*0.008§

§ Chi-square test of association; Significance conducted at 0.05% level; Values with \* are significant.

Using a 5-point likert scale, the results summarised in table 1 indicate that 78.1% of the respondents agree that there are conflicts between refugees and host communities in Nakivale and Oruchinga. 80% of respondents from host community believe that one of the major source of conflicts between refugees and host community is lack of prior information before and during the establishment of refugee settlement in their communities. They feel the government should inform them earlier and be engaged in any matter to be done in their communities. This was supplemented by qualitative data where one key respondent had this to say

*“We are not consulted at all. We just see refugees coming only to find out that they are going to stay near our communities. It is only the top leaders from the district that are informed on the issues of refugees. I believe that to avoid conflicts, it is important for Government to first consult with local councils, local leaders about the availability and utilisation of land that these refugees are to occupy. Overall, the strategy adopted in the allocation land is lacking where there is lack of proper information on the side of host community to understand on issues why refugees are settled within their communities. This creates a lot of insecurity where host communities fear that all land that they have been using will be taken away from them and given to refugees (K18, Refugee Host community leader Nakivale, 15th June 2021)”*

Still, 68.8% stressed that lack of participation of host community leaders during allocation of land to refugees was a contributing factor to conflicts among refugees and host communities. The host community feel they are the ones who know the boundaries of their land which government gives refugees thus seen as being neglected and not respected during the exercise. This creates a scenario where refugees are welcomed by resistance from host community well knowing

that they are going to take possession of the facilities they have been enjoying like government gazzated land.

The study findings show that 65.6% of the respondents from the refugee community indicated that land allocated to them is not enough to cater for their agricultural needs which perhaps explains why they sometimes encroach on the resources that are not allocated to them subsequently leading to conflicts between the two groups.

The study results also indicate that more than 84% of the persons in the host communities have ever been displaced unwillingly and forcefully to establish refugee camps and settlements. Such is significantly associated with land-related conflicts. When people are forcefully displaced from land that they have lived on for long period though not owning it legally, they are naturally bound to retaliate unless they receive monetary compensation or if transferred to a better location. The land that the government settled refugee in western Uganda was originally Omugabe land which was given freely to government thus people who had strong bond with Omugabe have been describing it as land grabbing by the government though community members themselves cannot show documentation of the land they are claiming

90% of the respondents mentioned the issue of environmental degradation in places where refugee settlements have been established as a contributing factor to conflicts between refugees and host communities. The host communities blamed it much on refugees' behaviour of cutting down vegetation in order to construct houses and firewood for cooking. This has left host communities with no option than always conflicting with refugees. In an interview conducted with community leaders it was stated that

*“We are having many cases reported by our people that refugees are cutting down their trees at night. The report*

*is that they find their trees stolen in the morning and there is no one else other than refugees that are constructing houses on a big number. There is a time when refugee was caught burning charcoal with stolen wood which prompted mob to beat him which prompted also the refugee community start fighting back” (KI 12 Oruchinga community leader 18th June 2021)*

The study found out that 62.6% respondents cited out that there is no peaceful co-existence of refugees and host communities as they are always in battle of land access and use. It was noted that, severally host communities encroach on refugee resources by not respecting them as true bonafede occupants of the land. Respondents from host community stressed that due to rapid population increase in their communities, the resources available mostly land is not enough to facilitate their needs. This was emphasised during the interview with the community leader

*“The conflicts between us and refugees is because we are often displaced from fertile land and given out to the refugee. Our families have expanded and we do not enough land for our families to survive. All our grazing land have been given out living us to walk with animals for long distance searching for pasture and water. These benefits received by refugees are not extended to our communities where most of the people are very poor and have no enough food to sustain their families. All these combined creates a gap between refugees and host community where we see refugees enjoying more than us (KI 11, community leader Nakivale, 17th June 2021”)*

The findings thus are in agreement with conflict theory which states that there is always perpetual societal conflict because of competition for scarce resources and in most cases when people are not from the same background.

## VI. DISCUSSIONS OF FINDINGS

Uganda hosts the largest refugee population on the African continent (Mulumba & Olema 2009) with a unique refugee hosting policy that also includes providing the refugees access to land. Besides providing the refugees with freedom of movement, cash donations and food from UN agencies, the refugees are given parcels of land to build and carry out economic activities (Zhu *et al.*, 2016). Given the fact that most of the refugees in Nakivale and Oruchinga are from agrarian communities, providing land to them helps to improve on the self-sustainability, improve their livelihoods and productive capacity which serves to reduce on their dependence on donations though it has been identified as source of conflicts in different ways between host community and refugees.

Land conflicts between refugees and host communities of Nakivale and Oruchinga are a result of government policy of settling refugees in gazetted areas which have been used by the local communities. Due to the physical separation that often exists between refugee and host communities, the benefits enjoyed by refugees are exaggerated in the eyes of host communities, driving further tension between the two groups

(Kalyango, 2002). The study demonstrates that land conflicts between the refugees and host communities are far-fetched. The respondents believe that one of the major sources of conflicts between the refugees and host community is that adequate consultations are not done by the responsible stakeholders prior to allocation of land to refugees. Under the Comprehensive Refugee Response Framework, there should be an inclusive multi-stakeholder approach that involves the local authorities. Working with refugees and members of the host community in a collaborative planning process may generate an expanded array of options (Berke, & Larsen, 2022).

