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Land conflicts and their impact on refugee women's livelihoods in southwestern Uganda

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Introduction

This paper presents the preliminary findings of a study on land conflicts between refugees and host communities in southwestern Uganda and their impact on refugee women's livelihoods. Uganda has a long history of hosting refugees that dates back to the 1940s, when it hosted Polish refugees; Rwandese and Sudanese in the 1950s (Holborn 1975:1213-1225). Refugees were placed in gazetted areas in close proximity to the local populations such as in the settlements of Nakivale, Oruchinga, Kyaka 1 and II in Southwestern Uganda; Rhino Camp, Imvepi and Ikafe in the West Nile region; Achol Pii, Parolinya and Adjumani settlements in Northern Uganda; and Kiryandongo and Kyangwali settlements in Central Uganda.

On the whole, placement in rural settlements was based on an assumption that the refugee problem was temporal and would end as soon as the circumstances that led to their flight had ceased (Pincwya, 1998:8-25). However, this has not been the case and the government was not prepared for a protracted refugee situation exacerbated by an increase in the population of both refugees and nationals.

Land conflicts between refugees and nationals are a result of government policy of settling refugees in gazetted areas (Kalyango & Kirk, 2002). Placement in rural settlements is based on the assumption that majority of refugees are of a rural background and can support themselves through agriculture until their repatriation (Kibreab, 1989; UNHCR, 2000, Jacobsen, 2001). Host populations first welcomed refugees as those in need of protection and also as would-be beneficiaries of infrastructure to be left behind on their repatriation (Harrell-Bond, 1986; 2002).

However, as the refugee situation became protracted, hospitality gave way to a competition for resources such as agricultural and grazing land, water and forest resources (Pirouet, 1988; Bagenda et al, 2002; Jones, 2002). This has not been helped by persistent refugee flows from Rwanda and the Democratic Republic of Congo, Kenya, Somalia, Burundi and Ethiopia resulting in increased xenophobia against refugees and a call for them to repatriate.

Land is central to the sustainable livelihoods of rural households. For them it is not just land per se but arable and grazing land on which they depend for their livelihood. As a result, any conflict over land impacts the households directly, and this impact is gender differentiated (Verma, 2001:3-4). The impact of land conflicts on refugee women's livelihoods has to be situated in the larger context of land problems in Sub Saharan Africa.

These include but are not limited to growing land concentration and scarcity; competition over land use and environmental and land degradation. Other problems include corruption in land markets, indeterminate boundaries of customarily held lands, a weak land administration system, and a lack of equity in land systems (Tshikaka, 2004). Women's interests in land were eroded by colonial policies and agrarian change that never addressed the core issues of gendered accessibility and equity. For instance, processes of differentiation and individualisation of land rights and land shortages have resulted in the concentration of land rights in men (Tshikaka, 2004; Verma, 2001).

Research focus and aims

Gender inequalities persist in refugee situations and limit the extent to which women and girls can attain sustainable livelihoods. According to the World Bank (2003), gender inequalities tend to lower productivity and intensify unequal distribution of resources. They also contribute to non-monetary aspects of poverty, such as lack of security, opportunity and empowerment, which lower the quality of life for both men and women (Ibid.; Tinker 1990). Whereas refugee women and girls face the brunt of these factors, protection and assistance has largely focused on men. This resonates through almost all refugee policies and practices, which focus on men as household heads (Kalyango, forthcoming).

Refugee women have complained against the status quo because it discriminates them in asylum claims, acquisition of identity documents and food ration cards, limits their freedom of movement and makes them dependent on men (UNHCR 2001). Despite several attempts to address this anomaly, such as in the Convention for the Elimination of All forms of Discrimination Against Women (CEDAW) and in the UNHCR guidelines for refugee women and for Sex and Gender Based Violence, wide gender disparities between women and men in refugee situations remain common (UNHCR, 2000; 2003; UNIFEM, 2003;).

The overall objective of the study was to establish the gendered impact of land conflicts on livelihoods of refugee women. Specifically, the paper takes a special focus on the gender dimensions of the land conflicts and their impact on household livelihoods. Gender is construed to refer to the socially constructed differences between men and women. Differences are embedded in social relations and therefore differ between cultures; they are constituted through and also help to constitute the exercise of other forms of social difference such as those of age, race or class (Kabeer, 1994).

