Opportunities to Govern

Negotiating Authority over Land in the Imvepi Refugee Settlement, Uganda

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Map of refugee settlements in West Nile region and Arua district
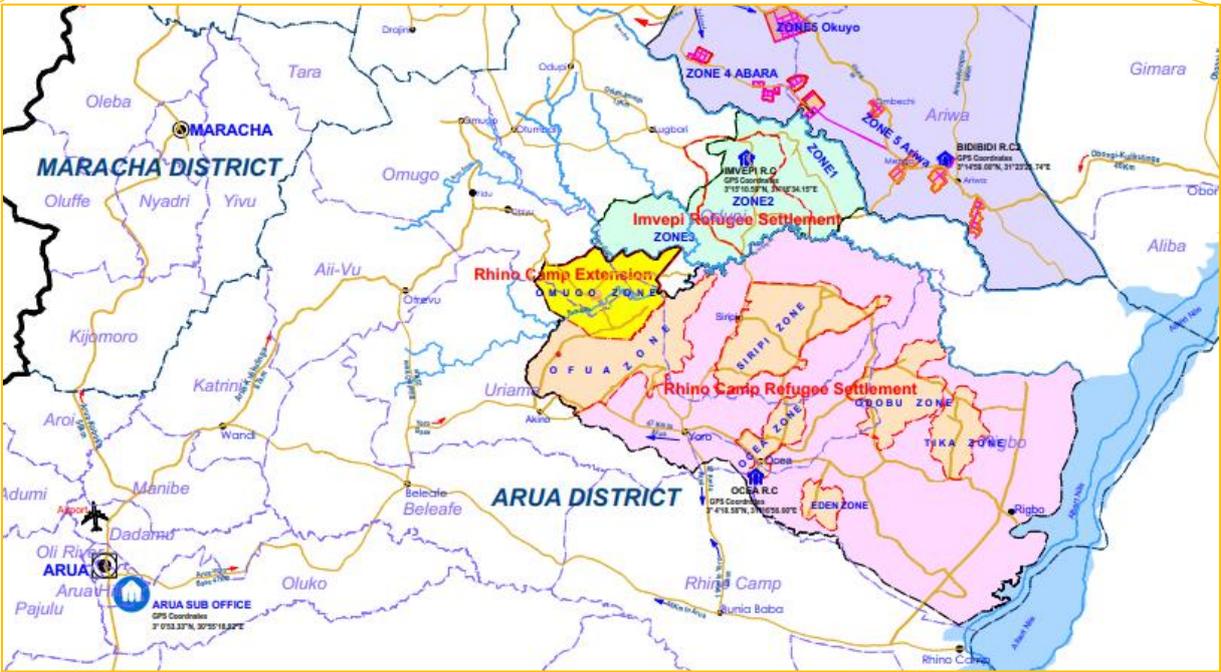
(Source West Nile map: Refugeesinternational.org, Source Arua map: UNHCR)

List of Abbreviations

CARA	Control of Alien Refugees Act
CRRF	Comprehensive Refugee Response Framework
DAR	Development Assistance for Refugee-Hosting Areas
DRC	Democratic Republic of Congo
LC	Local Council
LRA	Lord's Resistance Army
NGO	Non-Governmental Organisation
NRA/M	National Resistance Army/Movement
NY Declaration	The New York Declaration for Refugees and Migrants
OPM	Officer of the Prime Minister
RAD	Refugee Aid and Development
ReHoPE	Refugee Host Population Empowerment
RPF	Rwanda Patriotic Front
RWC	Refugee Welfare Council
SPLA	Sudan People's Liberation Army
SRS	Self-Reliance Strategy
UN	United Nations
UNCHR	United Nations High Commissioner for Refugees
UNLA	the Uganda National Liberation Army
UNRF	Uganda National Rescue Front
WNBF	West Nile Bank Front

Chapter One: Introduction

How does a humanitarian intervention reshape the relations of authority over land? That is the question I want to answer with this thesis. I will do so by looking at the Imvepi refugee settlement in the West Nile Region in Uganda and analyse how the establishment of a refugee camp influences property relations of land between the various actors involved in the hosting of refugees. These actors include the host communities, government agencies, NGOs, and the refugees. This reshaping of property relations around the Imvepi settlement allows for new constellations of authority to take form. The thesis works with a legal anthropology approach and looks at how property over land and authority are mutually constituted through a process of recognition between various institutions and actors. This recognition between institutions and actors is not self-evident but is established in negotiating processes where competing institutions and actors mobilise various resources and repertoires to legitimise their claim over land. To observe this competition over authority, I did fieldwork in and around the Imvepi settlement by conducting interviews with the various actors involved to map out how institutions and actors claim their authority over land.

In this introductory chapter, I will give a short description of the current situation of the refugee settlement in north-western Uganda, and which questions I want to answer in this research. I will then give a short overview of the domestic and international politics of Uganda to provide the necessary background to both the refugee- and land policy in Uganda. This chapter will then conclude by outlining the further structure of this thesis.

The Current Situation of the Hosting of Refugees in Uganda

Uganda is currently hosting over 1.4 million refugees, making it the largest refugee-hosting country in Africa (UNHCR, n.d.). Most of these refugees are from South Sudan and make up more than sixty per cent of the refugee population. Refugees originating from the Democratic Republic of Congo (DRC) are the second-largest group of refugees, which make up almost thirty per cent of the refugee population. Refugees in Uganda are mostly hosted in settlements in the West Nile region in the north-western part of the country.

Part of the Ugandan refugee policy is providing refugees with a plot of land of 50 by 50 meter per household (UNHCR, 2017). On these plots, refugees build small houses and can develop some agricultural activity, under the assumption that they will eventually be able to sustain themselves instead of relying on food rations. The Office of the Prime Minister (OPM) is the government body that has the primary responsibility in the hosting of refugees in Uganda. To provide enough land to all refugees, the OPM requested communities residing in northern Uganda to allocate parts of their land

for the fifty by fifty plots. However, the size of the plots allocated to the refugees through OPM is insufficient to create conditions of self-sufficiency (REACH Initiative & Norwegian Refugee Council, 2019). For this reason, refugees are trying to access additional land from the host communities to sustain their livelihoods. In addition, organisations, such as the United Nations High Commissioner for Refugees (UNHCR) and NGOs, are also in search of access to land, for example, to set up health and education services, water provision, or farming projects. Although landowners appear to provide their land voluntarily to the OPM, NGOs, and refugees (UNDP, 2018), the hosting of refugees has been contested in the area. Among others, there has been competition for resources in the area between the refugees and host communities (Guardian, 2019), and host community members have blocked roads to prevent NGOs from entering certain areas of the settlement.[1] In this thesis, I want to explain how this access to land is negotiated and how these negotiations can reshape authority relations in the area.

The Research Question and its Relevance

In this thesis, I will look at how the various structures that operate in the Imvepi settlement negotiate with each other to gain access to land, while simultaneously attempting to institutionalise their authority over land. I consider the Ugandan refugee-hosting context as a setting of legal pluralism. Legal pluralism refers to a situation where a diversity of institutions and regulations operate parallel or in opposition to each other (Van Leeuwen & Van Der Haar, 2016). In a context of legal pluralism, people can refer to multiple institutions when they are looking for recognition to their claim to land. At the same time, these institutions are looking for opportunities where they can recognize claims to land because the referral of subjects increases their legitimacy.

In the West Nile region, this legal pluralism was already there before the hosting of refugees since there are both customary and state institutions governing land parallel to each other (Mabikke, 2011). The 1998 Land Act of Uganda recognizes multiple forms of land tenure, among them customary land tenure that applies to the area of the Imvepi settlement. This recognition of customary land tenure creates some ambiguity because actors can refer to both statutory and customary law for settling land disputes (Kobusingye, Van Leeuwen & Van Dijk, 2016). The highly decentralised government structure in Uganda also adds to the legal pluralism, since it provides state and non-state institutions with new opportunities to establish, consolidate, or reconfigure legitimacy and decision-making power in land governance (Van Leeuwen, 2017). This setting of global legal pluralism becomes more complicated with the establishment of the refugee settlements, as refugees, OPM, the UNHCR, and the various NGOs enter the area, bring their own regulatory frameworks regarding property over land, and grant

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[1] Told to the author in conversation with employee of an NGO on 28 November 2019.

legitimacy to new or existing institutions and disqualify others. This situation can be characterised as a rupture or an "open moment", "when opportunities and risks multiply, the scope of outcomes widens, and when new structural scaffolding is erected" (Lund, 2016, p. 1207).

In this thesis, I will look at the rupture caused by the hosting of refugees in the surroundings of the Imvepi refugee settlement in the West Nile region, as it allows me to inspect the construction of new social contracts regarding land between different institutions and actors. I will thus look at how the different actors react to the hosting of the refugees and how they use this rupture as an opportunity to increase their authority over land. This inspection of the construction of social contracts will provide an understanding of the competing authorities over land surrounding the Imvepi settlement.

For this thesis I will try to answer the following research question:

How does the rupture caused by the hosting of refugees in the Imvepi settlement create opportunities for various actors to reshape authority over land?

To operationalize this question, the following sub-questions need to be answered.

- Which institutions and actors compete over authority over land in the Imvepi settlement?
- What resources and repertoires are used to support the claims made by these institutions and actors?
- How are these competing claims accepted or rejected by the various institutions and actors?

The aim of the thesis is thus to provide insight on how the hosting of refugees can shape the constellations of authority regarding land in the Imvepi settlement. This thesis can be of relevance outside the Imvepi settlement as currently a majority of the refugees are now being placed in refugee camps or settlements in post-colonial countries (UNHCR, n.d) where authority over land is often contested (Sikor & Lund, 2009). The Imvepi settlement can thus function as a case study to provide insights on how refugee settlements reshape authority over land in a context of legal pluralism. The research can also provide insights into how conflict can occur surrounding these settlements as it shows how different authorities compete in the area and how certain authorities are resisted. This understanding of the possible occurrence of conflict can thus help to make the policy on refugee-hosting more sustainable by minimizing the chance of conflict in settlements.

In the following sections of this chapter, I will give an overview of the background of Uganda's domestic and international political situation to give an insight into the politics that take place in Uganda and the Imvepi settlement.

North-South Relation in Uganda

Both the land governance and the refugee policy in northern Uganda are shaped by the problematic relation within Uganda between the north and the south of the country. This relationship is shaped by the colonial legacy, tense relations after independence, and the conflicts between the National Resistance Movement /Army (NRM/A) and northern surgent groups such as the Lord Resistance Army (LRA) and the West Nile Bank Front (WNBF) since 1986 (Kobusingye, 2018, Hovil & Werker, 2001).

Uganda is home to dozens of different ethnic groups; the largest of these groups include the Baganda in the southern parts of Uganda, also known as Buganda, the Bayankole in the west of the country, the Basoga in the east, and the Langi and Acholi in the north of Uganda (Lindemann, 2011). The British colonialists divided the Ugandan territory into four regions; Central, Eastern, Western and Northern regions. These divisions became an important way of identification, and Ugandan people began to distinguish themselves between Baganda, easterners, westerners, and northerners. The difference in economic development shaped these distinctions further (Lindemann, 2011). The British favoured the Buganda region since it was more organised, and its political institutions could help to achieve the colonial objectives of the British. As a result, most development opportunities were located in the south, while the north served as a labour reserve and recruitment ground for the army and the police, further deepening the north-south division in Uganda (Kobusingye, 2018).

When Uganda became independent, the power of the state was in the hands of people from northern Uganda. Northerners held most of the positions in the army and the government during the regimes of former Ugandan presidents Milton Obote, Idi Amin, and Tito Okello. The regimes after Ugandan independence have not transitioned power peacefully. In the case of the deposition of Idi Amin, who came from West Nile, this resulted in revenge killings in the West Nile region by the Uganda National Liberation Army (UNLA), who supported the Obote II administration (Refugee Law Project, 2004). These revenge killings were not only targeted at the soldiers of the Idi Amin regime, but civilians were also targeted by the UNLA soldiers. This resulted in the formation of rebel groups, as people became displaced with little options of earning a living and most of them only had training in the military (Refugee Law Project, 2004). The guerrilla war led by the NRM that took place between 1981 and 1986 furthered this division between the north and the south. When the leader of the NRM, Yoweri Museveni, took power in 1986, he was supported by people from the southwest and central regions, as he was seen as fighting northern military domination and relieving the country from domination by the people of the north (Kobusingye, 2018). Museveni has been president of Uganda ever since.

Following Museveni's surge to power in 1986, fighting occurred between the NRA and various northern insurgent groups, which increased distrust between the northerners and the "southern" government.

When rebel groups such as the LRA, the WNBF, and the Uganda National Rescue Front (UNRF) started to attack civilians, it showed that the government was unwilling or unable to protect the northern people. Furthermore, the encampment of northerners in Internally Displaced Peoples (IDP) camps and the use of state violence against them were seen as a strategy of the government to obtain control of the land in the northern region of Uganda (Kobusingye, 2018, Refugee Law Project, 20004). The marginalization of the northern region has become closely related to land issues in the area. The civil war in northern Uganda resulted in weak formal and informal institutions of land governance, which has led to land disputes becoming part of daily life (Kobusingye, 2018).

International politics of the Ugandan Government

In addition to the domestic politics, it is also helpful to look at the history of the relations between Uganda and the international regime, as it provides insight how the Ugandan government used situations at the national level to improve its international position and to gain access to foreign political support and aid (Hovil, 2018).

Shortly after Museveni came to power in 1986, he started to embrace policies that aligned with the international agendas of western states. The Ugandan regime adopted economic prescriptions of the World Bank in 1987, resulting in increased backing from western donors, particularly the World Bank, the United States, and the United Kingdom (Anderson & Fisher, 2016). In the early 1990s, Uganda achieved high economic successes, which was important for donor governments since they needed success stories in Africa (Hauser, 1999). Due to the economic success, donor countries were reluctant to threaten with political conditionality for aid as it could upset the economy in Uganda. The lack of conditionality at the time was also partly due to the foreign policy of donors, such as the US and the UK, relying on Museveni leadership in the region (Hauser, 1999). Uganda was considered an "island of stability" in the early 1990s as a civil war took place in Sudan, Somalia was plagued by anarchy, and massacres took place in Rwanda and Burundi (Hauser, 1999). These threats abroad and the presence of the LRA in northern Uganda at the time were used by Museveni to counter pressures of the international community to cut down on the military apparatus, which was used to strengthen Museveni's hold on power (Anderson & Fisher, 2016). Furthermore, after the terrorist attacks in the US on September 11, 2001, and the declaration of a Global War on Terrorism by the US and other Western states, the Ugandan government could present themselves as an indispensable regional partner in the fight against terrorism and insecurity in the Great Lake region. This position of a provider of "African solutions to African problems" allowed the regime to strengthen its security services, but the security and military apparatus was also used to suppress domestic opponents and critics of the regime (Anderson & Fisher, 2016). In short, over the past decades, Museveni's regime has strategically

aligned itself with the international agenda, which allows the regime to strengthen its position domestically, and to avoid political pressures of international actors. Refugee and IDP policies in Uganda can be considered part of this strategy, as the internationally celebrated refugee policy allows the regime to strengthen its presence in border areas through the establishment of refugee settlements (Hovil, 2018).

