

Housing land and property challenges and best practices in West Nile settlements

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The Norwegian Refugee Council (www.nrc.no) is an independent humanitarian organisation helping people forced to flee. We work in crises across 40 countries, providing life-saving and long-term assistance to millions of people every year. NRC extends gratitude to all the refugees and members of host communities who generously shared their personal stories, insights, and expertise. Without their contribution, this research and analysis would not have been impossible.

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Cover photo: Dixon Odur
A refugee standing in front of her accommodation in West Nile, Uganda

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Executive Summary

Uganda currently hosts one of the largest refugee populations in the world and continues to receive more. According to a 2023 report from the World Food Programme (WFP), refugee households in the West Nile are generally poorer and less resilient than those in the host communities, have low levels of land for agriculture or livestock rearing, and rely heavily on assistance as a main source of food and income. Access to land is crucial for them, both for accommodation and livelihoods, and to help increase their resilience for the future.

The NRC Information Counselling and Legal Assistance (ICLA) Programme has been implementing activities in three settlements in the West Nile region: Bidibidi, Rhino Camp and Imvepi. In these locations NRC provides legal aid services on housing, land and property (HLP) including legal awareness, counselling, legal assistance, collaborative dispute resolution to resolve HLP disputes (e.g., mediation), capacity building and advocacy. During the period from June 2021 to May 2024, NRC has assisted over 37,000 refugees and host community members on HLP issues in the three settlements. This report covers the main HLP issues such as disputes over access and use of land, specific challenges faced by female refugees, poor accommodation and destruction of crops by stray animals. It then describes best practices that have been developed over the three years, and how approaches have adapted to changing circumstances, such as the increasing population and pressures on land, as well as the continued challenges related to climate change.

Both by learning from these experiences, as well as through interactions with the Office of the Prime Minister (OPM), and other partners, ICLA has identified best practices that have been particularly effective at addressing HLP issues and concerns in the three settlements. The breadth and complexity of these issues will continue to present real challenges. The decrease in funding, the continued insecurity in the home countries of the refugees and protracted displacement in Uganda highlight the need to build on these best practices to prepare for new shocks, especially those caused by increasing refugee populations (and demands), a decrease in available land and other natural resources and climate change. Secure HLP rights are essential to the protection and strengthened self-reliance for refugees in Uganda.

HLP BEST PRACTICES

Increasing HLP knowledge, security of tenure and preventing disputes: Refugees cannot buy or sell land in Uganda, but are entitled to the use of land allocated to them by OPM, which is currently a 30m x 30m plot per household. They can rent additional land if required for other purposes, such as cultivation. ICLA's information, capacity building and legal assistance activities focus on issues around land and tenancy agreements, how to acquire access to land, what kind of due diligence should be done, how to clearly demarcate land

boundaries, what terms should be included in a tenancy agreement to increase tenure security and how to manage and resolve HLP disputes. Tenure security reduces vulnerability for refugees, and provides a foundation on which they can increase their resilience and sustainably rebuild their lives. ICLA has paid particular attention to helping promote gender equality and raise women's awareness of their rights, which is often different from what they have known from customary traditions and norms.

Resolving HLP disputes: NRC legal aid services include collaborative dispute resolution methods (such as mediation to resolve boundary disputes); drafting legal documents; assisting with due diligence regarding potential HLP land transactions; referrals to partners for court representation and other services; and legal accompaniment for administrative procedures or other engagement with authorities.

Refugees often view court processes as long, expensive and inaccessible. ICLA's model is to provide CDR trainings to local leaders, OPM representatives and other key stakeholders in both host and refugee communities. With this knowledge, they can help resolve disputes within their communities at a larger scale, and they are also able to share this knowledge with other persons beyond the direct reach of NRC, making this a much more sustainable initiative. This is an important skill as there has been a growing number of HLP disputes, due in large part to the protracted displacement and the increased demand for land. NRC activities have also included promoting peaceful and cooperative use of water points and bore holes to ensure that the reduced availability of rainfall and other water sources does not become a source of conflict.

Improving quality of accommodation: NRC refers cases to other agencies and partners for assistance and/or mobilize the community to provide the required support, e.g. re-building a roof for the disabled or other vulnerable refugees. Though not a primary part of the portfolio, ICLA also provides cash assistance in certain cases to improve people's shelters and ensure the safety and health of themselves and their families. Cash assistance is provided as a last resort and only in the case of very vulnerable refugees.