In identifying the gender impacts of the land conflicts, analysis was based on the concepts of identity and agency. Identity concerns the social process whereby individuals come to identify themselves with a particular configuration of social roles and relationships and agency describes the strategies used by individuals to create a viable and satisfying life for themselves in the context of or in spite of these identities (El Bushra, 2000). These concepts, as El-Bushra (Ibid.) noted, enable an understanding of the nature of violent conflicts and also an interrogation of the motivations of different actors in a conflict.

Area of study

The study was carried out in southwestern Uganda, Nakivale refugee settlement established in the early 1960s to cater for Rwandese refugees fleeing a bitter Tutsi/Hutu ethnic conflict in 1959. It spreads over 21,756 hectares and is located in a semi arid zone with limited arable land. The main economic activity is animal rearing and agriculture by both refugees and host populations. Nakivale is found in one of the remotest areas of Mbarara district with poor transport and social infrastructure which make it not easily accessible.

Today, the settlement is home to over 15,000 refugees of different nationalities (see table 1) and administered by a camp commandant under the government ministry of Disaster Preparedness and Refugees. UNHCR through its implementing partner the Uganda Red Cross provides humanitarian assistance to the refugees. Unlike the host population, refugees have access to adequate social services provided by UNHCR. This in itself has been a cause of xenophobia against refugees who are seen as more privileged by the local population.

Table 1: Nakivale refugee population at 30 September 2004

Age Group	0-4		5-17		18-59		60		Total
	M	F	M	F	M	F	M	F	
Rwandan	2596	2347	2009	1796	1967	1814	57	49	12,635
Kenyan	0	0	0	1	1	1	0	0	3
Somali	70	65	137	138	230	233	8	3	884
Ethiopian	4	4	7	5	38	15	0	0	73
Congolese	188	201	199	203	238	229	17	19	1,294
Burundi	39	36	59	41	88	63	0	0	326
Sudanese	6	6	15	25	19	18	0	0	89
Total	2903	2659	2426	2209	2581	2373	82	71	15,304

Source: Camp commandant's office, Nakivale

Ever since its establishment, the settlement has been a centre of controversy as regards its size and original boundaries. Located in central Ankole¹, it has been prone to encroachment by the populace who saw it as an area for expansion of their grazing activities. Encroachment was of two types: extension of national land holdings into gazetted land and land loans given to nationals by refugees. This was also precipitated by the fact that there was a shrink in land availability for settlement and grazing in surrounding areas especially after gazettement of Lake Mburo National Park in 1983 and out migration from neighbouring districts of Bushenyi and Ntugamo.

Land conflicts are fuelled by the fact that large expanses of settlement land are unutilised land since the refugee population is small. This has resulted in a limitation on expansion of refugee agricultural activities especially women in other parts of the settlements; limited access to natural resources such as fuel wood and water and grazing land.

Land conflicts between refugees and host populations

Generally, it is vital to place refugee - host population conflict over land in the context of Uganda's land tenure system. Land tenure is the mode of land holding, together with terms and conditions of occupancy. It is about 'the bundle of rights' held and enjoyed in the land resource. The relative degree to which individuals can profit from land resources is influenced by three factors: utilisation, duration of occupancy and relocation rights (Nuwagaba et al, 2002). It is important to note that ambiguities exist in land tenure systems in Uganda as a result of its colonial history. For instance, at independence in 1962, there were three land tenure systems: Mailo tenure, a system that was exclusive to the kingdom of Buganda and traced its origins in the Buganda

¹ The people of Ankole are both pastorists and agriculturalists.

agreement of 1900; Freehold tenure, a system created under the Crown Land Ordinance of 1903; the native freeholds, where the community control over land was woven into a number of land rights (Nuwagaba et al, 2002).

The degree of enjoyment of the land resource has become a point of contention between host populations and refugees. At first, refugees were settled in sparsely populated areas and enjoyed good relations with the host populations (Holborn, 1975:1212). However, population increase and the advent of a cash economy increased the value of land, leading to strained social relations between refugees and nationals (Kasfir, 1988:158). Moreover, refugees are regarded as non-citizens who should not have any rights over land.

Land conflicts between refugees and host population can be attributed to two main factors, that is, exceeding of field or residential boundaries (encroachment) and acquisition by nationals (sometimes in the form of land loans). Land conflicts in the refugee hosting areas are partly attributed to lack of clear refugee settlement boundaries (Mugerwa, 1992; Nuwagaba, 2002; Bagenda, 2003). According to the chairman of the district land board in Mbarara, there are no clear demarcations between refugees' and host population's land².