Chapter Conclusion and Further Outline of this Thesis

In this chapter, I introduced the topic of this thesis research, the impact of refugee-hosting on authority over land in the area of the Imvepi refugee settlement in the West Nile region, Uganda. Based on this topic, I proposed the following research question:

How does the rupture caused by the hosting of refugees in the Imvepi settlement create opportunities for various actors to reshape authority over land?

I also introduced the related sub questions and the relevance of answering this research question. Furthermore, I provided some background to the domestic and international politics in Uganda, as these both shape the Ugandan policies over land and refugee-hosting.

In the following chapter, I will explain the theories that inspired the fieldwork and methodology used in the Imvepi settlement. This methodology will then be discussed in the third chapter of this thesis. In addition, I will delve into some aspects of the research that could influence my findings during the fieldwork. In the fourth and fifth chapters, I will present the findings of the research, by describing how the various institutions involved in the hosting of refugees claim authority over land in the Imvepi settlement. In the sixth chapter, I will synthesize these findings to provide an answer to the main research question. In the seventh and final chapter, I will conclude this thesis and I will discuss the implications of these findings and areas for further research.

Chapter Two: Theoretical framework

In the previous chapter, I introduced the research question on how the hosting of refugees creates opportunities to establish authority over land surrounding the Imvepi settlement. To tackle this question, it is required to look at what academic literature says about the concepts of property, access and authority and the relationship between these concepts. In this chapter, I will begin to describe the difference between access and property. I will then discuss how property and authority are simultaneously constructed through a process of mutual recognition. This recognition is an ongoing process, this means that both are never definitely formed. These theories will be useful to understand how different meanings of and claims to land can exist in the Imvepi settlement. I will then go into the concept of rupture, which refers to a moment where authority over land can radically transform. This concept will be used to characterise the hosting of refugees in the Imvepi settlement. After the explanation of the construction of property and authority, I will move to the description of the "negotiating statehood" framework, which will be a useful tool for analysing the interaction between the various institutions and actors involved in making claims to the land in the area surrounding the settlement.

Property and Access

To understand how authority over land reshapes due to the hosting of refugees in the Imvepi settlement, it is first necessary to elaborate on the concepts of property and access. In this thesis, I understand property as a right or an "enforceable claim to some use or benefit of something" (MacPherson, 1978, p. 3). An enforceable claim means that the claim is backed by politico-legal authority, for example, custom, conventions, or statutory law. Property is thus about relationships among social actors concerning objects of value (Sikor & Lund, 2009). In a post-colonial context, property relations are ambiguous and negotiable to some degree because multiple institutions are competing to enforce claims in attempts to establish authority (Berry 2002, Moore, 1998). This definition of property has been challenged as too narrow because it is not the only way for social actors to be able to benefit from resources. Law or social norms do not sanction and encompass all forms of possession. Social actors gain and maintain access to resources in many ways that do not amount to property (Ribot & Peluso, 2003). Access is a broader concept that includes property (Sikor & Lund, 2009). Access is about the ability to benefit from things (Ribot & Peluso, 2003), while property only refers to legitimate social relationships. The difference between access and property is that access means that social actors derive benefit from resources, such as land, without necessarily holding property rights to these resources (Sikor & Lund, 2009). So besides looking at why certain claims to property are recognized by politico-legal institutions, it is also important to understand why some

social actors can benefit from resources whether or not they have the institutional right to them (Sikor & Lund, 2009).

It is important to keep in mind that property and access overlap partially: property rights may not always translate in to "ability to benefit" from resources to which those rights apply and access may not always be the consequence of property rights (Sikor & Lund, 2009). Both property and access are always changing depending on the position of a social actor and the power within a social relationship (Ribot & Peluso, 2003). This means that property and access may be distributed among actors in different ways. Competition over access can be considered the forerunner of property contestation, where people try to secure their possession by having it recognized by politico-legal institutions (Sikor & Lund, 2009). This means that when we look at how actors in the Imvepi settlement try to transform access to land into property over land, it is necessary to look at the economic, political, and discursive practices these actors undertake to legitimise their claims to property over land.

What distinguishes property from access, is that property is about *rights* to benefit from things and access is about the *ability* to benefit from things (Ribot & Peluso, 2003). Meaning that access is a broader concept than property in the sense that a claim that is supported by a legal-politico entity is a means of getting access. Access thus translates into property when the benefit from a thing is seen as legitimate by a legal-politico institution. But like property and access, legitimacy is not a fixed substance, but a result of a legitimisation process occurring between different social actors (Sikor & Lund, 2009). Competing institutions legitimize different forms of ownership as property, meaning that different sources of legitimacies of property exist in situations of legal pluralism (Sikor & Lund, 2009). However, these legitimacies are not given but need to be actively established. Legitimacy is constructed by different actors and institutions and thus varies between and within cultures and over time (Fortmann, 1995).

An important element of this construction of legitimacy is "social conceptualisation", meaning how "truths" and concepts are established (Sikor & Lund, 2009). This means that competition over land claims and legitimacy are also linked to redefining concepts of property (Shipton & Goheen, 1992). These "talking claims" occur when speech is used strategically to make, justify, and contest property and access claims (Kronenburg Garcia & Van Dijk, 2020). The constant construction of legitimacies and concepts properties means that a certain claim is at one moment more viable than at another moment, depending on the political constellation of the institutions that can recognize claims (Sikor & Lund, 2009). Property is thus defined by legitimacy and legitimising practices.

Property's Relation to Authority

This brings us to the relationship between property and authority. Authority is defined as legitimate power, that is associated with a minimum of voluntary compliance (Weber, 1975). The relation between property and authority is based on the notion that property, like any right, needs the support of a politico-legal authority (Von Benda-Beckmann, 1995). At the same time, the act of legitimising a subjects' claim to property constitutes the authority of the politico-legal institution (Lund, 2016). In other words, there is a contract of mutual recognition, which on one side recognizes the property claim of the subject, and on the other side recognizes the authority of the institution.

Yet, in situations of legal pluralism, which exists in most post-colonial societies, the state is not the sole political authority, which results in the establishment of many competing social contracts (Lund, 2006). This can result in overlapping authorities where people reference to multiple politico-legal institutions (Sikor & Lund, 2009). This choice between different institutions leads to "forum-shopping", as people will strategically look for institutions that recognize their claims to property. At the same time, you have "shopping forums", where competing institutions will look for disputes surrounding property, as the recognition of property claims strengthens the authority of the institution (von Benda-Beckmann, 1981). In settings of legal pluralism, where authority and power relations are uncertain and fluid, property is similarly vague because it is attached to ambiguous authority (Sikor & Lund, 2009).

Making decisions about property rights is thus a political process that can be met with resistance because guaranteeing property rights for one group, means denying the same guarantee for others (Sikor & Lund, 2009). To understand how access to resources becomes property, it is necessary to look at "the processes whereby authority is formed, strengthened, challenged, and unravelled by way of authorizing property rights" (Sikor & Lund, 2009, p. 13). Institutions will seek to legitimize their exercise of power through law, custom, suitability, or administrative efficiency. Because the topic of this thesis is about land, territoriality is a significant strategy of establishing authority. Territoriality can be understood as a spatial strategy to affect, influence, or control resources or people, by demonstrating control of a geographic area (Sack, 1983). Techniques of territorialising include, mapping, registration, or establishing borders. It is important to note that when institutions are trying to establish legitimacy to convert their power into authority, they are not restricted by the use of legitimate means, especially if you take into account that what is seen as legitimate varies per actor (Sikor & Lund, 2009). This means that institutions may also use violence, force, and deception to establish themselves as an authority.

The relation of mutual recognition between property and authority implies that rights and political authority are simultaneously constructed, and that control exercised by institutions over resources does not represent pre-existing authority. Likewise, effective property rights do not represent pre-

existing natural rights, but they are political constructions and achievements (Lund, 2016). The understanding of public authority and property as constantly (re)producing through the mechanism of mutual recognition, means that public authority is never definitely formed or finished but always in the making. This mutual process where property rights establish authority and authority establishes property rights is clear to observe during a "rupture".

Ruptures

Ruptures are "open moments" when opportunities and risks multiply, and new institutions can take form. When looking at these 'open moments' not only structural pre-conditions are considered, but also the construction of new contracts of recognition can be observed (Lund, 2016). These social contracts between institutions and political subjects are always up for negotiation, but more radical reconfigurations of social contracts are possible during ruptures. However, while ruptures do disturb the social contracts between claimants of property and the institutions recognizing these claims, it does not mean that old interests, categorisations, and discourses are completely disappearing, but they are often continued in a new context (Lund, 2016). In this thesis, I view the refugee-hosting in the Imvepi settlement as a local rupture since in a short period of time, various institutions and actors, such as refugees, OPM, UNHCR, and NGOs, are entering the area of the Imvepi settlement in order to obtain access to the land. This disturbs the constellation of the current contracts of recognition regarding property because these "new" actors and institutions are supporting, disqualifying, or introducing property regimes in their pursuit of translating access to land into property over land. To study this reconfiguration of property relations between institutions and actors I will make use of the "negotiating statehood" framework of Hagmann and Péclard (2010).

Negotiating Statehood

Negotiating statehood refers to the dynamic and undetermined process of establishing public authority, or state formation, where various social actors compete over the institutionalization of power relations. Negotiating statehood is therefore very applicable to the above-described relation between property and authority in settings of legal plurality. Hagmann and Péclard (2010) proposed the negotiating statehood framework to "better understand how local, national and transnational actors forge and rework the state through processes of negotiation, contestation, and bricolage" (p. 539). Hagmann and Péclard designed the framework in response to the portrayal of African states as failed, weak, or fragile states that lack popular legitimacy and administrative capacity. The reason for this portrayal is that African states fall short in comparison to ideal Weberian states that have a monopoly on the use of violence, an autonomous bureaucratic apparatus, a clearly defined territory, and are seen as legitimate power. The critique on this comparison is based on normative state ideas

that are derived from the European historical experience, which means that African states are often analysed by what they are not, instead of what they are (Hill, 2005). This also has the consequence that political orders that are not the nation-state are often overlooked, even though many subnational and grassroot institutions exist in the African continent (Ferguson, 2006, p. 102).

Hagmann and Péclard want to address the shortcomings of the failed state discourse, by giving four arguments. First, states should be considered historical processes, that include and span the pre-colonial, colonial, and post-colonial periods. This means that the three periods should not be seen as separate from each other, but it should be acknowledged that the colonial state in Africa was shaped by indigenous social forces (Berman, 1998) and that post-colonial states have often deepened and institutionalized relations of clientelism of colonial states (Paul, 2008). Second, it is wrong to view the state and society as two separate entities, but states should be considered deeply embedded in social forces (Hagmann & Péclard, 2010). Statehood does not only focus on formal state actors and institutions, but also looks at state officials and non-state actors that comply, evade, or disobey the regulations and practices of the state (Migdal & Schlichte, 2005). It is necessary to study how the state takes form by and in society. Third, states do not only exist due to routinized administrative practices but also because of imageries, symbols, and discourses (Hagmann & Péclard, 2010). States embody various cultural and political representations, discourses, and activities that make the idea of the state encompass in people's everyday lives. Fourth, all state-like institutions have the inherent need to institutionalise and legitimise political power. States aim to appear acceptable to who they govern and to have authority based on recognition and obedience, instead of sheer physical force (Hagmann & Péclard, 2010).

These arguments form the basis of the negotiating statehood framework, that aims to explore by whom and how state domination is constructed, where these processes take place, and what the outcomes and issues at stake are. Hagmann and Péclard (2010) describe the framework as an interpretive, sociological, and dynamic approach that looks at the more conjunctural processes of state domination in post-colonial African countries.

The negotiating statehood framework is underpinned by four theoretical propositions. First, is the already discussed notion that public authority is never definitely formed but is in a constant process of construction. This means that institutions are engaged in a constant effort to create a relationship of control, based on authority. Second, by researching how statehood is negotiated, it is required to look at the different strategies used by various actors that compete over authority. This means that it is important to look at the features of government bureaucracies and how these relate to other forms of power (Hagmann & Péclard, 2010). This implies that there are multiple forms of power, relational

power that everybody has, this refers to the ability to refuse to do what is expected of people, and instituted power that is more concentrated and has the ability to prescribe the expected behaviour to people (Olivier de Sardan, 2005). The instituted power cannot be understood separately from the relational power that people have to resist those who try to govern them. In other words, there is no ruling of the government without a population to either accept or defy these rulings. Third, the negotiations to form statehood take place between heterogeneous actors that differ on assets, entitlements, legitimacy, and styles of expression (Hagmann & Péclard, 2010). Negotiation is not between equal parties and not everyone is equally included in negotiating statehood. The political configurations that result from the negotiation process reflect the domination that more powerful groups have over weaker groups. Fourth, within the framework, it is not the aim to define the criteria of what is a state and what is not, it is rather to view the state as a process, where powers are transformed, and non-national powers and sub-national authorities engage and disengage with the central government.

To operationalize these theoretical propositions Hagmann & Péclard (2010) propose the concepts of resources and repertoires, negotiation arenas and tables, and objects of negotiation. Resources and repertoires refer to the instruments that actors can use when they are involved in negotiating statehood. Resources refer to the material bases of collective action, for example, bureaucratic capacities, finance, knowledge and technical expertise, control over physical violence, and political alliances. Resources are distributed unequally among competing actors, and the importance varies over political contexts. In addition to material resources, actors also reference to symbolic repertoires to obtain popular support and to give meaning to their actions, thus legitimizing their exercise of or quest for authority. Examples of repertoires are "good governance", "human rights", "development", ethno-politically defined types of citizenship, and religious and cultural identities. These repertoires can be used to defend and to challenge existing types of statehood and power relations but are to different degrees accepted by the parties involved in negotiating statehood. In this research, I will thus look at the resources and repertoires the various actors use in the context of the refugee-hosting to legitimise and institutionalise their authority over land.