Strengthening self-reliance for refugees: The ICLA intervention forms part of NRC's strategic programme, working in close collaboration with the Livelihoods and Economic Inclusion Programme, to ensure tenure security for all agriculture interventions and strengthen self-reliance for refugees. For instance, in Bidibidi, NRC and OPM have agreed to support block farming for both collectives and individual farmers from refugee and host communities, whereby OPM provides access to the land and NRC works with the farmers regarding the subdivision and use of land. Block farming is a collective agricultural approach where smallholder farmers from refugee and host communities come together and pool labour to cultivate crops collectively on designated blocks of land. Additionally, ICLA and LFS teams have also advised refugees about how to mitigate the risk of fire damage as the temperature increases and the grasses and leaves become drier, such as through the use of including fire lines when clearing land for agriculture during the dry season.



1 Introduction

BACKGROUND

Uganda currently hosts one of the largest refugee populations in the world and continues to receive more. UNHCR reports 54,196 new arrivals since January 2024,¹ bringing the total up to 1,644,870 refugees in the country as of 31 May 2024.² The Office of the Prime Minister (OPM) has administrative authority over all refugee related matters in Uganda, and NRC coordinates with OPM and other partners to determine where and which needs can be filled.

There are different types of land tenure systems in Uganda, including privately owned land (freehold) and customary land. However, the land in West Nile that is used for the settlements belongs to individuals, generally under a customary land tenure system.³ OPM negotiates with these owners for access to land for the refugees, who are registered and assigned a 30m x 30m plot of land for all households regardless of their size. The plot is primarily used to construct their shelter and is insufficient for both shelter and cultivation, so the refugees must find other ways to acquire access to farmland. Under Uganda's 2010 Refugee Regulations, refugees within the settlements can access land for cultivation or pasturing, but cannot buy or sell land, including the plots they have been allocated.⁴

According to a 2023 report from the World Food Programme (WFP), refugee households in the West Nile are generally poorer and less resilient than those in the host communities, have low levels of land for agriculture or livestock rearing, and rely heavily on assistance as a main source of food and income.⁵ Large refugee influxes, protracted refugee crises and chronic funding shortfalls have severely overstretched national services and systems. Access to plots of land was intended to ensure better livelihoods and food security outcomes for refugees, but land is becoming scarce and less fertile, and no longer offers an adequate basis for self-reliance for all. These problems are compounded by the impacts of climate change as the recurrence and severity of droughts have resulted into decreased agricultural productivity and loss of livestock.⁶

While needs remain high, the Refugee Response Plan in Uganda is underfunded, and resource shortfalls have intensified the need for household-level prioritisation. WFP has had to undertake a heavy prioritisation exercise in the last few years.⁷ Since July 2023, the vast majority (over 80 per cent) of refugees across all settlements have received only 30 percent of the food and cash

1 UNHCR (2024) Uganda Refugee Influx Update (as of 16 May 2024)

2 <https://data.unhcr.org/en/country/uga>

3 This system of land ownership is recognized and governed by the 1995 Constitution of the Republic of Uganda, as well as The Land Act of 2010. Under customary land tenure, land is owned by individuals within the host community according to traditional practices and norms, and the Constitution and The Land Act supports and validates these traditional practices, ensuring that the land ownership rights of the host community members are acknowledged and protected under national law.

4 "Owned Spaces and Owned Spaces and Shared Places: Refugee Access to Livelihoods and HLP in Uganda" (NRC Sept 2019)

5 "Climate, Peace & Security Study, W. Nile" (WFP 2023)

6 "Climate, Peace & Security Study, W. Nile" (WFP 2023)

7 "Support to UNHCR and WFP Country Operations in Uganda" (2023)

assistance needed to cover basic needs, and new arrivals are only guaranteed a full food ration for their first three months in the settlements.⁸ The NRC experience shows that cuts have exacerbated economic vulnerabilities, also affecting refugee households' capacity to afford land. In certain areas, it was reported that refugees are increasingly reliant on crops as a means of payment.

The NRC Information Counselling and Legal Assistance (ICLA) Programme is currently working in three settlements in the West Nile region: Bidibidi Settlement, Rhino Camp Refugee Settlement Camp (Rhino) and Imvepi Settlement with team members living in or close to the settlements themselves. Additionally, ICLA hires paralegals who are often themselves refugees living in the settlements or members of the host communities, and who know the customs and problems of these locations. Bidibidi is the largest settlement with five zones and a population of 198,549 people. ICLA has been present there since 2018 and operates in three zones. Rhino settlement has seven zones with 158,271 refugees residing there; ICLA has been there since 2018 and currently operates in two zones. Imvepi settlement has four zones with 67,970 refugees; ICLA started working there in 2021 and currently works in three zones.⁹ The Uganda Law Society and Refugee Law Project, the national legal aid partners are also present in these settlements.