The lack of clarity can be traced to reluctance of the Ankole kingdom³ to favour permanent settlement of refugees in 1962 when they were first given land to settle (Holborn, 1974:1223). As a result there has been increased encroachment on refugee land by nationals, a practice exacerbated by weak administration systems. For instance, some encroachers have even acquired land titles on gazetted land, since the procedure of acquiring a land title is very simple and open to abuse. All one needs is to fill out an application form from the district land board and take them to Local Council 1 (LC1) and have a 'neighbour' sign for confirmation.

After the District Land Board has confirmed, land is surveyed and a land title issued. The system has also been exploited by refugees, especially those of the 1959 caseload who have acquired land titles⁴ on settlement land. For instance, there is a case of a Rwandan refugee with a title for seven square kilometres of settlement land. Interestingly, it was also found out that the camp commandant of Nakivale refugee settlement has had to appear in court on charges of distributing land to refugees in the settlement⁵.

Furthermore, there have also been disagreements between Mbarara district administration officials and the government over land in refugee settlements. Part of the disagreements are because the government has refused nationals to use refugee land. One district official interviewed said that government has not always agreed with the district on matters pertaining to land conflicts in refugee settlement. The findings of the study revealed that in fact, some of the district officials are themselves encroachers on settlement land. Institutional responses are further hindered by migration of nationals from other areas, such as Nyabushozi and Bushenyi, because of land shortages. This migration is caused by anticipation that refugees will repatriate

² The settlement boundary was determined by ridges that surround it.

³ These were the original owners of the land in Nakivale and Oruchinga before government gazetted the settlement.

⁴ Under the Ugandan law, refugees are not supposed to own land.

⁵ Interviews camp commandant Nakivale and Refugee Desk officer Mbarara, October 2004.

especially to Rwanda and leave vacant land in the settlements. On the other hand, refugees from Rwanda are coming to Uganda because there is land for settlement (Bagenda et al, 2002). In response, government is in the process of resurveying the land and cancelling all land titles acquired on refugee land.

To further analyze the land conflicts, one also needs to understand the land problem in Rwanda. According to Hajabakiga (2004:1-3) Rwanda has a population of 8.1 million and a population density of 308 inhabitants per square kilometre. On a whole, this places pressure on land leading to landlessness. Limited access to land in Rwanda has also had an influence on the repatriation of Rwandese in that they prefer to stay in areas where they have access to land for their own livelihoods. For instance, it is this lack of land in Rwanda that has partly led to secondary refugee movements from Tanzania to Uganda.

Even some of the refugees who had repatriated after the genocide in 1994 returned to Uganda to repossess their land holdings in refugee settlements. When asked about their repatriation, Rwandan refugees indicated that they had no land to return to in Rwanda⁶. Indeed, Hajabakiga (2004) observed that between the 1950s and 1980s many people in Rwanda lost their land rights for politically and ethnically motivated reasons. This, according to her, caused a problem when Rwandese repatriated after 1994 since they had no lands to repossess, and some of them ended up taking up the lands of those who had fled that same year.

Generally, conflicts over land in Nakivale can be perceived as 'livelihood clashes' between refugees and nationals, since land is a critical resource for supporting livelihoods (Mugerwa, 1992, Verma, 2001:79). Hence it is important to understand the interplay of various factors that influence access to and utilisation of land by both host communities and refugees. For instance, despite settlement size, each refugee household is given 0.04 hectares (20m x 20m) of land for homestead establishment and 0.15 as agricultural plots. This leaves a large part of the land under-utilized providing room for encroachment by nationals in need of grazing land.

Quite often, animals stray into refugees' agricultural plots leading to a conflict between refugees and local populations. Usually, conflicts arise when livelihoods are threatened and this threat can be internal (within the households or communities) or external-from outside the households or communities (Mugerwa, 1992:23; Verma, 2001:97). At the centre of land conflicts are questions of ownership, access to and control over natural resources. Land is regarded by locals as belonging to Ugandans with refugees having no rights whatsoever. Regarding their interests in land, locals accuse the government of placing refugees' above those of the national population⁷. For refugees, access is determined by legislation, as land is allocated for a settlement. Paradoxically, settlements are sometimes established in non-agricultural productive areas, limiting livelihood opportunities. Furthermore, the government confines the refugees in the settlement, allowing them only limited freedom of movement. Refugees have had to devise survival strategies such as spontaneous movement out of settlements with no permission to do so.