To observe where the negotiation process takes place Hagmann and Péclard (2010), use the concept of the "negotiation arena", which has spatial, social, and temporal dimensions. This results in the questions; where are the negotiations situated? Who has access? Over what period do the negotiations occur? Negotiations arenas are difficult to locate geographically as they occur within social relations and are characterized by spatio-temporal dynamics and a certain informality. To make a distinction between formal and informal settings and actor groups, the term "negotiation table" is used. Negotiation tables are characterized by interactions and decision-making based on existing

procedures, and the recognition between actors as legitimate stakeholders. Negotiation arenas are thus broader than negotiation tables, where only selected parts of statehood are negotiated in formal terms. The objects of negotiation refer to what the negotiations are actually about. In this thesis, the object of negotiation is the authority over land in the Imvepi settlement that is now more negotiable due to the rupture caused by the hosting of the refugees in the area.

Chapter Conclusion

In this chapter, I discussed the academic literature that shaped the lens through which I will observe and study the authority over land in the Imvepi settlement. I described the relationship between property and authority and how they are simultaneously constructed and maintained through a relationship of mutual recognition between claimants of property and legitimacy-seeking institutions. I also discussed how these relationships imply that both authority and property are never definitely formed and are able to change. These changes are more likely to occur during so-called ruptures. In addition, I discussed the framework of negotiating statehood that provides an analytical tool for studying the fluid character of property rights and public authority in settings of legal pluralism. The use of these theories thus means that in my research I want to have an overview of the competing authorities over land in the Imvepi settlement, the resources and repertoires that institutions mobilise to establish and maintain their authority, and to which extent these authorities are accepted or rejected. To capture this overview, I am required to collect data regarding perceptions of legitimacy from the various institutions involved in land in the settlement. In the next chapter, I will describe how this interpretative approach to my data collection shaped the methodology I used during my fieldwork in the Imvepi settlement.

Chapter Three: Aspects of Conducting Fieldwork

In the previous chapter, I described the academic literature that shaped my research. In this chapter, I will discuss the methodology of my research, the relevant characteristics of the field and me as a researcher that influenced the data collection, and the ethical considerations of this research. The content of this chapter will thus show how I found the data of this thesis, and what factors influenced or limited the collection of data.

Interpretative Approach in Case Study Design

The thesis has the goal to see how actors and institutions mobilise their interests, values, and symbols to gain recognition for their access to land or their authority over land. For this reason, the data collected in this research are the insights, interests, and ideas regarding the governance of land held by the various actors involved in the refugee hosting in Imvepi. I do not assume that these ideas are the result of individual rationality, but rather I assume that ideas, understandings, and meanings are the result of a historical and political context. This means that this study assumes an interpretive epistemological approach to knowledge, where knowledge is culturally derived and historically situated. The methodology of this research is therefore also interpretive, as it is directed at understanding the phenomenon of the refugee influx from an individual perspective, the interaction between these different perspectives, and the historical and political context which people inhabit (Creswell, 2009).

The research strategy that was used during this study is a qualitative case study. Case studies are often used for 'how' and 'why' questions, since these questions are more explanatory (Yin, 1987). The reason for this is that explanatory questions deal with operational links that need to be traced over time rather than mere frequencies or incidence (Yin, 1987). Because I want to understand *how* negotiations over authority over land take form in the context refugee-hosting, the use of a case study is appropriate for my study. Furthermore, a case study is appropriate for a post-conflict situation, in which a wide range of factors play a role in social dynamics because a case study allows a large number of variables to be incorporated. Because I do not have the resources to research multiple settlements in Uganda, I chose the settlement of Imvepi as the case of my research. In the following section, I justify the selection of the Imvepi settlement as my case.

The Field of Research: Imvepi settlement

The Imvepi settlement is located in the West Nile Region, in the Arua district, in the Odupi Subcounty. The settlement is located across three parishes: Imvepi, Azapi, and Lugbari. The settlement was reopened in February 2017 in response to the large number of South Sudanese refugees coming to

Uganda (UNHCR, 2018). The settlement was also operational from 1993 to 2006 to host Sudanese refugees that fled from the fighting by the SLPA. At that time, the Imvepi settlement hosted around 20.000 refugees, who were restricted to move outside the settlement and had little interaction with the host community (Kaiser, 2006). The Imvepi settlement now hosts over 65.000 refugees (Government of Uganda, 2020). The three parishes that comprise the settlement had a population of around 20.000 in 2014 (Uganda Bureau of Statistics, 2018). The case of Imvepi settlement is therefore interesting for a case for studying reconfigurations of authority and property relations because the land suddenly has to provide livelihoods for a fourfold of the population, which puts pressures on the existing property regimes and the natural resources used by the population.

Besides the South Sudanese refugees, also other institutions and actors, such as OPM, UNHCR, and various NGOs, seek to access land to carry out activities that govern the refugees in the settlement. This relatively recent introduction of the various actors and institutions means that a local rupture is occurring, as these new actors and institutions support, disqualify, or set up social contracts regarding authority and property. This increases the number of opportunities and risks for those who seek legitimacy for their authority and for those who seek recognition of their claim to property. This means that in Imvepi structures, interests, and powers are mobilized and activated for me to observe and to study during my fieldwork (Lund, 2016). An important factor for the Imvepi settlement, in comparison to other refugee settlements, is that the settlement has been operational relatively recent. Other settlements that have been functional for a longer period can appear relatively more stable, which risks that property rights are seen as flowing from governing institutions, instead of being constructed in negotiations between claimants and institutions (Lund, 2016).

Ethnography and Methods

Within the case study, I also use ethnography as a methodology. Ethnography requires the researcher to observe what happens in people's daily lives, listen to what is being said, and/ or ask questions through formal and informal interviews (Hammersley and Atkinson, 2007). To understand the meanings, insights, and ideas of people, I as a researcher need to go out and get close to the activities and everyday experiences of these people (Emmerson, Fretz & Shaw, 1995). By using an ethnographic approach, I hope to understand the different meanings people have given to the land claims in the context of the hosting of refugees and how these actors use these meanings to negotiate about the governance of land.

The methods I used are various qualitative methods that derive from the ethnographic methodology. These include formal and informal interviews and observations. These methods were carried out

during a three-month field research from the beginning of November 2019 until the end of January 2020.

The interviews form the largest part of my data collection, and have been conducted with the actors that are involved in the hosting of refugees in the Imvepi settlement, these include host communities, refugees, government employees, local leaders, and NGO workers. The interviews were semi-structured, this means that the interview is open-ended, but follows the general script of an interview guide and covers a list of topics (Bernard, 2011). The semi-structured interviews allowed me to obtain the wanted data efficiently but also allowed the interviewees to explain their ideas and insights. Besides, semi-structured interviews gave way for exploring new topics that were not included in the interview guide beforehand. In total, I conducted 43 interviews. These include 24 interviews with members of the host community, 7 members of the refugee community, 4 government officials, and 8 employees of NGOs Within the group of host community members, I interviewed members of the local government or Local Councils (LC), landowners, elders, and village members. I selected respondents partially by asking government officials, NGO workers, and LC chairman if they could refer me to respondents that could provide me with relevant information. This network-based, or snowball, method of sampling is useful for studying groups that are hard to study because they belong to an elite or are reclusive (Bernard, 2011). With this method I was able to identify the various stakeholders of authority over land in the Imvepi settlement, but this also increases the risk that my data is overrepresented by (locally) powerful people. For this reason, some members of the host and refugee population were selected randomly to mitigate the bias of the elite in my data. After the interviews, I conducted a content analysis of the notes and transcripts of the interviews. In this analysis, I tried to identify and group the various resources and repertoires mentioned in the various interviews. This provided insights into the material (resources) and immaterial (repertoires) instruments actors used to support their claim to property or authority. In the content analysis, I also noted how the various stakeholders perceived each other and their competing claims.

I used the method of observation to better understand the context of the Imvepi settlement. This entails that when I was in the Imvepi settlement, I took notice of how and where the refugees and members of the host communities interact, for example at a trading centre or shared farm plot. In addition, I looked at how the presence of the OPM and NGOs takes form in the settlement, such as field offices and projects that are built in the settlement. These observations were useful to better understand and crosscheck the information given to me in the interviews.

Reflection

As a researcher, it is necessary to be aware of the conditions prevailing during research. These conditions influence my findings, as it determines who I interview, how the interviewees view my presence in the field, and how I interpret the conducted interviews. In the following section, I will reflect on the conditions related to the field and my presence in the field. An important characteristic of the research was that I could not spend an extended period of time in the settlement. The settlement was quite remotely located, and I could not arrange accommodation in the settlement. This meant that I was reliant on transport to the settlement from Arua, the nearest town where I was residing during the fieldwork. Luckily, I was able to arrange transport with Cordaid, a Dutch NGO who supported my research. Because the drive on the unlit dirt road to Imvepi took two hours from Arua, I could only reside for a few hours at the settlement to ensure we arrived at Arua before dark. As a result, it was difficult to build report over time with the host communities and refugees residing in the Imvepi settlement because I could only spend a limited amount of time in the settlement per day. In addition, I could not visit Imvepi every day because Cordaid was not travelling to the settlement every day and the costs of arranging other transport such as taxies would be exceeding my resources available during the research. Luckily, most NGOs have offices in Arua, allowing me to plan and conduct interviews with various NGOs on the days that I did not visit the Imvepi settlement.

Besides getting psychical access to the Imvepi settlement, I also had to move within the structures of the settlement before being able to interview the members of the host and refugee communities in Imvepi. To be allowed to move within the Imvepi settlement, I had to get the permission of the Office of the Prime Ministers (OPM), at both the office in Arua and the office in Imvepi settlement. This process is somewhat tedious, but I was able to obtain the necessary permission with the help of the employees of Cordaid, as they knew the right people to speed up the process. Yet this was not the only institutional obstacle, to speak with the host communities or refugees residing in Imvepi settlement I also had to move through the Local Council 1 (LC1) and Refugee Welfare Council 1 (RWC1). This means I had to first speak with the chairman of these village-based councils to explain my research so that he would introduce me to the landlords or other village members. Obtaining this access through these institutions is important to note, because who introduces me to the interviewees' influences how I am perceived by the interviewee, and therefore influences the data that the interviewee is sharing with me.

Another aspect of my research that influenced my presence in the field, and therefore my findings, was the fact that I worked in collaboration with Cordaid, a Dutch organisation that at the time had projects in Imvepi to provide shelters and water, sanitation, and hygiene facilities. Associating with

Cordaid provided several advantages. These advantages are mostly related to getting access to the Imvepi settlement since I was able to travel from Arua to Imvepi with the Cordaid pick-up truck. Another advantage of working with Cordaid is that the employees were able to introduce me to important "gatekeepers" in the settlement, such as OPM officers and chairman of LCs, which enabled me to move quickly within and between the institutions in the settlement, allowing me to speak with more members of the host community. In addition, I was given much freedom by Cordaid in how I conducted my research in the Imvepi settlement, as Cordaid did not set up specific goals of the research and were mostly interested in how the findings of the research could improve their activities. However, associating with Cordaid also had some implications because it means that people viewed me as an employee of an NGO, rather than an independent researcher. This perception can influence the way some people present themselves because they assume that I have the ability to set up projects that will address the challenges they face. This can result in answers of host communities and refugees that are shaped by an expectation that I can provide a solution to their problems. I do wonder whether not associating with an NGO would solve this problem, as my western identity would give the assumption of being linked to a humanitarian or development organisation regardless. Nevertheless, it is important to be aware of this perceived identity when I conducted and analysed the interviews.

Another factor that influenced my data collection in the Imvepi settlement is the fact that I used a translator to conduct the interviews with the host community. In Arua, the local language is Lugbara, and in remote areas such as Imvepi, most people speak little to no English. Because I did not want to solely interview host community members that speak English, I choose to use a translator that could translate the interviews. Even though using a translator allows me to interview the members of the host community, once again it is required to be aware of how this affects the dialogue that occurs within the interview (Jenkins, 2018). On one hand, my translator was able to establish some trust between me and the respondents, as she had a more nuanced familiarity with the social and political context in the West Nile Region. Because of this, I was able to build some "trust by association" since my translator was able to explain my research while considering certain sensitivities that are for me unfamiliar. On the other hand, there is a risk that some data is lost in translation, my translator may gloss over certain information that she regards as self-evident as she is familiar with the culture of the respondent. Besides, respondents may be less inclined to discuss certain taboos as they might feel judged by the translator that shares the same culture and norms. Furthermore, besides the shared ethnicity between the translator and the respondents, other characteristics of the translator should not be taken for granted, such as age, gender, class, and level of education. These characteristics can have a political or social dimension and I can be perceived to be "on the side" of the translator (Jenkins, 2018).

Ethical Considerations

Before I finish up this chapter, it is necessary to take consideration of the ethics of this research. The research needs to uphold certain principles of "do no harm", such as ensuring informed consent of participants and that participation does not result in greater risks for respondents (Wood, 2006). To ensure informed consent, I made sure that I explained the purpose of the interviews and the research clearly before starting the interviews. I also made sure that the interviewees did not have to answer questions they did not want to answer and that they could end the interview at any time. Because most of the respondents I spoke with could not read English, their consent was not given in writings with a contract but instead their consent was given verbally. To ensure respondents do not run into risks due to participation, I ensured to maintain their privacy by storing their responses anonymously and safely so that no other people besides myself could access them. Most respondents agreed to have their interviews to be recorded, these recordings will be deleted when the thesis is finished to ensure that these recordings do not fall in the wrong hands.

A more complicated ethical question of this research relates to the sharing of the benefits of this research. As the success of my research relies on the willingness of local communities to participate, the question that emerges is: "what will participants benefit from the participation?". I did not feel comfortable with rewarding participation with material goods or money, as this would commodify the dialogue between the respondent and me and could result in participants giving answers that they think I want to hear. In addition, I fear that paying some members of the host or refugee population would cause some social unrest and jealously since others would not get paid on the arbitrary notion that I did not select them in my random sampling method. Nevertheless, some benefit was expected and asked for by participants. Such a benefit could be that my thesis aims to provide a better understanding of the political consequences of the hosting of refugees, which impacts the life of the respondents, and that this understanding could bring some of their problems to light. Yet, although I do believe that social science can play an important role in emancipating marginalized groups, I do have to acknowledge that my thesis will likely have a small audience and will not translate into direct benefits for the respondents that participated in my research.

Chapter Conclusion

This chapter has provided information on the fieldwork I conducted in the Imvepi settlement. I discussed the methodologies and methods that I employed, I justified the selection of the Imvepi settlement, I reflected on certain aspects of the field and my role as researcher, and I discussed some ethical considerations that occurred during the fieldwork. In the following chapters, I will present the findings of this fieldwork.