This brief covers the main HLP issues that have been observed in these three settlements. It then discusses some of the best practices that have been developed over the years, and how approaches have adapted to changing circumstances, such as the increasing population and pressures on land, as well as the continued challenges related to climate change.

BOX: Housing, Land and Property Rights

In humanitarian responses, HLP rights are commonly understood as having a home free from the fear of forced eviction and a place that offers shelter, safety and the ability to secure a livelihood. The concept of HLP includes the full spectrum of rights, held according to statutory or customary law or informally, to both public and private housing, land and property assets.¹⁰ HLP rights are referenced and defined in several international and regional human rights instruments, and national legal frameworks.¹¹

Land tenure refers to the relationship of individuals and groups to land and housing, which can be defined legally, through custom or informally. Tenure can take many forms, including ownership, lease, occupation, cooperative housing, emergency housing and informal settlements. Tenure security involves protection against forced evictions, harassment and other threats to residents and users, irrespective of the type of tenure.

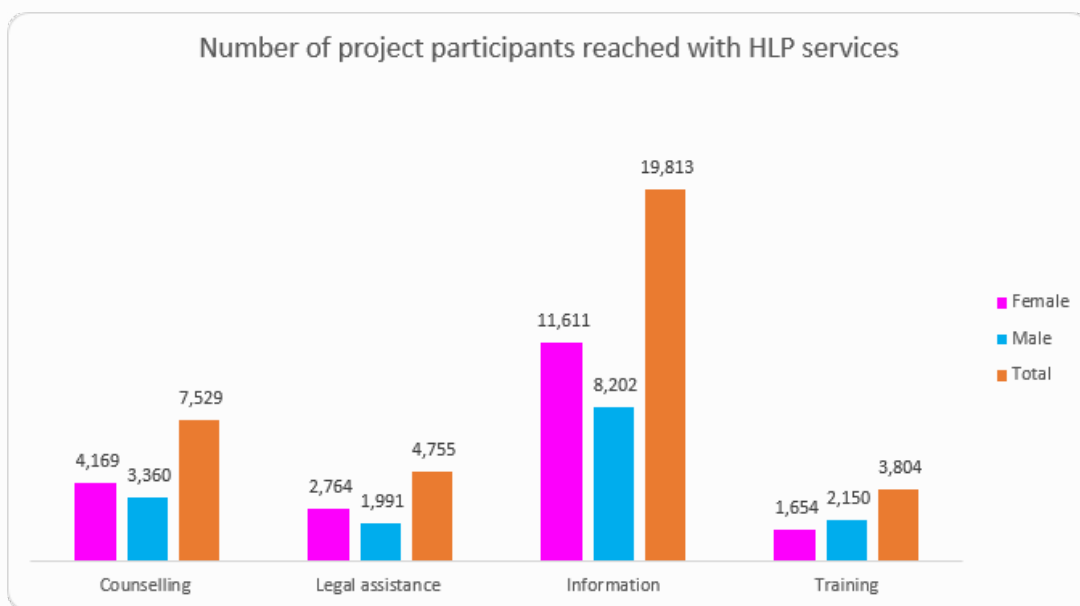
8 <https://data.unhcr.org/en/country/uga>

9 Uganda Population Dashboard (UNHCR April 2024)

10 This is the definition of HLP commonly used by NRC in reports and studies and by the Global Protection Cluster, Accessed 18 March 2024, <https://www.globalprotectioncluster.org/AoR/HLP> For more information on NRC work on HLP, visit <https://www.nrc.no/what-we-do/speaking-up-for-rights/housing-land-and-property-rights/>

11 Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), for example, recognises "the right of everyone to an adequate standard of living, including adequate food, clothing and housing". More information on the scope of HLP can be sourced from the Global Protection Cluster <https://www.globalprotectioncluster.org/AoR/HLP> and NRC's 2011 HLP training manual available online <https://www.globalprotectioncluster.org/tools-and-guidance/essential-protection-guidance-and-tools/hlp-essential-guidance-and-tools/>

Methodology: Information for this report was gathered through interviews of key NRC ICLA staff who have been working on housing land and property (HLP) issues in refugee settlements in the West Nile and analysis of existing literature, including ICLA reports, project documents, outcome monitoring and other relevant documents. This has been part of a strategic learning effort to document ICLA’s HLP Programme work in these locations with the aim of documenting competencies, actions and modalities of work and the view of reviewing quality. ICLA has been working in refugee settlements in West Nile since 2018. During the period June 2021 to May 2024, NRC has assisted 20,198 female beneficiaries and 15,703 male beneficiaries (37,226 in total) with HLP services in the three settlements. During that time, 1,325 HLP cases requiring legal assistance were successfully closed. HLP activities provided in the three locations include legal awareness (information), counselling, legal assistance, collaborative dispute resolution to resolve HLP disputes (e.g., mediation), capacity building and advocacy. The graph below illustrates the number of beneficiaries who received each service, as well as a breakdown of the number of male and female beneficiaries. The ICLA intervention forms part of NRC’s strategic programme, working in close collaboration with the Livelihoods and Economic Inclusion Programme, to ensure tenure security for all agriculture interventions. Best practices implemented jointly with the Livelihood sector have been documented.