⁶ Fc Group Discussion Kigali zone, Nakivale (July 2004).

⁷ Refugee Desk Officer, Mbarara October 2004.

Women's livelihood strategies

According to DFID (2001), a livelihood comprises the capabilities and assets (both material and social resources) and activities required for a means of living. A livelihood is said to be sustainable when it can recover from shocks, stresses and trends and maintain and enhance its capabilities both now and in the future while not undermining the natural resource base for future generations (Ibid).

Access to and control of land to a greater extent determines refugee women's access to livelihood assets such as physical capital, natural capital, human capital, financial capital and social capital. Unfortunately, as Wengi (1998) points out, access and control are limited by their lack of resource rights. For instance, in most of Sub Saharan Africa, women do not own land and even what they produce on the land, is controlled by the men (World Bank, 2000; Verma, 2001). Paradoxically, women through their labour are the major contributors to household livelihoods especially in refugee situations (Mulumba, 2002).

Women and men negotiate access and maintain control over land as a productive and material resource differently and inequitably within local relations of power (Verma, 2001:79). Land conflicts influence women's access to resources such as cultivable land, water and firewood. Given their domestic responsibilities, refugee women negotiate access to natural resources such as land for cultivation, firewood and water vital for the survival of their families.

Because of land conflicts and depletion of resources such as trees and arable soils women have been forced to look beyond the settlement for other sources. For instance, interviews with refugee women revealed that they collect firewood and water five to seven kilometres away from the settlement. Travelling such long distances makes them vulnerable to sexual exploitation and gender based violence from both refugees and host populations. The distances also take away their valuable time to engage in income generating activities or to participate in skills training.

It was also established that women do not control proceeds from surplus food sold in the markets nor independently use the surplus from other household income generating activities. As a result, they are dependent on men for their daily needs a fact that greatly disadvantages them. For instance, because of their low income, women are denied access to dispute settling mechanisms in the settlements. For example in the case of land conflicts, Refugee Welfare Committees⁸ demand fees before they can settle a dispute.

According to the Refugee Welfare Committee chairman, this is to 'facilitate' their work in settling cases in the form of stationary. This requirement has become a hindrance to women who wish to seek assistance and adjudication of their cases. Further to that, at times, police posts in the settlements also demand money from refugees to address their complaints. For instance in cases where women report cases of sexual and gender based violence (SGBV), the police request 'fees' to arrest

⁸ Refugee Welfare Committees are not facilitated by the government or UNHCR to carry out their day to day activities.

perpetrators⁹. Since women often lack money to pay such fees, they at times fail to report cases.

Refuge women's vulnerability is also partly due to men who migrate out of the settlements to seek for work opportunities in urban centres leaving their wives behind to maintain a presence in the settlement. As observed in a study of urban refugees in Kampala (Kalyango, 1999) some refugees have ended up with a dual settlement, that is, some live in urban centres such as Mbarara and Kampala and only return to the settlement when there is food distribution or a census.

The majority of refugee women respond to these hindrances in their attempts to establish a livelihood by building up their social capital. For instance, they respond to the lack of labour in the households as a consequence of the absence of men, by forming groups through which they harness their joint labour. Women for example cooperate in cultivating each other's gardens as a group. They also participate in community activities such as women's groups, or as volunteers with humanitarian agencies operating in the settlement.

Some refugee women work as social workers for the Uganda Red Cross Society or as Community Volunteers for the International Medical Corps (IMC). Social capital is developed through vertical (patron/ client) or horizontal (between individuals with shared interests) networks that increase people's trust and ability to work together and expand their access to wider institutions (DFID, 2001). Social capital helps to increase women's productivity, improves their access to income generating activities and facilitates the sharing of knowledge (Ibid.).

Furthermore, some women have devised survival strategies such as the use of sex and marriage to achieve livelihood goals. For instance, they either exchange sex for services they need or engage in outright prostitution. Joseph (not real name), who runs a drug shop in the settlement, revealed that at times women request to exchange sex for drugs in case they have no money.

Another livelihood strategy of women is that of marriage as agency to access livelihood resources. Women seek marriage¹⁰ to either nationals or refugee men. In the absence of role models and evident benefits from formal education, marriage has remained as the only option for many. Girls are married off as early as 16 years to acquire income or dowry and or extra labour for the household. Refugees reported that if a girl reaches puberty then she is ready for marriage as in the case of Esther:

Esther lost her husband in 1994 in Rwanda while fleeing the genocide with her under-aged daughter Doris. When she arrived in Nakivale refugee settlement, she got involved with a Rwandan man in order to secure social support and survival. She gave away Doris to another man to marry her. The man was later arrested for defilement which is illegal in Uganda after a marriage ceremony attended by the Refugee Welfare Committee members. Doris's mother refused to give evidence against her son-in-law arguing that Doris was of age and that the man had been wrongly arrested.