Chapter Four: Customary and Statutory Authority over Land

In the following three chapters, I will work towards the answer of this research question:

How does the rupture caused by the hosting of refugees in the Imvepi settlement create opportunities for various actors to reshape authority over land?

Before I answer these research questions it is necessary to first answer the following sub questions:

- Which institutions and actors compete over authority over land in the Imvepi settlement?
- What resources and repertoires are used to support the claims made by these institutions and actors?
- How are these competing claims accepted or rejected among the various institutions and actors?

To answer these sub questions, and ultimately the main research question, I will answer each sub question per involved institution. I will do so by describing the background and proceedings of the various institutions and actors involved in both land governance and the hosting of refugees around the Imvepi settlement. These include the customary structures in the host community, the decentralised government structures of the Local Councils (LCs), the Office of the Prime Minister (OPM), multiple international organisations and NGOs, and the refugees. Per institution, I will discuss the resources and repertoires that these institutions and actors mobilise to claim authority over land. Furthermore, I will discuss to what extent the claims made by these various institutions and actors are accepted or rejected. This overview will give insight into how the various authorities over land are positioned in the Imvepi settlement and how some institutions and actors have the opportunity to establish their authority over land.

The discussion of the institutions and actors will be divided over this chapter and the chapter that follows. In this chapter, I will discuss the role of the local customary and statutory structures that have been concerned about governing land prior to the hosting of the refugees. These include the role of elders, landlords, who have ownership over their private land, and the various LCs that operate around the Imvepi settlement. In the following chapter, I will discuss the "newcomers" that are involved in the hosting of the refugees in the settlement and how they make claims on authority over land in the settlement. This category includes the OPM, the international organisations and NGOs, and the refugees themselves. In the sixth chapter, I will synthesize the answers of the sub questions to answer the main research question.

History of Authority over Land in the Imvepi settlement

In this chapter, I will discuss the customary and statutory structures that had authority in the area prior to the establishment of the Imvepi settlement and how these structures reshape their authority in the context of refugee-hosting. The customary and statutory structures are not always clearly distinct from each other due to the decentralised state structures incorporating customary principles about land governance. To fully understand where the customary and stator structures overlap and contradict each other, it is important to look at the history of authority over land in the area of the Imvepi settlement.

The Imvepi settlement is placed in the Arua district, where the Lugbara people have settled between 1000 and 1500 AD (Agatha, 2016). In pre-colonial times, the Lugbara society was organised on a clan basis and lacked any form of codified law, but instead traditional courts headed by adult males existed in the clan and household. Land and natural resources were managed by the preserved and accumulated experience of elders (Agatha, 2016). These experiences and traditions were passed to younger generations by elders who are knowledgeable of the clan history and culturally experienced. Elders were the principal holders of authority due to their knowledge of the land and played a leading role in settling disputes over land, natural resources, or livestock (Agatha, 2016). Communalism was the main principle that guided social relations within the clan, meaning that the interest of the clan comes before the interest of the individual (Agatha, 2016). In practice, resources were collectively shared to minimize risks of food production loss, as these risks would be too big for an individual. As such, traditional law prescribed that limited resources, such as land, are used sustainably. In addition, land and clan were connected by a mythical relation that is associated with ancestral spirits. Land was considered a gift given by ancestors to the present generation (Agatha, 2016). Clan elders were granted social authority as custodians of clan land because they were closer in age to their ancestors. In other words, decision-making power over land has historically been in the hands of elders at both the household level and the clan level. During the fieldwork, it became clear that the authority of the elders is still based on their knowledge of the history of the land and of the community. A member of the host community residing in the Imvepi settlement explained to me:

> *"…when there is an issue pertaining land, elders are the most responsible people. Because these are people who had known the boundaries of the land, the history of the land. So, they are the ones telling the fact of the matter about the boundary when it comes. So, in that sense, it is elders that are responsible for settling these issues of boundary conflicts of land."*[2]

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[2] Authors interview with member of the host community in the Imvepi settlement on 5 December 2019.

As the quote reveals, the authority of the elders is linked to their age and experience since they hold a certain knowledge by being present in the area for a prolonged period. When there is a conflict of inherited land at the household level, the elder is often the oldest man in the family that will straighten out the land dispute. The same principles apply in the extended family or clan when a dispute over land arises. In the resolution of conflict, elders usually act with principles of harmony and restoring the order of things (Mabikke, 2011)[3].

Although these pre-colonial understandings and uses of land still exist in some form in current Imvepi, it is important to note that traditional principles of land also have been challenged and weakened by the introduction of alternatives to livelihood and statutory institutions during the colonial and post-colonial period. In the colonial period, traditional land use diminished when the traditional economy slowly integrated into larger economic structures, due to the introduction of a cash economy, foreign traders setting up shop in the town Arua, and the establishment of taxation (Agatha, 2016). The existence of alternative means of survival other than relying on land weakened social responsibility for the sustainable use of land and resulted in land use becoming more individualized. To achieve the colonial goals, the British set up a legal framework to ensure state control of land and resources (Agatha, 2016). These laws include the 1907 Rivers Act, that regulated the dredging of rivers, the 1947 Forest Act that granted the colonial governments control over the forest, and the 1959 Game Act that regulated hunting of animals. These laws further undermined customary structures control over land and resources. In addition, the British government integrated the recognition of customary laws in the legal colonial framework through indirect rule to subject the people, minimize resistance, and establish control over the resources (Agatha, 2016). With the Native Administration societies were administered supervised, resulting in local governments providing services and tribunals for the settlements of disputes.

In the post-colonial period, two important land tenure reforms were implemented. First, in 1975 under the ruling of Idi Amin, all land in Uganda was declared public land to be administered by the Uganda Lands Commission. This decree was reversed in the 1995 Constitution, which declared that all land in Uganda belonged to the citizens of Uganda (Coldham, 2000). Second, in the constitution and the Land Act of 1998, it was specified that land is owned through either one of four tenure systems: Mailo tenure, freehold tenure, leasehold tenure, and customary tenure. Mailo tenure is specific to the Buganda region that recognizes ownership of land to an individual, while also recognising rights to people that live on and utilise the land. Freehold tenure means that an individual can use the land for any lawful purpose. Leasehold tenure is when one party grants to another the right to the exclusive

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[3] Also confirmed in various authors interview with employees of NGOs and members of the host community.

ownership of land for a specified period, usually in exchange for the payment of rent. The customary land tenure system promoted policies that ensured land ownership and use were in line with existing traditional customs and norms. The area surrounding the Imvepi settlement belongs to the customary land tenure domain. The customary tenure allows the population to register the customary land through a procedure at a local level resulting in a Certificate of Customary Ownership (Van Leeuwen, 2015). Despite the possibility of titling customary land, most of the customary land remains unregistered (Nakazi, 2020). There has been a critique that these land titles are individual and not collective, which does not always fit with local realities (LANDac, 2016). The 1998 Land Act also permits traditional authorities and leaders to settle land disputes when these arise from customary tenure. Principles of equity, promoting harmony, and restoring social relationships between the involved parties form the most important characteristics of these traditional systems (Chelimo, 2015). The 2011 Draft Land Policy acknowledged both customary and statutory systems in land rights administration, dispute resolution, and management and legalised customary authorities to take on those roles where land belongs to customary tenure.

The Decentralised Governance over Land

Besides the customary structures that involve elders at the clan and household level, authority over land is also claimed by statutory structures. These include the decentralised state structures, which have been promoted by the Ugandan government to restore democracy and credibility of the state after years of authoritarianism and centralisation. Shortly after Museveni took power, councils were established in local communities that formed the starting point of political, fiscal, and administrative decentralisation (Van Leeuwen, 2015). These councils eventually got the name "Local Councils" (LCs) and were established at five different levels, the village (LC1), the parish (LC2), the sub-county (LC3), the county (LC4), and the district (LC5). The Local Council structure also became responsible for multiple land services such as registering and administering land, and land dispute resolution (Van Leeuwen, 2017). The existence of both customary and statutory institutions regarding land in the area of Imvepi leads to some confusion as the roles and the procedures of the different institutions are not always clear, which results in the population referring to different institutions. In the interviews with the host community in the Imvepi settlement, I was told that when one of the parties in a dispute is not satisfied with the outcome done by an elder it can go to the Local Council 1 (LC1) to have the dispute settled by them. Members of the LC1 operate at the village level and regulate village life by adjudicating minor offences and land disputes, they are directly elected by universal suffrage (Francis & James, 2003). The LC1 operates mostly based on local principles and values (UNDP, 2019). At the Imvepi settlement, the LC1 thus makes decisions on land disputes by gathering and consulting the elders in the area and make use of their knowledge on the history of the land.

> *"So, coming to the resolving, we use to gather together with the elders and the LCs. So, we just hear more from the elders."[4]*

Although the elders still have a say about the settlement of land disputes, the LC1 plays an important role in the process by functioning as a witness of the resolution and giving legal advice since they are aware of the laws that relate to land.[5] However, the legitimacy of the LC is fluctuating and ambiguous because LC1 elections do not take place regularly. An employee of an international organisation told me:

> *"Now the LC system is getting stronger at the lower level. Previously, we didn't have them elected for twenty years. So, they did not have legal authority anymore, because their time expired. But there were elections last year, so again, the LCs are authorities that are respected."[6]*

It is also possible to take a dispute to the subcounty land tribunals, which operates at the subcounty level / the Local Council 3 (LC3). A Land Valuer, who has the job to value property in legal cases, told me that not many cases are brought to the LC3 since people prefer their own mechanisms of dispute resolution instead of "stressful issues of law". [7] The use of land tribunals are stressful due to the costs of accessing and using the land tribunals.[8] Nevertheless, the Land Act of 1998 states that within the subcounty land tribunals, traditional leaders are not hindered or limited to exercise their function in determining disputes over customary tenure or to act as a mediator between the disputing partners. In other words, the role of elders or traditional leaders is still recognized by statutory institutions, but their function and power are not very specific.

It is possible to appeal land disputes to a higher judicial structure, which is the district land tribunals that operate at the district level/ Local Council 5 (LC5). In the 1998 Land Act, there is no mention of the role of traditional leaders in the settlement of disputes at the district land tribunal, but the rules of procedure are made by the Chief Justice. The Land Act of 1998 thus shows that the role of traditional leaders, such as elders, is diminishing when disputes about land are managed at higher levels of jurisdiction.

Besides the land tribunals, there are also other land governing institutions operating at the district level and subcounty level, these are the district land board and the land committee, respectively. According to the Land Act of 1998, the powers of the district land board are independent of the

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[4] Authors interview with LC1 chairman in the Imvepi settlement on 21 November 2019.
[5] Authors interview with host community member in the Imvepi settlement on 5 December 2019.
[6] Authors interview with employee from international organisation based in Arua on 18 November 2019.
[7] Authors interview with Land Valuer based in Arua on 18 November 2019.
[8] Authors interview with employee of NGO based in Arua on 16 January 2020.

national Uganda Land Commission but "shall take into account the national and district council policy on land and the particular circumstances of different systems of customary land tenure within the district". The district land board is among others responsible for facilitating registration of land and to make surveys, plans, maps, drawings, and estimates. The powers and functions of the land committee at subcounty level are defined as assisting "the board in an advisory capacity on matters relating to land, including ascertaining rights in land, and shall perform any other function conferred on it by or under this Act or any other law".

The decentralised land structures would lead to the belief that local interests are represented in the judicial and executive statutory land institutions, yet this is in practice not always true. A problem lies in the political appointments of members in the district land board and the land committee (Kobisingye, Van Leeuwen & Van Dijk, 2017). Members of the land committee are appointed by the sub-county council and approved by the district council and the members of the district land board are appointed by the district council and approved by the ministry of lands. Likewise, the members of the subcounty land tribunal are appointed by the Judicial Service Commission, and members of the district land tribunal are appointed by the Chief Justice on the advice of the Judicial Service Commission. These appointments have the result that the members in committee or board are accountable to their appointing authority, and that they make decisions that reflect the interest of the appointing authorities. In addition, the existence of multiple land institutions leads to confusion as the procedure to follow in the case of a land dispute is not well stipulated (Kobisingye, Van Leeuwen & Van Dijk, 2016). Furthermore, official and informal relations are often confused because of the unclear distinction whether the customary or statutory norms are to be followed in these decentralized land institutions. The multiplicity of land institutions thus feeds into confusion, competition, corruption, and politicisation in land governing practices.

The Authority of Elders to Allocate Land for Refugee-Hosting

The competition between customary and statutory actors and institutions reveals the resources and repertoires used by these actors to supports their claim to authority. These resources and repertoires are also used in the rupture caused by the hosting of the refugees. The elders within the communities use knowledge about the history of the land and the community as resources to uphold their decision-making power in issues regarding land. In the interviews held with the host community members in the Imvepi settlement, it became clear that land disputes would often be consulted with the elder within the family or the clan because their knowledge of the land plays a crucial role in resolving the dispute[9]. This resource is further backed up by the repertoire of the cultural identities that have

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[9] Various interviews with members of the host community in the Imvepi settlement.

referred for centuries to the wisdom of elders and clan leaders to resolves issues regarding land. These resources and repertoires are also mobilised in issues regarding the hosting of refugees and their access land. An employee of an NGO based in Arua told me:

> "..with the help of the clan elders because they are the guys that know which boundaries there are. [..]Cause normally clan leaders are elderly people. So, they are looking at the clan leaders, looking at the experiences in the communities[..]But the reference again is these clan leaders. Because they know the general issue. They are key players. You cannot make a judgement there without consulting them."[10]

The acquisition of land by OPM for the plots to host refugees was done through negotiation with some elders that represented the community residing in the parishes where the refugees were to settle.[11] However, the agreements made between OPM and the elders have not been very transparent and many of the community members and landlords who were represented by the elders do not exactly know what the agreements exactly contained. The agreements are supposed to be written down, but these writings are not easily accessible for community members since they are kept by only a few individuals. One landlord told me he was not notified that refugees were to be hosted on his land because he was ill in bed when the agreement to host the refugees was made.[12] So, some landlords were never involved with the OPM due to the representation by the elders in negotiations of which the exact agreements unclear. In one of the interviews, it was mentioned that the elders might have cheated some landowners in the negotiations with OPM.

> "That is one of the sources of conflict, just because of not clear memorandum of understanding between the true owners of the land and the middleman and the brokers, I don't know what they call themselves. They come because they are informed, they come to the office. To lower people, they will say we come and represent you, and up here they strike some balance for their own benefit. That has been a source of conflict."[13]

The representation by elders and unclear agreements with the OPM has led to some discontent within the community members.