The brief includes six case studies, providing an exploration of stories that illustrate the refugee experience and the intersection of protection risks and their consequences.¹²

¹² All names in this brief have been changed to respect the privacy of participants.
Introduction

II. KEY HLP ISSUES

The increasing refugee population and prolonged underfunding of the humanitarian response has led to a severe reduction in humanitarian assistance.¹³ Cuts in food assistance have been particularly difficult to cope with, as this has led to an enormous spike in demand for land as refugees seek to grow more food for themselves and their families. Recent NRC research has also found that refugees in West Nile emphasize constant insecurity and lack of services prevent them from returning.¹⁴ Discussed below are some of the primary HLP issues that have been observed by and reported to NRC's ICLA programme in Bidibidi, Rhino Camp and Imvepi Refugee Settlements.

Disputes over access to land: As referenced above, when refugees arrive, they are registered by OPM, which assigns each new household a 30m x 30m plot on which they can construct their shelter and perhaps have a small garden. In the past, the land allocations were reportedly larger, but with an increasing population, the amount of space per household has become less. However, such a small plot is not enough land for cultivation, either for subsistence or for livelihood purposes. As a result, an increasing number of refugees try to rent additional land from host community members, but the common practice of relying only on verbal agreements and a lack of documented terms can lead to further HLP disputes. Verbal arrangements are common as often host community members are reluctant to sign tenancy agreements. The salience of this issue is further highlighted by the fact that advice regarding how to access more land is one of the most common questions posed to the ICLA teams in the settlements. Additionally, there have been reports that landowners who had agreed to give the government their land for refugee housing plots are asking for their land back.¹⁵

Other common land disputes include arguments over boundary lines between plots/properties, fears/threats of eviction, land rented to multiple persons at the same time, and persons taking money for the use of land that is not theirs. Disputes arising from reliance upon verbal rental arrangements are especially noticeable, including frequent increases of rental prices, confiscation of crops by landlords, subcontracting of land by tenants, and refusal of tenants to vacate at the end of the tenancy term. Refugees reported having to pay higher rent at the time of the harvest or that they had paid rent for land that turned out to be owned by someone else.¹⁶ Evictions and threats of evictions are very common. Disputes over access to and use of land continue to exacerbate tensions between refugee and host communities.

Poor accommodation: Refugees are not allowed to construct permanent housing structures on settlement land allocated by OPM. NRC's recent research describes how housing in West Nile suffers from low-quality construction

¹³ "A Critical Turning Point: The Path to Durable Solutions for Refugees in Uganda" (NRC 2023)

¹⁴ "Towards Inclusive Protection-Understanding Refugee Experiences & Gender Dynamics in Uganda" (NRC 2024)

¹⁵ "A Critical Turning Point: The Path to DS for Refugees in Uganda" (NRC Nov 2023)

¹⁶ "A Critical Turning Point: The Path to DS for Refugees in Uganda" (NRC Nov 2023)



materials, termite infestations, and limited roofing resources.¹⁷ In Imvepi refugee settlement, house roofs are commonly made by dry grass from host community lands that they do not always wish to share, leading to misunderstandings and disagreements. Attempts to use natural materials (leaves, branches, grass etc.) often caused conflict with the host community.¹⁸

Women’s limited access to HLP: Even in displacement, the customary norms and traditions of many refugee communities regarding gender and HLP rights continue to preference men regarding access and control of land.¹⁹ This is an issue which often applies to the host communities as well. Across all locations, women’s access to HLP assets is often conditional upon the existence and approval of a male figure, such as a husband, father or son. Most leaders are men, so most owners and decision-makers about land are men. This is especially problematic given that the majority of refugee households are headed by women whose husbands are gone for a variety of reasons – e.g., leaving to find work, abandoning the family, dying in conflict, etc. The threat and fear of eviction was noted as a common problem with which women would approach ICLA for legal services. NRC’s previous research has also found that refugee women felt less safe when leaving the settlements, and that collecting resources such as firewood and grasses for roofing was a flashpoint with host communities, most acutely felt by refugee women.²⁰

Destruction of crops by stray animals: The reliance on livestock for livelihood by both refugees and host communities can lead to disputes when animals stray and eat crops that belong to someone else. In Bidibidi settlement, it was remarked that such disputes were very common in earlier times when refugees often received animals as a means of livelihood support, though animals belonging to host community members are equally likely to wander onto someone else’s land.