This should be a progressive step towards establishing an international regime aimed at ensuring that large scale refugee movements are dealt with, ensuring self-reliance, inclusion and providing support for refugees but benefiting the host communities too (Keith, 2021). It was also noted that some of the government steps taken to investigate refugee-host community conflicts have often failed to have proper representation of the refugees and the host community. This often produce very narrow and simplistic solutions that contribute less towards ameliorating conflicts (Bagenda, Naggaga & Smith, 2003).

The study shows that although the district local government leaders are usually engaged in the identification of land to give to the refugees, the local leaders at the host communities level are not fully involved to get their acceptance. Some of the host community persons have lived on the same land for generations and displacing them suddenly for purposes of establishing the refugee settlement without their acceptance is bound to meet heavy resistance and conflicts (Bjørkhaug, 2020; Ronald, 2020). Furthermore, the study has shown that the refugees are located in areas that have access to enough resources, and in strategic areas like near Rwarunga River. Such areas are also needed by the host communities for farming and conflicts usually arise when these two groups begin using the same land. Besides, the host communities often feel the benefit of providing free land to the refugees should also be extended to them.

The host community often refer to refugees as new-comers but enjoying the benefits of the old-guard, the original owners of the land, and some local people do not have the same benefit.

They thus start scrambling for the same under a moral opinion that after-all the refugees also do not own the land. This finding is similar to that of Bagenda, Naggaga & Smith (2003) which discovered that the land provided to the refugees may sometime appear bushy and disserted, the same that had been previously owned or used by the local people for economic activities and giving it to refugees creates resentment eventually leading to land conflicts. The research found out that by subdividing the agricultural plots to meet demand, the smaller plots given to refugees are not sufficient to provide food for the family and generate a surplus that could be sold. As refugees stay for longer periods, family sizes get larger, and soil fertility decreases where land is a finite resource of varying fertility.

These factors, coupled with population growth in the region, creates a situation in which poor peasants, of both pastoralist and agriculturalist traditions, are forced to migrate from their home areas in search of free land on which to settle. Nakivale settlement originally was approximately 86 square miles, though not formally demarcated, which kept propelling many nationals to keep using it cultivating crops and grazing their animals. The illegal occupancy of land within the settlement by nationals having been not addressed by the GoU or refugee agencies, many nationals interviewed claimed to have purchased, or been given the land in question by the camp commandant or local authorities. In view of the above most of these conflicts happening is due to lack of information that clearly stipulates on who should be the rightful occupant and lack of proper documentation for land transactions.

## VII. CONCLUSIONS AND RECOMMENDATIONS

In spite Nakivale and Oruchinga being the oldest refugee settlements in Uganda, and having a progressive refugee management approach which has been widely hailed as compassionate and smart, still conflicts have been recorded among refugees and host community. As opposed to other countries, the refugee policies allow the refugees to participate in economic activities, own their own business, access other social services as part of the Comprehensive Refugee Response Framework (CRRF).

Though Nakivale has been regarded as the best place to refugees in the world (BBC 2016) increased conflicts have been registered among refugees and host communities over land resources. UNHCR self-reliance strategies place a romantic and unrealistic emphasis on subsistence farming to meet the needs of refugee communities (Ten 2019). The study concluded that the land given to refugees is not enough to provide food for the family and generate a surplus that could be sold. The ever-growing population for both refugees and host community pushes both parties to look for alternative where they end up conflicting for land which is scarce. Some people in the host communities feel the refugees have better benefits than them and feel they have no moral right to claim ownership of land, or part of it, that they have lived on for generations. This has created sense of fear among host community for being evicted at any time refugees are to be brought to settlements.

In relation to the study findings and discussions, below are the following, recommendations;

Prior to establishment of refugee camps and/or settlements, there should be consultations with the host communities. Such consultation could in form of identification of land fit for the refugees, how to foster peaceful co-existence while sharing the already existing land and on forms of economic activities that the refugees and host communities can do on the gazetted land without causing conflict and environmental degradation. There should be an inclusive multi-stakeholder approach that involves the local authorities.

Refugees should be sensitised on the benefits of repatriation as a way of decongesting camps. There should be go see visits that

will encourage refugees to go back home and confirm that their countries are peaceful.

Land distribution to the refugees should not be aimed at keeping the refugees and host communities apart, but rather at fostering co-existence and socio-economic relationships between the two groups.

The study concludes that lack of prior engagement of key stakeholders in the processes of land allocation to refugees will always lead to continuous conflicts in Nakivale and Oruchinga. This implies that there is need for timely consultations with the host communities, sensitization of refugees and host communities on peaceful co-existence and involvement of all key stakeholders before and during land allocation processes. There is need to involve all stakeholders into the affairs of refugees. Bringing everyone on board provides all members of the community with an idea that they are all involved in whatever is going on. For any programme to be successful there is always need to involve all the stakeholders in its implementation.

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