The Authority of LCs to Allocate Land for Refugee-Hosting

Besides the customary authorities, there are also statutory authorities that mobilise resources and repertoires to support their claim on authority over land issues regarding the hosting of refugees. The

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[10] Authors interview with employee of NGO based in Arua on 12 November 2019.
[11] Authors interviews with members of the host community, NGO employees, and LC members.
[12] Authors interview with member of the host community in the Imvepi settlement on 21 November 2019.
[13] Authors interview with Land Valuer based in Arua on 12 18 November 2019.

resources that the decentralised state institutions have are political connections, organisational skills, and access to state resources. The repertoires used by the decentralised state structures are referring to the notion of democracy since these institutions are supposedly closer to the people because they transfer administration of land and dispute resolution from central government to local and traditional authorities. At the same time, the Local Councils can refer to the constitution and other relevant state legislation to legitimise the exercise of authority. In an interview with a member of the LC3, the role of the LC3 was described as a mediator and middleman between the OPM and the elders and landlords as they are the connection between the state and customary institutions.

> *"The LC3 has the role of the subcounty. It doesn't even have land on his own, what he does is to help the views of the landlords and possibly to sensitize. Also, to beg them to accept. Because those are honourable people, our role was to have the landlords or the elders to accept to receive. So, it was not our office to mandate or to enforce but to be there during the meetings."[14]*

The LC3 has a similar role when an NGO seeks for land where they can set up a program. In this case, the subcounty land committee is also involved since they have the mandate to provide "advisory capacities on matters relating to land" according to the 1998 Land Act. A member of the subcounty land committee told me in an interview:

> *"Okay, the ideal situation should be, if it is a new NGO, the NGO should be introduced to the subcounty. The chairman has to know. He introduces his program if that program involves maybe a new acquisition of land that is when the chairman and OPM will call us if there is any piece of land for this NGO, for this activity in the settlement."[15]*

This reveals that the LC3 and the subcounty land committee of the Odupi subcounty, in which the Imvepi settlement is located, play an important role as intermediators and gatekeepers for actors such as OPM and NGOs. Furthermore, the LC3 provides a negotiation table where the actors who seek land to provide plots or services for the refugees can negotiate with those who represent the owners of the land. The LC3 makes use of its image as a local government that connects the local population with actors outside the subcounty to control who accesses the Imvepi settlement. Although the LC3 does represent itself as a mediator that does not mandate the local population to give land, it is important to note that the members of the LC3 are not completely independent of higher state structures and have some power over the local population.

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[14] Authors interview with the Chairman of the Local Council 3, Odupi Subcounty on 14 January 2020.
[15] Authors interview with member of the Odupi subcounty Land Committee on 14 January 2020.

At the lower levels, the LC1s also exercise their authority in the context of refugee-hosting by continuing their role in dispute resolution. When disputes over the use of land occur between the refugees and the host communities, for example when agreements about refugees being allowed to make use of agricultural land from a host community member are not upheld, the LC1 and the Refugee Welfare Council (RWC) come together to find a solution through dialogue and mediation.[16]

The Authority of the Landlord Association

In a rupture, it is not only existing institutions that use their resources and repertoires to support their claim to property and/or authority, but it is also possible for new institutions and property regimes to take form in the rupture. The Landlord Association was established in response to the insecurity that came with the hosting of the refugees in the Imvepi settlement. The Landlord Association was formed in 2018 by the landlords that live in the Odupi subcounty and can be joined by any landlord or elder that is older than 18 years and resides in the subcounty.[17] In an interview, a member of the Landlord Association told me that the association was set up because there was no clear leadership in the allocation of land to the refugees as the OPM engaged with some elders and not all of them. According to him the formation of the association has the benefit of providing a forum where the landlords and the elders act as one body or group.

> *"Because previously our land was so fragmented, the various clans may have the responsibility to disperse their land as they want. This one brings virtually everybody together to help you assist, okay let us use our land in this manner. Let's not use this manner, for example when the refugees came it was individual landlords saying: "yes I can use my land", and another is saying: "yes I want to help", that one is saying: "no I don't want". It actually brought a lot of confusion. In the end, some refugees were settled in areas where they were not wanted. The landlords did not want, so it brought conflict even up to today and some of these problems are still going on. So, we wanted to see there is a leadership in land use and management. So, that whenever whether it is a program, if it is individuals who want to have land, we said anyway there needs to be a system in seeing that it goes through with no conflict."[18]*

Even though the Landlord Association was established less than two years before my field research, it plays an important role in governing land in the Imvepi settlement. When OPM or an NGO wants access to land they need to consult the Landlord Association. The Landlord Association is also addressed when a landlord from the host community conflicts with OPM about land.[19] The association is meant to make

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[16] Authors interview with refugee residing in the Imvepi settlement on 6 December 2019.
[17] Authors interview with Odupi Subcounty Chairman on 14 January 2020.
[18] Authors interview with member of the Landlord Association on 14 January 2020.
[19] Authors interview with OPM officer in the Imvepi settlement on 26 November 2019.

sure that conflict between landlords is avoided by unifying decisions over land in the Odupi Subcounty. Although the association was formed in response to the insecurity occurring due to the settlement of refugees, there were also other possible activities mentioned by the member of the association.

> *"So, with this, we also have other development and income-generating activities in mind. We could use this part of the land as members to develop ourselves, as they say, to grow trees in larger groups, meaning in a larger area. So, we can do a kind of reforestation, we also do crops If we find the survey, if the possibilities are there. So, this should be some of the benefits for the members, if we come together and begin looking at ourselves to work and do activities that can be larger scale, crops, trees, and so on."[20]*

An important aspect of the Landlord Association is that they are organized at the subcounty level, which results that the Landlord Association is somewhat linked to the LC3 and the land committee. The member of the Landlord Association that I interviewed was also the chairman of the subcounty land committee. This could mean that the Landlord Association is not entirely independent from these decentralised state structures and the politics that play within these state structures are carried over to the Landlord Association.

The Landlord Association is an interesting actor in the issue regarding land surrounding the Imvepi settlement as it is created in response to the insecurity caused by OPM approaching individual landlords. The association has multiple resources and repertoires that are used in order to legitimize their say in land issues. The first resource of the association is derived from the actual ownership of the land of each member of the association. Even though the association does only represent the landlords and does not own land themselves they are often referred to as the owners of the land.

> *"Exactly, they will have a voice in the sense that they are the land givers. Soon anything that comes around they have that mandate to come in. Where there is an issue of conflict yes, they are necessary to be a part of resolving"[21]*

Another important resource of the Landlord Association is that they have a network to approach many landlords that reside in the Odupi subcounty. Meaning that when the OPM or an NGO requires land near the settlement for projects or additional plots for refugees to settle they can approach the Landlord Association. The association can in turn approach one of their members, who are willing to allocate their land for those purposes. Related to this, the Landlord Association represents a large portion of the landlords, which means that external actors have fewer options when they approach a

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[20] Authors interview with Odupi Subcounty Chairman on 14 January 2020.
[21] Authors interview with Odupi Subcounty Chairman on 14 January 2020.

landlord who is not a member of the landlord association. In addition, the Landlord Association has the repertoire of representing the local cultural identity of the landlords and elders and the traditional use of land. The chairman of the LC3 described the landlord association as follows:

> "Yeah, I believe it is very good because these are the people with the, the big crowd is a wise group guiding the youth in A-B-C-D, some of the values which are disappeared must be there. To have a healthy society, we must need these kinds of people to guide the youth."[22]

All these resources and repertoires have been effectively mobilised by the Landlord Association resulting in them being an institution to which other actors have to consider when negotiating about access to land.

Acceptance of the Host Community

Besides looking at how certain authorities use their institutional power (Oliver de Sardan, 2006), it is also necessary to look at the power used by people to shape power and government techniques and practices (Hagmannn & Péclard, 2010). In other words, besides looking at how customary and statutory institutions try to build their legitimacy in the rupture caused by the hosting of refugees, I will also look at how the local inhabitants of the area view and respond to the policies of granting refugees access to plots of land. From the interviews, it became clear that many members of the local population had little objection to hosting the refugees alongside their villages and parishes[23]. The reasons for the willingness to host the refugees are among others because of the shared experience of displacement between the Lugbara people and the Kakwa people that fled from South Sudan. During the civil war in northern Uganda, the host population of the Imvepi settlement was forced to flee to Sudan or the Democratic Republic of Congo. This experience plays an important role in the willingness to host the refugees.

> "They consulted us first and then we said okay. Even in the nineteen-eighties, we also ran. Others went then to Congo as a refugee and we have seen how painful being a refugee is. So, we said okay OPM you can come, and you can settle these people here. When the war is finished, they will leave our land."[24]

This shared experience of displacement plays into a responsibility felt by the host community to help the refugees and is an important repertoire that is used by the host community members to give shape in the land issues surrounding the Imvepi settlement. It is important to note that this repertoire is also

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[22] Authors interview with Odupi Subcounty Chairman on 14 January 2020.
[23] Various authors interviews with members of the host community in the Imvepi settlement on 21 November 2019, 28 November 2019, and 5 December 2019.
[24] Authors interview with a member of the host community in the Imvepi settlement on 5 December 2019.

used by other actors, such as OPM and members of the LCs, by playing into this responsibility the host community has to give their land to support the South Sudanese refugees[25].

This feeling of responsibility and shared identity does not only result in providing the plots of fifty by fifty that the refugees were given through OPM. Individual refugees approach members of the host community to use parts of their land for agriculture in order to provide enough food for their household. Some members of the host community are willing to provide an additional part of their land through a verbal agreement.[26] Most of the interviewed members of the host community and all interviewed refugees mentioned that they engaged with agreements of allocating additional land. This does not seem to reflect larger quantitative studies about access to land, which state that only 3,25% of refugee households residing in Arua access additional land through landowners (FAO & OPM, 2018) and that only 2% of the refugee households in Imvepi access land outside of their plots (REACH Initiative, 2019). This discrepancy can be explained because I conducted interviews where host and refugee communities live very close to each other, and refugees can more easily approach individual landlords. There does seem to be evidence that an increasing number of refugees accessing land through agreements with landowners (FAO & OPM, 2018). However, these agreements are not equally accessible among refugees, not only because of distance from host community members, but gender, age, and ethnicity can also play a role. Nevertheless, the agreements that are made between refugees and members of the host community shows that the actual ownership of the land is a resource used by the host community members to establish authority over land. Since the refugees need access to land to become self-reliant, members of the host community can reaffirm their authority by granting or denying access. The use of this resource varies between members of the community. Most of the interviewed host community members said that they let the refugees use the land for free, as it is given is out of goodwill and recognition that the refugees have little to give. Some interviewed members of the host community said that they let the refugees pay rent by either giving part of their rations or a part of the harvest from the borrowed land. The seven refugees that I interviewed all told me that they obtained additional land from the host community through rent. Although there is an element of trade within the relationship between the host community and the refugees regarding land, another important aspect for refugees getting access to land is friendship and shared identity. The refugees were often referred to as brothers or sisters by the members of the host community. As the

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[25] Authors interviews with OPM officer in Imvepi on 26 November 2019, Odupi Subcounty chairman on 14 January 2020, and NGO employee based in Arua on 9 January 2020.
[26] Various authors interviews with members of the host community in the Imvepi settlement on 21 November 2019, 28 November 2019, and 5 December 2019.

refugees have been living in the same space as the host community, they have become integrated, according to one of the interviewed host community members.[27]

Another reason for the members of the host community to allow the refugees to be hosted alongside their villages are the development projects that come with the hosting of the refugees. In the interviews, host communities referred to the schools and health services built by NGOs in the refugee response program. The hosting of the refugees is thus seen as a positive process, as the host communities are able to benefit from the projects set up by the implementing partners of UNHCR. In this process, the host communities use their repertoire of being the ones that provided the land and the identity of being someone that needs the support of developmental organisations. However, the projects that are implemented by the NGOs also result in jealousy because the projects do often not equally target the refugees and the host community members. This results in the assumption that the refugees have large amounts of money because they receive support from various NGOs.[28] Jealousy of host communities is not only directed at refugees, but I also observed jealousy of host community members aimed at other community members. In the Lugbari parish, I had two different occasions where a member of the host community argued that most of the focus of the NGOs was put in the Imvepi parish. Both argued that only landlords in the Imvepi parish are given appreciation, such as goats and cows, for allocating their land to the refugees. According to them the reason for this is that the Imvepi parish carries the same name as the settlement.

> *"He is saying it is actually painful for them, which is demoralizing them a lot. Because now, this is not Imvepi, but since the settlement is named Imvepi. So, all those who benefit are only those in Imvepi. And yet there are refugees that are settled in what, this parish here. So, he is saying it is hurtful."[29]*

I could not verify whether more programs were implemented in the Imvepi parish than in the Lugbari or Azapi parishes, but from my experience, NGOs often refer to is the entire settlement Imvepi, and they divide the segments of the settlement in Zone 1, Zone 2, and Zone 3 and not by the boundaries of the parishes. The zones do not overlap with the boundaries of the parishes, so it seems unlikely to me that NGOs are providing more services to one parish based on its name because the NGOs do not work in reference to the boundaries of the different parishes. Nevertheless, it could be that the field offices of the NGOs are not evenly distributed over the parishes, resulting in that inhabitants of the Imvepi parish are closer to NGOs than the inhabitants of Lugbari and Azapi.

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[27] Authors interview with member of the host community in the Imvepi settlement on 5 December 2020.
[28] Authors interview with employee of NGO based in Arua on 12 November 2019.
[29] Authors interview with member of the host community in the Imvepi settlement on 28 November 2019.

Furthermore, there is some conflict occurring between the members of the host community and the refugees. These conflicts can occur because some refugees cultivate land without the approval of the landowner, or when agreements are not upheld and the refugees are denied access to the land before he or she could harvest from the land.[30] Besides the issues of land, conflict also occurs due to the competition over resources, mainly firewood. Because the Imvepi settlement now occupies 65.000 refugees in an area where originally 20.000 people resided, trees are cut at a rapid pace to collect firewood that is used to make charcoal. The collection of charcoal is not only for domestic use such as cooking and drying bricks, but charcoal is also collected for trade. The refugee-hosting has the consequence that many different actors such as employees of OPM, NGOs, and UNHCR, are visiting the Imvepi settlement where they can purchase the charcoal for a lower price than outside the settlement. The collection of charcoal thus became a way of generating income for both the refugees and the host community. An employee of an NGO told me:

> *"It is not only refugees, even nationals are cutting. It reached a point where charcoal business is really booming so much, more than two-three trucks leave the settlement. [..] Bags full of charcoal, and also in Imvepi you see charcoal being sold. It is only because that area had very few populations at first but very many trees. Yes. But now when the refugees also went clearing, then the charcoal was part of the livelihood project, their own livelihood then not being promoted by anybody then. By default: the trees are here, let's go burn them".[31]*

Even though members are able to benefit from this trade because of the hosting of refugees because it created a large market in the Imvepi settlement, the members of the host community also view the refugees as competitors in this market. The employee of the NGO told me that relations between the refugees and the members of the host community were tense when the refugees were selling charcoal-dried bricks for a lower price.