Box: Host community’s animals ate my crops

Ana is a single mother of three children. Because of the reduction of food assistance, she tried to plant some crops in a small garden. However, cows belonging to a host community member destroyed what she had planted. Fortunately, Ana reported the case to the ICLA paralegal in the settlement, who investigated the matter and organized a mediation where the Refugee Welfare Council (RWCs) and Local Council helped bring the parties together, leading to a successful resolution in which Ana was compensated by the owner of the cows for her lost crops.

Similarly, Michael obtained access to four acres of land for cultivation, but became frustrated when a member of the local council from the host community continually brought his goats to graze on the crops, claiming that Michael was occupying grazing land for the host community. Michael reported the case to ICLA for help, who was able to help the two parties reach a peaceful resolution.

17 “Towards Inclusive Protection-Understanding Refugee Experiences & Gender Dynamics in Uganda” (NRC 2024)

18 “Owned Spaces and Shared Places: Refugee Access to Livelihoods and HLP in Uganda” (NRC Sept 2019)

19 “Towards Inclusive Protection-Understanding Refugee Experiences & Gender Dynamics in Uganda” (NRC 2024)

20 “A Critical Turning Point: The Path to DS for Refugees in Uganda” (NRC Nov 2023)

III. HLP BEST PRACTICES

Both by learning from its own experiences as well through interactions with OPM and other partners, ICLA has identified the following best practices that have been particularly effective at addressing HLP issues and concerns in the three settlements.

1. Increasing HLP knowledge and awareness by providing information and trainings

Ensuring refugees, host community members and relevant stakeholders have access to information on HLP rights is crucial to promoting the enjoyment of such rights for everyone. Uganda Refugee Regulations stipulate that a refugee shall have free access to use land for purposes of cultivation or pasturing (e.g., land allocated to the refugees by OPM), but they cannot sell, lease or otherwise alienate the land that has been allocated to them strictly for their individual or family utilization.²¹ This land is intended for refugees to use for housing and backyard farming; refugees should not construct permanent housing on this property. Refugees can rent additional land from the host community. Understanding HLP rights and responsibilities is key to ensuring tenure security for any agriculture initiatives. It is also important to avoid HLP disputes within the settlement and with the local communities.

Understanding the needs of the beneficiaries/target audience is crucial to providing useful information. For example, in response to the high levels of demand for land for cultivation, ICLA's information activities focus on explaining issues around land acquisition and tenancy agreements, such as how to acquire access to land, what kind of due diligence should be done, what terms should be included in a tenancy agreement to avoid landlord/tenant disputes, and other steps to increase security of tenure.

Addressing and articulating gender-specific needs helps protect women's HLP rights. The majority of refugee households are headed by women, and ICLA has paid particular attention to helping raise women's awareness of their rights, which is often different from what they have known from customary traditions and norms. Many women come from backgrounds where men are the decision-makers, but increasingly, women have approached ICLA with questions about what rights they have to guard against eviction, and to access/acquire land and other natural resources to improve care for their family. Forced to take on greater responsibilities for their children, women are also seeking information about their inheritance rights, how to increase their security of tenure for their property back in the country of origin and how to overcome the social barriers they often face in asserting their HLP rights. Because so many refugee women are either widows or effectively single parents (if husbands are gone), they carry out the bulk of agricultural work and are very engaged in HLP matters.

Providing information involves reaching people where they are. Not everyone will be available at the same time or be able to travel to a specific location. While

²¹ Uganda Refugee Regulation, No. 63 (2010)
HLP Best Practices

ICLA does host information sessions and meetings in the community, the teams also go door to door and utilize mobile clinics to reach those who are interested in learning about HLP topics but are unable to travel or have duties at home. Additionally, ICLA uses mass digital means and community radio programmes to provide messages on HLP in English, local languages and refugee languages to reach a wider audience.

2. Provide targeted legal counseling based on an individual's specific circumstances

Be available. Some people may seek counseling immediately after an information session. Others may hear about ICLA's services and reach out by phone, or walk-in or are referred by OPM, partners and other humanitarian organizations. All these modalities are available to ensure that beneficiaries can obtain the advice they seek.