⁹ The request for fees arises out of the poor facilitation of the police units in the settlements.

¹⁰ At times they cohabit with men with no formal marriage ceremonies.

Early marriages arise out of the communities' view that women's place in society is in the home (Obbo, 1990:210). Early marriages however have a negative impact on girls' access to education and building up their human capital. Human capital represents the skills, knowledge, ability, labour and good health that together enable people to pursue different livelihood strategies and achieve their livelihood objectives (DFID, 2001).

The study concurs with the World Bank (2000:152) which observed that when girls reach adolescence, they are generally expected to spend more time on household activities such as cooking, cleaning, collecting fuel and water and caring for children. Moreover, quite often men marry young girls not for companionship but as extra labourers in households.

Such attitudes have partly led to high school drop out rate for girls in higher classes (secondary school level) despite high enrolment rates in lower classes (primary school level). Education policies have emphasised the enrolment of girls in both primary and secondary school and not their retention in school. Whereas girls are encouraged to attend school, nothing much has been done to provide an enabling environment for their retention in school. According to the Government of Uganda's Development Assistance for Refugees (DAR) policy, refugees need more education facilities to ensure that children are able to access primary education (GoU, 2004:12).

A closer look at the government strategy shows that it does not address the quality of education and the retention of the girl child in school. For instance, in one of the secondary schools in the settlement, of the 300 students, 200 are boys and 100 are girls. The head teacher said that girls have a high drop out rate because of early marriages, pregnancy and neglect of parents. Mulumba (1998:35-40) noted that there is little motivation to educate daughters and further observed that in the refugee settlements, it is not uncommon for girls as young as 13 and 14 years to marry.

A limited number of women are involved in the informal sector within the settlement instead of only relying on land resources. Some women operate kiosks that sell basic necessities such as sugar, salt, paraffin; others provide services operating hair saloons and restaurants. This concurs with research by Deepa Narayan (2000:45), who observed that poor people try to diversify their sources of income and food by carrying out different income generating activities.

Despite their hard work, it was found that women rarely participate in decision-making processes at both the household and community level. This is a result of cultural expectations that perceive women as belonging to the 'home' (Tinker, 1990:17) and their preoccupation in care activities that limit their time to actively participate in decision-making.

Refugee women with some form of formal education seek employment in the settlements, although the opportunities are limited. A few semi-skilled women are employed as social workers, community volunteers, teachers or midwives in the health units. In all these activities, they earn incentives that are not commensurate to the work they do, as according to the government of Uganda, refugees are not

supposed to work. Hence, humanitarian agencies cannot sign a contract with them, give them terms of reference and pay them a salary¹¹.

Another livelihood strategy is that of engaging in Functional Adult Literacy (FAL) programs. The majority of the refugees who attend these classes seek to learn English in order to improve their (economic and social) integration into the Ugandan community.

It is also a strategy of those who hope to be resettled in other countries such as the United States of America, Australia and Canada. Enrolment in English language classes reveals that refugee women have a long-term view of their livelihood beyond the parameters of their households and domestic work. Whereas they thus search for opportunities that can get them and their families out of poverty, at the same time it is important to realize that they are constrained by having to juggle their studying with care and livelihood activities in the households.

Conclusion

In all, conflicts over land between refugees and host populations have had negative impact on the way refugee women access livelihood goals. Land, for the majority of refugee women is central to their survival. In order to overcome the predicaments of land conflicts and inequitable access to resources, refugee women have devised other livelihood strategies to ensure their survival and that of their children. For instance marriage, Functional Adult Literacy and building up of their social capital are seen as agency in this regard.

The extent to which refugee women can attain livelihood goals is however limited by restrictions on their freedom of movement. As a result, refugees fail to fully utilize livelihood opportunities even when they sneak out of the settlement. Ideally, for a way forward, refugees should be given an opportunity to build their livelihoods outside the framework of the settlement approach which is prone to conflicts with the local population and greatly limits achievement of sustainable livelihoods.

¹¹ Interview with program officer, Uganda Red Cross October 2004

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