> *"So, they are saying: you are using our land, you are using our trees, and now you are taking the market away."[32]*

The access to charcoal and other commodities is another factor that has shaped the acceptance of hosting the refugees, as it brought in trade to the area. This access to the market is another resource that both the members of the host community and the refugees use to shape the authority over property in the settlement. Land and its resources become more of an individual commodity because it has become easier to sell natural resources in the settlement. At the same time, the creation of

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[30] Authors interview with employee of NGO based in Arua on 9 January 2020.
[31] Authors interview with employee of NGO based in Arua on 9 January 2020.
[32] Authors interview with employee of NGO based in Arua on 9 January 2020.

markets surrounding the settlement has an impact on the environment because deforestation degrades the ecosystem in rapid pace (World Bank & FAO, 2019).

Chapter Conclusion

In this chapter, I discussed the role of the customary and statutory structures that exercise authority over land prior to the hosting of the refugees and how they mobilise resources and repertoires in order to re-establish their authority over land. The chapter showed that the elders with customary authority over the land exercised their authority by representing the community when OPM requested land to allocate to refugees. At the same time, decentralised statutory structures are exercising their authority by providing a forum for the various actors involved to discuss issues regarding land or by resolving conflicts between members of the host community and the refugees. As a response to the insecurity caused by the hosting of refugees, landlords created a new structure to exercise authority over land. This structure is the Landlord Association that represents the landlords in the Odupi subcounty that allows them to play a role in the allocation of NGO projects and resolution of disputes between landlords and the OPM. Lastly, the less institutionalised power of the regular members of the host community also shapes the use of land by allowing refugees to use their land because of their shared experience of displacement and the developmental and economic opportunities that the hosting of refugees provides. At the same time, the hosting of refugees brings some contestation over land, as jealousy occurs over the distribution of development projects and there is competition over natural resources, such as charcoal.

In the next chapter, I will discuss how the "newcomers" try to reshape authority over land. These "newcomers" are the structures involved in the hosting of refugees, such as the OPM, international organisations and NGOs, and the refugees themselves.

Chapter Five: The Institutions Involved in the Hosting of Refugees

In the previous chapter, I described the customary and statutory institutions and their role in reshaping authority over land in the context of refugee-hosting in the Imvepi settlement. In this chapter, I will continue to describe the institutions involved in land in the Imvepi settlement, the resources and repertoires these institutions mobilise to support their authority, and to which extent these practices are accepted or rejected. The institutions described in this chapter are "newcomers" because their presence is recent due to the governance of hosting the refugees. These institutions include the OPM, international organisations and NGOs, and refugees themselves. Although the main role of these institutions is not on governing land, their presence and activities regarding refugee-hosting do shape the constellation of authority over land in the Imvepi.

The History of the Ugandan Refugee Policy

To fully understand Uganda's current refugee policy, it is important to look into the history of refugee-hosting in the country. Uganda has a continued experience with refugees that started during the Second World War when refugees from Poland, Germany, and Austria settled in the country (Ahimbisibwe, 2018). In the second half of the twentieth century, Uganda hosted refugees of various countries in the region, these include South Sudan, Kenya, Rwanda, the Democratic Republic of Congo, Burundi, Somalia, Ethiopia, and Eritrea (Ahimbisibwe, 2018). In 1955, the "Control of Refugees from the Sudan Ordinance" was enacted when refugees from southern Sudan entered Uganda before either country became independent. After Uganda's independence, the orders under the Ordinance were placed under the Control of Alien Refugees Act in 1960 (CARA) (Government of Uganda, 1960). The CARA allowed the state authorities to establish a refugee settlement anywhere in Uganda and to order any refugee to reside in these settlements. The CARA was more about the control than the protection of refugees (Hovil, 2018). Southern Sudanese that fled from the escalating violence in the 1960s were thus confined to camps in Northern Uganda. The influx of refugees was halted after the Addis Ababa Peace Agreement in 1972 (Hovil, 2018). In 1976, the Ugandan government ratified the 1951 Refugee Convention and its 1967 Protocol with some reservations. Although some provisions of the CARA contradicted some of the obligations of the conventions, such as the freedom of movement, in practice the CARA was partly implemented since it was mostly applied in situations of mass influx (Hovil, 2018).

In 1971 during the seizing of power by Idi Amin, many Ugandans themselves were being displaced to avoid persecution for supporting the prior regime (Hovil, 2018). A similar pattern occurred when Idi Amin was removed from power in 1979. In 1985 seven per cent of the Ugandan population was either refugee or internally displaced (Lomo et al., 2001). In the following years, more people were forced

out of Uganda due to fighting in northern Uganda between the National Resistance Army (NRA) and military groups, such as the LRA. At the same time, conflict in Sudan resulted in an ongoing flow of Sudanese refugees coming to Uganda. These two conflicts became further linked as the Ugandan government supported the Sudanese People's Liberation Army (SPLA), while the Sudanese government supported the LRA. As a result, Uganda continued to see multiple waves of displacement within and across its borders (Hovil, 2001). In the southwestern part of Uganda, conflict and displacement became connected in a similar way (Hovil, 2018). In the 1980s, thousands of Rwandans joined the NRA, which later turned their attention to Rwanda. In 1990, the Rwandan Patriotic Front (RPF), which was formed in Uganda and invaded Rwanda from Uganda. The genocide in Rwanda in 1994 led to mass displacement into Uganda and neighbouring countries (Hovil, 2018). In 2000 there were a total of 640,000 internally displaced persons in Uganda and 202,00 registered refugees in Uganda.

In 1999, the Ugandan government and the UNHCR started implementing a Self-Reliance Strategy (SRS), which was part of a global approach of the UNHCR known as the Refugee Aid and Development (RAD). The policy had the goal to transform refugees from beneficiaries of humanitarian aid to agents of development (Meyer, 2006). The SRS sought to integrate services for refugees into existing service structures and to make refugees self-reliant by allocating land to them and allowing them free access to health and education services. The SRS had the aim to benefit both refugees and host communities (Government of Uganda & UNHCR, 2004). In practice, the SRS attempted to achieve these goals while holding refugees in camps, which were named "local settlements" (Hovil, 2018). In these settlements, refugees were given small plots of land and annually decreasing rations, because after four years, they were expected to be self-reliant, and not receiving aid. However, the achievement of self-reliance without freedom of movement, including access to markets seemed to be impossible (Hovil & Werker, 2001). The SRS was implemented to support long-term refugees, as many refugees in sub-Saharan Africa at that time have been in a refugee situation that lasted more than five years and had no immediate prospect of a solution (Kaiser, 2005). Because long-term "care and maintenance" programmes for refugees were often accused as the source of stress and not responsive to the human and social needs of refugees, there was an aim to transform the refugee response from relief to development (Kaiser, 2005). The developmental approach also meant that the needs of both the refugees and the host communities were addressed, as the response focussed on "refugee affected areas". This approach avoids duplication of structures and services and minimises tension between refugees and hosts based on the perception of unequal divisions of aid (Kaiser, 2005). Yet, it is important to note that a more developmental response to refugee presence is difficult due to the political nature of refugee hosting. For host states, these developmental efforts should not be

mistaken for softened ideas of local integration as an ultimate solution to refugee-hosting (Kaiser, 2005). With the SRS aiming to integrate services for refugees into district development, it is refugee assistance rather than refugees themselves being integrated (Kaiser, 2005). Refugees in Uganda were required to register and live in settlements, which were mostly placed in northern Uganda. The fact that the policy of SRS was focussed on settlements and was internationally celebrated allowed the regime to claim that the country did not need a policy for urban refugees or an Alternatives to Camps policy, because formally the country didn't have camps but local settlements. With this strategy, the international community had an excuse to reduce aid, but refugees were still left in poor conditions (Hovil, 2018). Likewise, the host communities benefitted little since the implementation of SRS focussed on creating and maintaining large settlements to which the local population had limited access (Hovil, 2007).

According to the Ugandan government, the reason for the establishment of settlements in northern Uganda is that the northern districts had plenty of land to support the refugees (Kaiser, 2005). However, it can also be argued that the placement of refugees in the West Nile Region fits within the wider political agenda of the regime. The conflict in northern Uganda from 1986 to 2006 formed an important problem for President Museveni because people in northern Uganda were mostly not won over by the NRM and the economy remained stagnant (Kaiser, 2005). The establishment of refugees in the impoverished and dissatisfied West Nile provided the opportunity for immediate developmental attention by UNHCR and its partners in the region, resulting in improved infrastructure, employment opportunities, and more markets for the local population, but also for government officials and outside investors. Additionally, it allows the government to "harden" its presence in the remote border area and to strengthen political links between the NRM and the people of West Nile (Kaiser, 2005). Placing the refugees in the West Nile shows the capability of the government to do so and strengthen the claim that they have control over the conflict-affected north more generally.

In 2003, the SRS strategy transitioned into the Development Assistance for Refugee-Hosting Areas (DAR) policy. The DAR sought the same objectives as the SRS but aimed in addition to enhance the capacity of local stakeholders (Hovil, 2018). However, the DAR did not provide the freedom of movement, impeding any development potential. In 2006, the new Refugee Act was passed, which introduced the refugee definitions based on the 1951 UN Convention and the 1969 Organisation of African Unity (OAU) Convention. Although practically the Refugee Act still focussed mostly on humanitarian assistance within refugee settlements, at policy level it did open the door for freedom of movement and right to work for refugees (Hovil, 2018). The implementation of the Refugee Act was possible because at the time there was little focus on refugee policy and its implementation. This lack of focus was because a repatriation process for Sudanese people was underway, there was a pressure

for Rwandan refugees to return, and there was some optimism of the situation stabilising in Burundi and DRC. By 2009 the refugee population in Uganda was reduced to less than 140,000 and the number of IDPs in Uganda was decreasing as the war in northern Uganda had come to a halt. As a result, refugee policy and its implementation were low on the national and international agendas.

In 2013, fighting broke out in South Sudan resulting in Uganda receiving 200.000 South Sudanese Refugees by July 2016. This occurred shortly after the international environment had changed due to large numbers of Syrian refugees arriving in Europe in 2015. Displacement suddenly became very visible and as a response, the New York Declaration for Refugees and Migrants (the NY Declaration) was adopted by the UN General Assembly in September 2016 (Hovil, 2018). In the NY Declaration states acknowledged their "responsibility to manage large movements of refugees and migrants in a humane, sensitive, compassionate and people-centred manner," and committed "to a more equitable sharing of the burden and responsibility for hosting and supporting the world's refugees" (Hovil, 2018). To promote the goals of the NY Declaration states committed to implementing a Comprehensive Refugee Response Framework (CRRF), which in Uganda is supported by the Refugee and Host Population Empowerment Strategy (ReHoPE) of the Ugandan government. ReHoPE is, like the SRS, an integration of refugee policy into Uganda's National Development Plan II. This means that the refugee settlement response is incorporated into Uganda's broader development agenda. The focus of aid for refugees in settlement-context practically restricts the movement of refugees, as refugees receive little to no support outside of settlements (Hovil, 2018).

The OPM

The various programs that shape the Ugandan refugee response provide important sources of resources and repertoires to be used by the OPM to legitimise the acquisition and control of the land from the landlords that reside in the Imvepi settlement. These resources include the ability to provide various services to the settlement of Imvepi, such as health care and education, and access to an international network, which in turn has access to technical expertise regarding development projects. The refugee policy in Uganda also translates into multiple repertoires, as the various programs linked to the refugee policy refer to various goals and values. Examples are the references to solidarity, human rights, and international responsibility in the NY Declaration (UNHCR, 2016), the mention of resilience and self-reliance of refugees in the CRRF (OPM, n.d,), and the reference of economic and social development in the ReHoPE Strategic Framework (UNHCR, 2017). Although the resources and repertoires used to acquire land for the settlement were based on the promise of development and compensation through services, in practice this has been somewhat contested as the landlords and the members of the host community feel wronged because they have not received what they

expected. Many of the landlords expected some of the kind of compensation in the form of goats, cows, and shelters, yet most of them said they have not been getting any compensation.

> *"Like these people of OPM came and then they did survey over the area. After the surveying, they came to the community and ask if they could bring refugees and resettle them here. So, these people also agreed, they were like fine, but if you could give us something in return. Like maybe some compensation, so these OPM people say they would, but up to now they have not done that."[33]*

The two officers of the OPM that I interviewed told me, in contrast, that the land was given unconditionally by the landlords.[34] A problem is that these agreements have not been taking place transparently, since officers of the OPM acquired the land by approaching some elders and landlords and it is unclear what exactly has been agreed about the conditions of allocating land to the refugees. Nevertheless, there have been other promises made regarding benefits for the host community that allocated their land for hosting the refugees, these are the promise of job opportunity and the 70/30 principle of ReHoPE. In the case of the job opportunities, I noticed that there was some frustration among some people from the Arua district as the people that work for the NGOs are often people from Kampala and not from the area where the refugees are hosted. An employee of a local NGO told me that in the Imvepi settlement the conflict heightened when the local community started burning tires out of protest that they were not given jobs.[35] I was told by an OPM officer that a member of the host community can obtain a job if they meet the required experience and the necessary documents they can apply for a job but it is not dictated that they are required to be hired.[36] In my opinion, it shows that OPM is not very much committed to ensuring that the local population obtains a job.

The other promise made is the 70/30 principle of the Uganda government policy. The policy promises that 30 per cent of the humanitarian response for refugees should support the needs of the host communities (UNHCR, 2017). The implementation of this principle is not quite clear. In the Uganda Country Refugee Response Plan of the UNHCR (2018), the 30 per cent "should benefit the hosting community wherever feasible and contextually relevant" (p.22). The document also states that "not every sector or project is expected to accomplish this". According to the OPM officer that I interviewed, the 30 per cent is going through the ReHoPE program and the money is given to the district government, where it used to fill in the gaps in the funding of their budget. This budget is then used for infrastructure and improving health and education facilities both within and outside the

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[33] Authors interview with member of the host community in Imvepi on 21 November 2019.
[34] Authors interview with OPM officers in Arua and the Imvepi settlement on 12 and 21 November 2019.
[35] Authors interview with employee of NGO based in Arua on 12 November 2019.
[36] Authors interview with OPM officer in the Imvepi settlement on 21 November 2019.

settlement.[37] This means that the 30 per cent of the refugee aid is maybe not as tangible as the host communities might have expected. In addition, there is a risk that the 30% disappears in the pockets of various government officials along the process of providing services to the host community.