Provide specific advice for a specific situation. Everyone's circumstances are different, and one-on-one counseling advice is tailored to the refugee's particular needs and constraints. For example, counseling on acquiring access to land may offer different strategies, such as how to negotiate rental amounts. For those who have economic difficulties, other options may be explored, such as access to land in return for labour on the landlord's farm, a share of the crops that may be harvested, or joint usage with another person to share costs.

Provide gender-specific advice. While both refugee men and women have HLP needs; these are often different. For example, men ask more about dispute resolution and rights/obligations of landowners, while women may be more concerned about fears of eviction. Women are more likely to seek advice regarding inheritance rights, women's HLP rights, economic empowerment, and access to natural resources like wood or grass to construct/repair shelter (as they are often responsible for this task), and there are more women seeking ICLA services. Understanding needs of male and female refugees is key to respond to these needs.

Case study: Mary and the struggles to improve her family accommodation Mary is a registered resident in Imvepi refugee settlement in Terego district. After losing her husband because of the war in South Sudan, Mary arrived in Uganda on foot, as a single mother with five children to seek asylum follow the ongoing war in South Sudan and due to fear of being persecuted on the basis of tribe: *"We footed with my children from Payawa village, Mugo Payam, Yei County, reached River Kaya, slept there for 3 days and we were finally taken to Imvepi reception center"*.

In the settlement, Mary was given a plot of 30x30 meters with shelter construction materials. Her house was quite small for her family and over the years became dilapidated. Her situation further deteriorated when she was removed from the WPF food assistance plan. *"I feel like committing suicide if not for the fear of God"*.

Fortunately, during a group information session, the ICLA team of paralegals and refugee leaders talked to the community about housing land and property rights and support for most vulnerable individuals. Mary went to the Refugee Welfare Committee

leader pleading for help to have a safe and decent house. Mary was selected for cash assistance provided by NRC, which was used to purchase the material needed to rebuild her shelter which was constructed with help from the community.

3. Legal Assistance and Collaborative Dispute Resolution

ICLA's legal assistance regarding HLP matters comes in many forms, and can include collaborative dispute resolution (CDR); drafting legal documents; assisting with due diligence regarding potential HLP land transactions; referrals to ICLA partners for court representation; and accompaniment for administrative procedures or other engagement with authorities.

a. Collaborative Dispute Resolution - Multiplier effect & promoting sustainability:

Box: Collaborative Dispute Resolution

Collaborative dispute resolution is an essential component of ICLA's work in West Nile to assist vulnerable populations with HLP disputes. CDR processes involve disputing parties working together, either with or without assistance from a third-party, to find mutually agreeable solutions and settle differences. Examples of CDR processes include negotiation, facilitation, mediation, or other processes to support voluntary dispute resolution; key to this modality of problem-solving is that the parties are in control of the outcome of the process.

Refugees often view court processes as long, expensive and inaccessible. ICLA's model is to provide CDR trainings to local leaders and authorities, OPM representatives and other key stakeholders in both host and refugee communities. CDR trainings include:

- Knowledge and skills about dispute resolution
- Rationale of HLP conflict analysis
- HLP dispute resolution approaches and procedures
- Factors that contribute to successfully resolving HLP disputes
- The roles and duties of the community leaders in resolving the HLP disputes
- Women's HLP rights

With this knowledge, local leaders can help resolve disputes within their communities at a larger scale, and they are also able to share this knowledge with other persons beyond the direct reach of NRC, making this a much more sustainable initiative. This is an important skill, as there has been a growing number of HLP disputes, due in large part to protracted displacement and the increased demand for land. This model allows for greater reach, sustainability and ownership of peaceful dispute resolution. However, when needed, the ICLA team steps in and does carry out the mediation directly. This is often done to account for an imbalance in power dynamics between the disputants. ICLA paralegals also make regular visits to local leaders to follow up on their use of CDR in their communities to discuss cases that have taken place and ensure that needed support can be addressed. Additionally, NRC has worked with other actors to develop a standardized template for mediation outcomes that can be used across different settlements.

Case Study – Constance’s journey to rent land for farming

Constance and her family of 11 dependents fled to Uganda from South Sudan in 2016. She was registered as a refugee and settled in Ofua Village IV in Rhino Settlement. After the reduction in food assistance and other services, Constance tried to find land from the host community she could use to farm to support her family. Almost immediately, a man presented himself and offered to rent land to her. She was very happy, paid the rent to him and started tilling and cultivating the land.

About one month later, another man came and said that the land she was farming was his. Though Constance tried to explain her circumstances and that she had indeed paid rent to another man who had claimed to be the owner, the second man stated that anyone who did not hire land from him was a trespasser and would be evicted. Afraid of losing her money, time and crops, Constance reported the case to the refugee leaders of her area, who then referred her to the ICLA team. At the ICLA Centre, Constance was counselled on her rights as a tenant and women’s HLP rights, and informed of NRC’s work in the settlement. The ICLA team then worked with local leaders to help organize a mediation with all the parties involved in the land dispute.

During the process, the first man admitted that the land did not belong to him and agreed to give the money Constance had paid him to the rightful owner, and Constance was allowed to continue farming; the agreement was documented and signed by all the parties. A Tenancy Agreement was also drafted by the ICLA team and signed by Constance and the rightful owner, witnessed by local leaders from both the refugee and host community to ensure security of tenure and avoid unlawful and illegal evictions in the future.

b. Increasing Security of Tenure & Preventing HLP Disputes:

ICLA also provides other modalities of legal assistance to increase security of tenure and prevent HLP disputes, including:

- **Conducting due diligence to acquire access to additional land.** This ensures that the landowner has legitimate rights to the land/property in question, and that others do not have overlapping claims to said land/property. This is often carried out in support to NRC livelihood intervention (see below under Section 5).
- **Emphasizing the importance of clear boundary markers.** Helping refugees avoid boundary disputes with each other and host community members by ensuring boundaries are visible and clear, such as by planting fruit trees or other distinguishable markers.
- **Documenting land tenancy agreements.** Helping refugees and host community members adopt the practice of making written tenancy agreements to protect against (forced) evictions & other landowner/tenant disputes. The importance of safekeeping of such documents and appropriate methods to do so are discussed as part of this process. As referenced above, a standardized template was developed in cooperation with OPM and with other partners to be used across West Nile settlements.

Box: Information contained in standardized tenancy agreement

- *Clear description of the land being leased*
- *Names, addresses and telephone contacts of both the landlord and tenant*
- *Date and place of execution of the agreement*
- *Size of the land and nature of activities going to be carried out on the land*
- *Rental amount (or other payment in kind), and clear timelines for payment*
- *Start and end dates of the agreement*
- *Duties and obligations of the landowner and the tenant*
- *Remedies if either party breaches the terms of the agreement*

Case Study: The importance of the written tenancy agreement

Michael, his wife and six children fled from South Sudan to Uganda in 2016. They arrived in Rhino settlement and were registered and allocated a plot of land by the OPM. Every month, each member of Michael's household was given 12kg of maize flour by WFP. In 2019, the amount was reduced to 8kg, then 7kg, ultimately becoming inadequate to feed the whole family. Michael then went to look for land to farm to have enough food. He reached out to a man he knew who told Michael he could plant on half an acre of his land. However, as it came time to harvest, the man demanded more money, and when Michael couldn't pay, the man took some of the crops, including beans, cassava and sweet potatoes. After this happened twice, Michael finally stopped farming that land, telling NRC, *"I felt helpless because I had nothing to prove that I was entitled to cultivate on his land and that the crops he was claiming were mine.... after all everybody knew it was his land and I was the foreigner."*

Michael later attended one of ICLA's training courses on HLP rights, after which he approached one of the ICLA paralegals for help with his situation. Michael says that after listening to his story, the paralegal *"provided counseling on my rights, safe procedures of accessing land and the importance of having a land use agreement. ICLA encouraged me and then supported me to identify and negotiate a new plot of land from another landowner from the host community... I eventually secured four acres of land for a period of one year for purposes of cultivation at a zero cost through a well drafted and witnessed land use agreement."*

Though the first harvest did not turn out well, ICLA helped Michael renew his land use agreement for two more years, during which he was able to plant and harvest. With the money he earned, he was able to send his children to school and later obtain a loan from a farmer's group and secure access to more land.

4. Improve quality of accommodation

In some instances, refugees simply lack the means to resolve their HLP issues. In these cases, NRC refers cases to other agencies and partners for assistance and/or mobilize the community to provide the required support e.g. re-building a roof for a disabled refugee, etc. Though not a primary part of the portfolio, ICLA also provides cash assistance to help vulnerable refugees to improve their shelters to ensure the safety and health of themselves and their families. The

cash assistance often targets female head of households who must care for themselves and their children, or elderly or disabled women and men. Cash assistance is provided as a last resort and only in the case of very vulnerable refugees who meet certain criteria and is complemented by other activities, such as assistance in constructing shelters or carrying out repairs. This activity also brings together community members to help, such as by making bricks or cutting grass.