The OPM is not only using material resources to obtain land, they are also involved in using immaterial repertoires to ensure land is allocated to reach the developmental goals linked to the refugee hosting. In practice, this is called sensitization.

> "Now I think OPM currently is just doing advocacy. Just doing advocacy. The land that has been given to OPM for the refugees is only where they are settling it is measured by 50 by 50 meters that is where a plot or family is. So that is where they supposed to do everything. Building, digging, what what everything. But OPM has not come to hire land or to rent land for refugees to go. But what they do is they call for community sensitization. Where they say you the nationals these are your sisters and brothers so if they go and ask land, for you, you help them."[38]

The OPM plays into the sense that the refugees are required additional land from the members of the host community, and the host community is obliged to help the refugees based on their shared identity and cultural principles. The OPM plays a similar role in the acquisition of land for developmental projects of NGOs.

> "First, we go through OPM, we meet the elders, we explain the project, the importance we explain their role. So, the first thing is their commitment to give land, so OPM negotiates through dialogues then they understand, then the project comes [..] Through negotiation with OPM taking the lead then with mobilization of the elders and the community leaders."[39]

The OPM plays the role of the middleman for NGOs to come in contact with members of the host community to acquire land for projects. As the lead of the CRRF, the OPM uses various resources and repertoires to exercises authority to involve itself in the process of acquiring land from the members of the host community.

Besides the acquisition of land, the settlement-based refugee response, with its intertwined development goals, has other consequences related to the authority over land, since the Ugandan government has a big interest in maintaining control over the area surrounding Imvepi. Since the OPM drew the boundaries between the plots for the refugee households, they exercise authority over the

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[37] Authors interview with OPM officer in the Imvepi settlement on 21 November 2019.
[38] Authors interview with member of the host community in the Imvepi settlement on 5 December 2019.
[39] Authors interview with employee of NGO based in Arua on 9 January 2020.

land that has been allocated to the refugees. For example, the OPM plays a role in the resolution of conflict over land between refugees. When refugees have a conflict over land, the Refugee Welfare Council (RWC) will report to the OPM. The OPM will then come to the site of conflict to resolve the dispute.[40] The OPM is also involved in resolving conflicts between refugees and members of the host community over land and its natural resources[41]. Furthermore, OPM, in collaboration with UNHCR, makes an effort to control the allocation of additional land from members of the host community to the refugees. The reason for this is that there have been various cases of refugees not being able to harvest the produce from the land initially provided by a member of the host community, as these verbal and undocumented arrangements are quite insecure.

> *"In some cases, the refugees have gone on their own to negotiate for land. In cases where there was no proper documentation of processes, they are set back. So, you find somebody offered the land and the refugees go on to do cultivation then somebody comes and claims to be the rightful owner of the land. Which is very very bad, they want to take back the land and these have been coming as a challenge of the refugees."[42]*

As a response, there have been attempts made to formalise the arrangements between refugees and members of the host community. One of these ways is the "rights of use" agreement, which is a template that requires the agreements between the refugees and the host community members to be signed in an agreement so that both parties are bound by the agreement.[43] The agreements regarding "rights of use" also require other parties to be involved, such as the neighbouring landlord to ensure that not part of their land is used by the refugee. In addition, it is expected for OPM to be involved in these negotiations to provide the role of the witness and arbitration in the case of conflict.[44] In practice, the "right of use" documents are seldom used by the refugees and the members of the host community.[45] The reason for this is that the agreements for refugees accessing additional land are based on friendship and it would be a sign of distrust to sign the agreements in a written document.

Besides attempting to manage the arrangements over land and their role in conflict resolution between refugees, the central Ugandan government exercises other territorial practices in the settlements. Although the Imvepi settlement is not fenced, there is still administrative control exercised over the settlement, as coordination at settlement level is spearheaded by the refugee desk

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[40] Authors interview with refugee in the Imvepi settlement on 6 December 2019.
[41] Authors interview with LC1 chairperson in the Imvepi settlement on 5 December on 2020
[42] Authors interview with employee of NGO based in Arua on 18 November 2019.
[43] Authors interviews with employees NGOs and OPM officer on 18 November and 26 November 2019 and 9 January 2020.
[44] Authors interview with employee of NGO based in Arua on 18 November 2019.
[45] Authors interview with officer of the OPM in the Imvepi settlement on 26 November 2019

officers of the OPM. For me, this was noticeable when I had to get permission to conduct the interviews in the Imvepi settlement and it was necessary to get approval from the OPM offices in Kampala, Arua, and Imvepi. Other territorial activities occurring in the settlements are the placements of outposts and representatives of governmental control (Lund, 2006), these include police offices, schools, health services, and of course the settlement office of the OPM.

The Titling of Land

Besides the territorial practices of the OPM, there are also other activities carried out by the central government to ensure control over the area around the settlement. An example of this is a proposal to title the land in the Odupi subcounty. In the previous chapter, I wrote about the option, formulated in the 1998 Land Act, for people to register customary land to obtain a Certificate of Customary Ownership. In practice, little customary land is registered, among others because it is a timely and costly process.[46] In Arua, I was told by an officer of the Ministry of Lands, Housing, and Urban Environment about a project that would give all landlords in the Odupi subcounty a free title to their land. The project has not yet been implemented. According to the chairman of the LC3 of Odupi subcounty, the chairman of the subcounty land committee, and the Chief Administrator Officer (CAO) of the Arua district, there has been a proposal to do so. The reason to provide land titles is that it would provide more security and less conflict, as there is currently no documentation of the boundaries of land.

> *"Once you have the title, no one will tamper with you, which means that conflict reduction must be one of the results. That is why they brought it in."[47]*

Another argument for the titling of the land was that it would be easier to give value to the land. For the land in the Imvepi settlement that is especially relevant, as it would facilitate compensation for the landlords who provided their land.

> *"Then it also guides the government because you want to compensate somebody. Somebody has been compensated in know how much land I have and so and so. So, in those refugee areas it is critical to have land titles in those areas. It is critical, having land titles. Because in so many things it helps the government, in planning, first of all, the amount of land you have for the number of people who are there."[4849]*

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[46] Authors interview with officer of Chief Administrative Office of the Arua district on 16 January 2020.
[47] Authors interview with the chairman of the Odupi Subcounty on 14 January 2020.
[48] Authors interview with an officer of the Ministry of Lands, Housing and Urban Development in Arua on 13 January 2020.
[49]

The quote above also reveals that the government has an interest in the titling of land because the clear land demarcations would allow them to work more efficiently in the Imvepi settlement. Another interest of the government in providing land titles is that it provides an opportunity to establish the state as an authority over land. The titling of land would have the consequence that landlords would refer to government-issued titles to back up their claim of ownership of land. As we discussed in the second chapter of the thesis, the recognition of the landlords claim to property, simultaneously recognises the authority of the government over land in the area. The referral of landlords would thus strengthen the authority of the state. As a result, the provision of land titles would shift the constellation of authority in the Imvepi, as it would diminish the role of customary leaders who currently base their authority on their knowledge about the history of the land. During my fieldwork, it was not yet clear what the future of this programme will be. It would be interesting to see whether this proposal to title the land in the Odupi Subcounty will be implemented, or if the proposal will meet some resistance by actors that have competing claims of authority over land.

NGOs

Other important actors involved in the authority over land in the Imvepi settlement are the various international organisations and NGOs that work in the settlement. These organisations provide services among others related to education, environment and energy, food security, health, livelihoods, shelter and settlement, and water, sanitation and hygiene (UNHCR, 2020). To provide these services, the international organisations and NGOs often need access to land, for example, to set up schools, health centres, or agricultural plots for joint farming.

To gain this access, NGOs have to recognise the various authorities that claim the authority over the land. On the one hand, they need to recognize the OPM's authority over the settlement, as they have the lead over in the framework in which the refugees are hosted. On the other hand, they are required to ask a landlord to provide the land for the projects. In practice, this means that an NGO goes through statutory actors, such as the LC3, because these actors mobilise the elders and the members of the LC1 for the NGOs to meet. From there, the NGO can ask permission to use the land of a landlord to set up a project. In this process, the NGO can use various resources and repertoires to gain access to this land. These resources are among other technical expertise, the benefits that the projects can bring, and finance. The repertoires that are mobilised include development and the responsibility of a landlord to provide benefit to the community members and the refugees.[50]

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[50] Authors interview with employee of NGO based in Arua on 9 January 2020.

The balance of NGOs between recognising both statutory and customary authority becomes clear when looking at the implementation of the aforementioned "rights of use" document. Although the OPM and UNHCR preferred that agreements of providing land are formally documented, as it should provide more security for the use of land, not all NGOs follow this principle. Some NGOs prefer to make agreements on the terms of the host community members since documentation of agreements can lead to suspicion. An employee of an NGO told me the following:

> "You know we have a community meeting; the role is explained than when we get to them, it is easier. Whoever comes knows who what their role is. We found it easier that way, you know [..]. But when you involve now documentation and signing of this, then people say no. Maybe there is A-B-C going on. And the elite of the community is also there, there is politics that will also come in. Yeah so through non-formal. but where documentation is required sometimes there are questions. But this other dialogue here we found it easier. So, in such a case we have not traded so much in the formal way. [...] You know when we have a meeting, the landlord will say 'whoever comes humbly will always get something'. Yes, so it depends on the way you approach them."[51]

Yet, not all NGOs choose to make agreements over land this way. An employee of another NGO told me about the reasons to do make agreements formally, as it ensured that a development project could continue.

> "And doing all that OPM, the government entity, is to be fully involved. This should not only be involved refugees and host community members. If it is a partner engaging, even the local authorities of the sub-county should be involved in the agreement. They should endorse so in case that there are challenges all these parties can help in arbitration. Then also the neighbours of that part of land they should be with the agreement so that there is no loss of energy"[52]

In other words, in the legal pluralism context around the Imvepi settlement, NGOs can choose according to which procedures they acquire land for their development projects.

Besides some NGOs that are in search for land in the Imvepi settlement, there are also other NGOs, who are more involved in the authority over land by providing legal assistance to members of the host community and the refugees. These kinds of NGOs do not solely work inside the refugee settlements across the West Nile region, yet they shape authority over the land as they actively engage in dispute resolution, among others over land. In the Imvepi settlement, legal aid providing organization train so-

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[51] Authors interview with employee of NGO based in Arua on 9 January 2020.
[52] Authors interview with employee of NGO based in Arua on 18 November 2019.

called paralegals that are then able to handle basic legal aspects in resolving disputes.[53] Although these paralegals are trained in Ugandan law, an important role of the paralegals lies in mediation.

> *"But the paralegals are even before the court. Because we try to ensure that the relation that is there shouldn't go sour. Because once it goes to courts, it is all about pulling the ropes now. So, they should be able to restore that relationship, restore that faith and happiness so that people have a win-win situation."[54]*

Regarding land, the main role of the paralegals and the legal aid providing organisations is to ensure that land disputes do not escalate and become violent. And this is thus mostly done by facilitating communication between the disputing partners. [55] Paralegals and legal aid providing organisations have resources in the form of legal knowledge and access to a network of legal specialists. Repertoires used by these actors include peace and harmony. These NGOs are thus not as much interested in obtaining recognition of claims to land or authority, yet they do shape authority over land in the Imvepi settlement by providing services in legal advice and mediation in the resolution of land disputes.

Refugees

Besides the OPM and various international organisations and NGOs influencing authority over land in the Imvepi settlement, refugees themselves are also involved in the authority over land. Like the regular members of the host community, the power of the refugees is less institutionalised than the power of other actors. Nevertheless, refugees shape authority over land by recognising the ownership over land of host community members to gain access to additional land beside the plot that has been allocated through the OPM. As mentioned in the previous chapter, refugees can get additional land by making friends with members of the host community and through the payment of rent.

> *"But only that if you have a friend within the host community. Maybe that friend will give you a small land where you have to also rent. And then you use it, just a small part. [...] The refugees, we don't have land. Then the owner of the land may give you a duration to use that land and then after some months he or she also expected to rent again, then you have to use the land. That is how we, we understand ourselves with the host communities about using their land."[56]*

By engaging with the host community, the refugees are acknowledging their ownership of and authority over the land. Land and its resources are not always accessed through mutual agreement, as I also heard stories of refugees encroaching on land and cutting trees without the consent of the

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[53] Authors interview with employee of NGO based in Arua on 16 January 2020.
[54] Authors interview with employee of NGO based in Arua on 16 January 2020.
[55] Authors interview with employee of NGO based in Arua on 16 January 2020.
[56] Authors interview with refugee residing in the Imvepi settlement on 6 December 2019.

members of the host community. In addition, I have been told about instances where members of the host community rent out their land to two different refugees to increase their income.[57] These conflicts between refugees and members of the host community are then settled between the Refugee Welfare Council 1 (RWC1) and the LC1. The RWC 1 is the refugee counterpart of the LC1 and has a similar role in managing life at the level of the refugee villages. In case of conflict, these institutions come together and try to find a solution through mediation.

> *"First you report to the RWC1, and then RWC1 also calls LC1 from the host community and those two people come together. They start with solving this issue and find out the way forward. Always as such things arise, they should now come together and discuss the issue."[58]*

In such a case the role of the LC1 in the resolution of land disputes is thus acknowledged by the refugees and the RWC, as they make use of the forum to solve conflicts regarding land. As mentioned in the previous chapter, many refugees in the Imvepi settlement do not access additional land outside their plot, and it is important to note that access to additional land is not equally available among refugees.

Chapter Conclusion

In this chapter, I described how the actors involved in the management of refugees shape the authority over land in the settlement. I looked into the role of the central Ugandan government, which is represented by OPM and proposed land titles programs, and I looked into the role of NGOs and refugees and their interaction with the various structures that govern the use of land. In the following chapter, I will synthesize the information provided in this and the previous chapter to answer the question which opportunities occur within the negotiations about authority over land in the Imvepi settlement.

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[57] Authors interview with member of the host community in the Imvepi settlement on 5 December 2019.
[58] Authors interview with refugee residing in the Imvepi settlement on 6 December 2019.

Chapter Six: Opportunities to Reshape Authority over Land

In the previous two chapters, I described the various institutions involved in authority over land in the Imvepi settlement. In these two chapters, I have answered the sub questions of this thesis, which are:

- Which institutions and actors compete over authority over land in the Imvepi settlement?
- What resources and repertoires are used to support the claims made by these institutions and actors?
- How are these competing claims accepted or rejected among the various institutions and actors?