Case Study: Navigating vulnerabilities: Hope's story

Hope is 76 years old, and had fled from South Sudan in 2021 owing to violent conflict and political turmoil. She had lost her husband in South Sudan, and was now living with her grand children in Omugo V Village, in Rhino Camp. *"I arrived in Rhino Camp together with three of my grand children in 2021. Their parents were killed back in South Sudan while asleep at night. They were 8,10 and 12 years old."*

At that time she was assessed as an older person at risk and assigned a structure for persons with specific needs for her housing. In September 2023, the walls of her shelter began to crumble as they were gradually eaten away by termites, and because of the prolonged rainy season that year. In October 2023, while Hope and her family were asleep, heavy rains and winds destroyed the accomodation's roof.

"Whenever I remember the death of my children and my husband, I get sleepless nights. That night when I heard the sound of my roof being carried away by the rain, I was frightened for myself and my grand children. The heavy thunder and the sound of the falling roof reminded me of the raids that armed men used to conduct in the night back home in South Sudan. The familiar sound of bullets was instantly triggered in my memory. I quickly arose, got a hold of my grand children and made way to a neighbours house and began to scream for rescue. We were drenched in rain water and freezing in the cold night. Thankfully, our kind neighbour's accomodated us in their house."

She was referred to the NRC ICLA programme by a local leader; and an NRC paralegal visited her home and assessed her case. NRC worked with the Refugee Welfare Committee to organize a community meeting and identify volunteers to help her construct a house. NRC provided cash assistance to buy bricks, poles, nails and other construction materials to reconstruct the house. Youth in the community agreed to provide free labour and in two weeks, Hope was able to move into a new home with her grand children.

5. Prepare for the future and plan ahead

a. Working with partners to strength self-reliance

NRC has worked to strengthen self-reliance for refugees. In Bidibidi settlement, NRC and OPM have agreed to support block farming for both collectives and individual farmers from refugee and host communities, whereby OPM provides access to the land and NRC works with the farmers regarding the subdivision and use of land. Block farming is a collective agricultural approach where smallholder farmers from refugee and host communities come together and pool labour to cultivate crops collectively on designated blocks of land. It supports both collective and individual farming by optimizing land use and

enhancing food security and livelihoods for host and refugee participants. NRC manages and supports the farmers regarding their usage of the land, and the farmers do not pay for use of that land. In Bidibidi, NRC is working with 3180 individuals (713 male and 1654 female refugees and 226 male and 587 female host community members) across three zones of the settlement.

The ICLA team is also supporting written agreements regarding the sale of other property, such as motorcycles and agriculture related equipment. This may be particularly useful in instances where participants acquire assets like spray pumps in groups²² or families, making it easy to share costs involved.

b. Adapt to climate change

The various HLP issues that have been discussed above are further compounded by the impacts of climate change, such as soil degradation, devastating floods, increased recurrence and severity of droughts, decreased agricultural productivity and available water.²³

Addressing HLP issues in a thoughtful and systematic way, reduces individuals' and families' vulnerability and contributes to mitigating the impact of climate change in Uganda. It also promotes environmental outcomes. NRC activities have included promoting peaceful and cooperative use of water points and bore holes to ensure that the reduced availability of rainfall and other water sources does not become a source of conflict. Additionally, ICLA and LFS teams have advised refugees about how to mitigate the risk of fire damage as the temperature increases and the grasses and leaves become drier, such as through the use of including fire lines when clearing land for agriculture during the dry season.

IV. CONCLUSION

The NRC experience in responding to HLP issues illustrates the challenges, opportunities and positive results of addressing HLP issues in settlements in West Nile, in partnership with OPM, local authorities and humanitarian organizations. Secure HLP rights are essential to the protection needed by refugees and to the achievement of durable solutions. Tenure security reduces individuals and families' vulnerability, including to climate risk, provide a foundation on which refugees can increase their resilience and sustainably rebuild their lives and they are vital for promoting gender equality and the role of women.

This brief has summarized several of the most important HLP issues facing refugees in the West Nile settlements and the communities that are hosting them. The breadth and complexity of these issues will continue to present real challenges for humanitarian agencies working in these localities for operational agencies and local governments in climate change and disaster settings, often combined with the effects of protracted displacement. The decrease in funding, the continued insecurity in the home countries of the refugees and protracted displacement in Uganda highlight the need to build on the best practices described in the brief and to prepare for new shocks, especially those caused by increasing refugee populations (and demands) coupled with a decrease in available land and other natural resources, as well as climate change.

²² Various farmer groups have been formed with supportive hand of NRC-LFS team and availed with land user documents by the ICLA team.

²³ Climate, Peace & Security Study, W. Nile (WFP 2023)