In chapter four, I outlined the role of the customary and the decentralised state structures, what resources and repertoires these structures mobilised to legitimise their authority over land in the Imvepi settlement, and to which extent these resources and repertoires are accepted or resisted by the other institutions and actors. In chapter five, I described in a similar manner how the actors involved in the management of refugees shape the authority over land in the settlement. In this chapter, I will synthesize the answers of the sub questions to answer the main research question:

How does the rupture caused by the hosting of refugees in the Imvepi settlement create opportunities for various actors to reshape authority over land?

The argument that I make is that opportunities to establish authority over land occur due to the arrival of "newcomers" in the Imvepi settlement and due to the increased call for control and security over the area.

Opportunities in Newcomers

Opportunities to establish authority over land occur in the context of legal pluralism in the area, where actors can negotiate with multiple institutions to gain property over land. The negotiability and fluidity of legitimate access to land can be observed by looking at the actions of the OPM. In the process of acquiring land for the plots for refugee households, the OPM choose to approach a few elders that would represent the host community of the Imvepi settlement and not to approach the relevant state structures, such as the Local Councils of the Arua district and the Odupi subcounty and their respective land board and land committee. The negotiation with the selected elders resulted in untransparent and unclear agreements about the allocation of land, and confusion about the compensation that would be given to the host communities. However, now that the refugees reside in the area and search for additional land to sustain themselves, the OPM advocates that agreements over access to land are to be formally documented and should involve the local government and sometimes even the OPM

itself. The OPM thus strategically refers to different structures to further its interest. At the time of acquiring land, the OPM could benefit from the informal agreements with the representing elders, but now that the OPM is the head in managing the hosting of the refugees, it benefits from formal land agreements that involve government structures as arbitration.

Besides the OPM, other actors also choose between the different property regimes that exist around the Imvepi settlement. For example, the NGOs that search for land to implement their projects can choose to acquire land through verbal agreements with a landlord or formally through the "rights of use" document that requires the involvement of the local government. Both options present some advantages for an NGO. On the one hand, the verbal agreement with the landlord builds more trust, as the agreement is made through local customs. On the other hand, the "rights of use" document provides more legal security because it involves various witnesses. An NGO chooses the manner of acquiring land, based on which way the NGO considers more beneficial for the implementation and continuation of their projects.

Similarly, refugees strategically choose different institutions to obtain access to land to sustain livelihoods. When refugees search for land, they mostly obtain it through informal negotiation with the members of the host community, as they acquire the land through friendship and material forms of appreciation, such as rent. Nevertheless, in the case of conflict, refugees refer to the more formal structures, such as the RWC1 and the LC1 as these structures provide a platform to resolve disputes about access to land.

This negotiability of access to land provides opportunities, as the various actors that want to institutionalise their authority can provide access to land for the "newcomers" that move within the Imvepi settlement. The referral to either a customary or statutory structure feeds into the authority of these structures because property and authority are simultaneously constructed through mutual recognition. The "newcomers" that enter the area of the Imvepi settlement are therefore an opportunity for the competing institutions to attain new subjects unto which they can exercise their authority over land. Simultaneously, these newcomers can negotiate between different institutions to advance their interests.

Opportunities in the Problematisation of Insecure Land Tenure

Besides the entry of the "newcomers", the establishment of the refugee settlement in the parishes of Imvepi, Lugbari, and Azapi is also an opportunity to call for a need to control and secure land tenure in the area. The refugee policy interlinked with the developmental agenda has made that land in the Imvepi settlement now features various economic and social services, such as schools, health centres, water pumps, and agricultural sites for shared farming. This means that actors such as the OPM, NGOs,

refugees and members of the host community have increased interest in secure management of land because the land now carries various investments and sources of livelihood. The call for control and security over land tenure was mentioned in various interviews. An officer of the Ministry of Lands, Housing and Urban Development referred to the need of planning in the settlement[59], NGOs talked about the loss of energy and benefit due to insecure land tenure[60], and the chairman of the Odupi Land Committee talked about the chaos that would happen when the refugees will leave the settlement and the land will be redistributed to the landlords.[61]

This problematisation of insecure land tenure is an opportunity because it allows the different actors to present solutions that would secure land tenure and simultaneously institutionalise their authority. During my fieldwork, I noticed various proposed solutions to insecure land tenure that would also allow institutions to strengthen their authority. For example, the "rights of use" documents promoted by the OPM that would formalise agreements about the access to land between the host community and refugees or NGOs. These formal agreements require the presence of the local government, and in some cases the OPM, to witness the agreement and would thus institutionalise the role of the Ugandan government in land governance.

Another example is the proposed project of the Ugandan government to title the land in the Odupi subcounty. The registration of land would secure the property of land in and around the Imvepi settlement[62], but it would also establish the authority of the Ugandan Government because landowners would refer to the government-issued land titles to support their claim of ownership over the land.

It is not only statutory institutions that provide solutions to secure land tenure. The Landlord Association has been established in response to the confusion that was caused by the settlement of the refugees and to bring leadership in the management of land.[63] So while the Landlord Association aims to secure land tenure, it simultaneously strengthen the authority of the landlords, as the association provides a forum where the landlords can have a say about the use of the land surrounding the Imvepi settlement.

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[59] Authors interview with an officer of the Ministry of Lands, Housing and Urban Development in Arua on 13 January 2020.

[60] Authors interview with employees form different NGOs based in Arua on 12 and 18 November 2019, and 9 January 2020.

[61] Authors interview with chairman of the Odupi subcounty land commission on 14 January 2020.

[62] Authors interview with officer of Chief Administrative Office of the Arua district on 16 January 2020, authors interview with the chairman of the Odupi Subcounty on 14 January 2020, and authors interview with an officer of the Ministry of Lands, Housing and Urban Development in Arua on 13 January 2020.

[63] Authors interview with member of the Landlord Association on 14 January 2020.

These examples show that actors can use the hosting of the refugees as an opportunity to provide secure land tenure that simultaneously institutionalises their authority over land. Nevertheless, the success of this institutionalisation of authority is dependent on whether these solutions are accepted or resisted by the other institutions and actors in the area.

State Formation through Hosting of Refugees

This thesis has shown that the establishment of the Imvepi settlement creates various opportunities for institutions to strengthen their authority over land. Although the rupture caused by the hosting of refugees has provided opportunities for both statutory and customary institutions, the establishment of the refugee settlement can still be considered a strategy of the Ugandan state to gain control in the area. In the introductory chapter of this thesis, I gave a short overview on the problematic relation between the northern and southern parts of the country and how the government utilises international support to improve its domestic position. Taking this history into account, the hosting of refugees could be considered a strategy for the Ugandan regime to further its domestic interests in northern Uganda. Historically, the Ugandan government has struggled to constitute its control in the northern parts of the country, where the Imvepi settlement and many other refugee settlements are established. The concentration of the refugee settlements in the north of the country provides various opportunities for the state to institutionalise their authority, among others by proposing to title the land in the subcounty or by formalising agreements about land through OPM. The establishments of the various settlements in the West Nile Region allows the state to present itself as an authority by allocating various "newcomers" to land and by securitising land tenure in the area. The strengthened presence of the state is not only facilitated through the opportunities created by the rupture over land. The development in infrastructure, health services, and education services, funded by the ReHoPE program, also allows the state to solidify its links with population residing in West Nile and to facilitate access to the area for the government and outside investors. These interests of the government should be considered when discussing the hosting of refugees in Uganda. In other words, the Ugandan refugee policy should not solely be described as generous or benevolent, as the policy is also shaped by the interests of the Ugandan regime.

Chapter Conclusion

In this chapter, I answered the main research question of this thesis:

How does the rupture caused by the hosting of refugees in the Imvepi settlement create opportunities for various actors to reshape authority over land?

The opportunities that occur in the rupture of the refugee-hosting in the Imvepi settlement can be categorised in opportunities that occur due to the arrival of new subjects, and in opportunities that occur due to the problematisation of insecure land issues. Although these opportunities arise for both customary and statutory institutions, the opportunities do allow the state to strengthen its position in the area where it historically has had limited control. In the next and final chapter of this thesis, I will discuss the implications of these findings and make recommendations for further research.

Chapter Seven: Conclusion

With this thesis I aimed to answer the question:

How does the rupture caused by the hosting of refugees in the Imvepi settlement create opportunities for various actors to reshape authority over land?

To answer this question, I looked at the relationship between access, property, and authority and how property and authority construct each other through mutual recognition. Furthermore, I used the negotiated statehood framework to observe how this recognition is negotiated through various resources and repertoires used by the involved institutions in the Imvepi settlement. The data I collected showed the various ways through which actors, such as the host community, the Local Councils, the OPM, NGOs, and refugees shape authority and property over land in the context of the refugee-hosting in the West Nile region in Uganda. The opportunities to establish authority occur with the arrival of new actors that are involved in the hosting of the refugees since customary and statutory structures have the opportunity to subject these new arrivals under their authority. Other opportunities to institutionalise authority occur by problematising the security of land tenure in the Imvepi settlement, which allows the various actors to provide solutions that would strengthen their authority over land. These processes also provide opportunities for those who are seeking access to land since they can choose an authority that suits their interest best. Although the rupture provides opportunities for both statutory and customary institutions, the establishment of the settlements in the West Nile region could be considered a strategy for the Ugandan government to strengthen its position in the area.

The findings of my research provide some suggestions for both policy and further research. Regarding the policy of refugee-hosting in Uganda, my research shows that the allocation of land for plots, development projects, or additional land for livelihood can be gained through different institutions, and the decision of which institution is referred to in the allocation of land has consequences for the authority over land. These consequences for authority over land are relevant for the continuation of the refugee-hosting in northern Uganda, as the hosting of refugees in the settlement is very much reliant on the willingness of the host community to host the refugees in the area. This means that when actors such as the OPM, NGOs, or refugees were to acquire land through authorities that oppose the customs, ideas or interests of the host communities, the hosting of the refugees could be met with resistance from the local population. In other words, those who seek access to land in the refugee settlement need to be conscious of the politics that play between and within the various institutions that compete over authority in the area. The recognition of one authority and not the other could

result in conflict, which would jeopardise the safety and wellbeing of those who reside in the settlement.

During my fieldwork, I encountered different aspects of land governance in the Imvepi settlement that would be interesting for further research. One of these aspects was the proposal to title the land in the Odupi Subcounty. At the time of my research, the proposal was still in development. It would be interesting whether the programme would eventually be implemented or if the proposal would be met with resistance from those who would lose their authority over the land. And if the proposal would be implemented, how would this reshape the authority within the host community where customary principles form the basis of authority over land?

Another aspect that requires further research is the role of the Landlord Association in land governance. The self-organised association is despite its recent establishment already much involved with the allocation of land and the resolution of land disputes. Further research could be done on how their role would develop over time. During the interviews, it became apparent that the association also had the ambition to be involved in land governance outside the Imvepi settlement, such as allocating land for economic activities in the subcounty.[64] Research could be done on how they would use their resources and repertoires in these new contexts. It would also be interesting to look at the politics within the Landlord Association, for example, whether all landlords are equally represented or if there are conflicting interests between the members of the association.

A final suggestion for a topic of research is the identity of the members of the host community that reside simultaneously in the Imvepi, Lugabari, and Azapi parishes and the Zone 1, Zone 2, and Zone 3 of the Imvepi refugee settlement. It would be interesting to study how the identity of the local population is affected by living in an area that has become a space for various humanitarian projects and developmental investments. During my research, I noticed that some residents of the Lugbari parish perceived that they were benefitting less from the refugee-hosting than the residents of the Imvepi parish. This perception was based on the fact that the refugee settlement carries the name of the Imvepi parish. The perceptions and identities of the host communities regarding the developmental activities in the settlement could provide further insight into their willingness to host the refugees. This willingness of the host community is, in general, a key interest for future research, because this willingness is essential for the continuation of the Ugandan settlement-based refugee response.

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[64] Authors interview with the Chairman of the Odupi Subcounty on 14 January 2020.

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Publications.

Appendix 1: Overview interviews

Number	Interviewee(s)	Place of Interview	Date of Interview
1	OPM officer	Arua Town	12 November 2019
2	Employee of NGO	Arua Town	12 November 2019
3	Employee of NGO	Arua Town	12 November 2019
4	Employee of International Organisation	Arua Town	18 November 2019
5	Employee of NGO	Arua Town	18 November 2019
6	Land Valuer	Arua Town	18 November 2019
7	Chairman of LC1	Imvepi Settlement	21 November 2019
8	Member Host Community	Imvepi Settlement	21 November 2019
9	Member Host Community	Imvepi Settlement	21 November 2019
10	Member Host Community	Imvepi Settlement	21 November 2019
11	Member Host Community	Imvepi Settlement	21 November 2019
12	Member Host Community	Imvepi Settlement	21 November 2019
13	Member Host Community	Imvepi Settlement	21 November 2019
14	Member Host Community	Imvepi Settlement	21 November 2019
15	Member Host Community	Imvepi Settlement	21 November 2019
16	OPM officer	Imvepi Settlement	26 November 2019
17	Chairman of LC1	Imvepi Settlement	28 November 2019
18	Member Host Community	Imvepi Settlement	28 November 2019
19	Member Host Community	Imvepi Settlement	28 November 2019
20	Member Host Community	Imvepi Settlement	28 November 2019
21	Member Host Community	Imvepi Settlement	28 November 2019
22	Member Host Community	Imvepi Settlement	28 November 2019
23	Member Host Community	Imvepi Settlement	28 November 2019
24	Member Host Community	Imvepi Settlement	28 November 2019
25	Two employees of an NGO	Arua Town	29 November 2019
26	Chairman of the LC1	Imvepi Settlement	5 December 2019
27	Member Host Community	Imvepi Settlement	5 December 2019
28	Member Host Community	Imvepi Settlement	5 December 2019
29	Member Host Community	Imvepi Settlement	5 December 2019
30	Member Host Community	Imvepi Settlement	5 December 2019
31	Member Host Community	Imvepi Settlement	5 December 2019
32	Chairman of the RWC1	Imvepi Settlement	6 December 2019
33	Refugee	Imvepi Settlement	6 December 2019
34	Refugee	Imvepi Settlement	6 December 2019
35	Refugee	Imvepi Settlement	6 December 2019
36	Refugee	Imvepi Settlement	6 December 2019
37	Refugee	Imvepi Settlement	6 December 2019
38	Refugee	Imvepi Settlement	6 December 2019
39	Employee of NGO	Arua Town	9 January 2020
40	Officer of the Ministry of Lands, Housing, and Urban Development	Arua Town	13 January 2020
41	Chairman of the LC3	Odupi Subcounty	14 January 2020
42	Chairman of the Subcounty Land Committee	Odupi Subcounty	14 January 2020
43	Employee of NGO	Arua Town	16 January 2020